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Conference Room, Suite 700
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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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 166

[Docket No. APHIS–2008–0120]

RIN 0579–AC91

Swine Health Protection; Feeding of Processed Product to Swine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the swine health protection regulations to clarify the applicability of the regulations regarding the treatment of garbage that consists of industrially processed materials. This interim rule makes clear that such materials are subject to the same treatment requirements as other regulated garbage, except for materials that meet the definition of *processed product* that we are adding to the regulations. This action is necessary to ensure that garbage fed to swine has been treated to inactivate disease organisms that pose a risk to the U.S. swine industry.

DATES: This interim rule is effective April 3, 2009. We will consider all comments that we receive on or before June 2, 2009.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0120> to submit or view comments and to view supporting and related materials available electronically.

- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0120, Regulatory Analysis and Development,

PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0120.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Dave Pyburn, Senior Staff Veterinarian, Swine Health Programs, VS, APHIS, Room 891, 210 Walnut Street, Des Moines, IA 50309; (515) 284–4122.

SUPPLEMENTARY INFORMATION:

Background

The Swine Health Protection Act (7 U.S.C. 3801 *et seq.*, referred to below as the Act) is intended to protect the commerce of the United States and the health and welfare of the people of the United States by ensuring that food waste fed to swine does not contain active disease organisms that pose a risk to U.S. swine. The regulations in 9 CFR part 166 regarding swine health protection (referred to below as the regulations) were promulgated in accordance with the Act. The regulations contain provisions that regulate food waste containing any meat products fed to swine. Compliance with the regulations ensures that all food waste fed to swine is properly treated to kill disease organisms. Raw or undercooked meat may transmit numerous infectious or communicable diseases to swine, including exotic viral diseases such as foot-and-mouth disease, African swine fever, classical swine fever, and swine vesicular disease. In accordance with the regulations, food waste containing meat may be fed to swine only if it has been treated to kill disease organisms.

In part 166 of the regulations, such food waste is referred to as “garbage.” In § 166.1, *garbage* is defined as “[a]ll waste material derived in whole or in

part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.”

Under § 166.2 of the regulations, with some exceptions discussed below, garbage may not be fed to swine unless it is first treated in accordance with the requirements of part 166 at a facility operated by a person holding a valid license for the treatment of garbage. The regulations in § 166.7 require that garbage be heated throughout at boiling (212 °F or 100 °C at sea level) for 30 minutes before being fed to swine. Requirements regarding the licensing of facilities that treat garbage for feeding to swine are contained in § 166.10.

The requirement that the material be heated throughout at boiling takes into account a margin of safety to ensure that disease organisms of concern are inactivated. Although the scientific literature recognizes that heating meat throughout at 167 °F (75 °C) for 30 minutes is sufficient to inactivate the disease organisms,¹ in many cases it is difficult on a practical level to determine precisely when every piece of meat in the garbage being treated has been heated to 167 °F throughout. Larger pieces of meat may take longer than smaller pieces to reach that temperature throughout. By requiring that garbage be heated at boiling throughout for 30 minutes, the regulations have provided a documentable and easily visible way to ensure that meat has been heated to a temperature sufficient to inactivate disease organisms of concern.

¹ McKercher P.D., J.H.Graves, J.J. Callis, and F. Carmichael. (1974). Swine vesicular disease: virus survival in pork products. Proceedings of the Annual Meeting of the U.S. Animal Health Association; (78):213a–213g.

Edwards, S. (2000). Survival and inactivation of classical swine fever virus. *Vet Microbiol.* Apr 13; 73(2–3):175–81.

Scott Williams Consulting Pty Ltd. (2003). Persistence of Disease Agents in Carcasses and Animal Products. Report for Animal Health Australia, December.

World Organization for Animal Health (OIE). (2008).

Although the general requirement is that garbage be heated at boiling for 30 minutes before being fed to swine, the regulations do contain certain exceptions. There are some materials that meet the definition of *garbage* that APHIS has determined can be safely fed to swine without being heated at boiling for 30 minutes. These materials, which are listed in § 166.2, are the following: Rendered products, bakery waste, candy waste, eggs, domestic dairy products (including milk), fish from the Atlantic Ocean within 200 miles of the continental United States or Canada, and fish from inland waters of the United States or Canada that do not flow into the Pacific Ocean.² In addition to exempting the listed materials from the heating requirements in § 166.7, the regulations provide that it is not necessary that the materials be treated by a person licensed to do so under the requirements of § 166.10.

In this interim rule, we are adding another type of material to the list in § 166.2 of materials that are exempted from the treatment and licensing requirements of §§ 166.7 and 166.10. We refer to the type of material we are adding to the list of exempted materials as “processed products” and define *processed product* in § 166.1. In defining processed product, we are reinforcing that materials that are similar to processed product, but that do not meet the full definition of processed product, are subject to the treatment requirements of part 166. In the following paragraphs, we discuss our definition of *processed product* and our rationale for exempting it from the requirements of §§ 166.7 and 166.10.

The swine health protection regulations that were implemented in 1983 were designed to address the materials and method of treatment that were commonly used at that time to treat garbage for feeding to swine—i.e., the cooking over an open flame of food waste from restaurants, grocery stores, and other food establishments. Subsequent to establishment of the regulations, however, certain swine producers began to use materials from other than the traditional sources of garbage as feed for swine.

It has become increasingly common for producers to feed to swine products that have undergone industrial

processing, such as pet foods or pre-cooked foods that are used for canning for human consumption. In some cases, such products have been heated to at least 167 °F for at least 30 minutes as part of the processing procedure; in other cases, the products have not been so heated. Failure to heat such products to the minimum heat necessary for the minimum period of time necessary to inactivate disease organisms of concern could expose swine to which the products are fed to the risk of infection by the organisms.

However, because commercially produced food products that contain meat and that have undergone industrial processing often differ in appearance, production process, and source from materials traditionally viewed as “garbage,” we have found that some swine producers are not aware they are feeding to swine material that meets the definition of garbage and thus must be heated throughout according to the regulations in part 166. Therefore, we consider it necessary in this interim rule to specifically address the way in which industrially processed foodstuffs intended for feeding to swine are regulated.

If such industrially processed products contain meat, they meet the definition of *garbage* in § 166.1 and, in general, must be heated throughout at boiling or an equivalent temperature for 30 minutes to be eligible for feeding to swine. However, in some cases, the procedures used to process such materials are controlled and monitored in such a way that it is possible for the processors of the material to demonstrate that the materials have been heated throughout to at least 167 °F for at least 30 minutes, making the additional “margin of safety” of heating the material at boiling unnecessary. In such cases, we consider it warranted to exempt those materials from the requirement in § 166.7 that the garbage be heated at boiling for 30 minutes before being fed to swine. Therefore, in this interim rule, we are amending the regulations to include an exemption in § 166.2 for such materials, which we define in this interim rule as *processed product*.

We are adding to § 166.1 the following definition of *processed product*: “Material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability, and that has, at a minimum, been cooked to a

temperature of 167 °F (75 °C) for at least 30 minutes or has been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the Administrator.” Although heating is the standard method of inactivating the disease organisms addressed by the swine health regulations, we recognize that other industrial manufacturing procedures might exist, or might come to exist, that can be demonstrated to be equally effective in reducing disease risk, and we allow for that possibility in our definition of *processed product*.

We note that § 166.10(a) provides that types of garbage listed in § 166.2 as being exempt from the treatment requirements in § 166.7—which, under this interim rule, includes processed products—are also exempted from the requirement that the garbage be treated by a person licensed to treat garbage under § 166.10.

Immediate Action

Immediate action is necessary to ensure that swine producers are aware that all garbage other than that specifically exempted from the heating and licensing requirements of part 166 must be heated throughout at boiling (212 °F or 100 °C at sea level) for 30 minutes before it is fed to swine. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities.

The regulations require that garbage to be fed to swine be heated throughout at 212 °F (100 °C) or above for 30 minutes

²The rationale for exempting rendered products from the garbage regulations was addressed in rulemaking that culminated in a final rule published in the **Federal Register** on May 18, 1983 (48 FR 22288–22290, Docket No. 83–024). The other products listed were addressed in rulemaking that culminated in a final rule published in the **Federal Register** on April 12, 1984 (48 FR 14495–14497, Docket No. 83–115).

before being fed, and that the garbage be treated at a facility operated by a person holding a valid license for the treatment of garbage. This interim rule makes clear that food waste consisting of industrially processed products (such as, but not limited to, pet foods or foods cooked for canning for human consumption) that meet the definition of *garbage* is subject to the same requirements as other regulated garbage, except for materials that meet the definition of *processed product*. In this interim rule, we define *processed product* as “material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability, and that has, at a minimum, been cooked to a temperature of 167 °F (75 °C) for at least

30 minutes or has been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the Administrator”.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires agencies to evaluate the potential effects of rules on small businesses, small organizations, and small governmental jurisdictions. Section 605 of the Regulatory Flexibility Act allows an agency to certify that a rule will not have a significant economic impact on a substantial number of small entities. Following is the factual basis for such certification of this rule. As background, we first provide national statistics on the U.S. swine and pork industries. We then describe the expected effects of the rule on swine producers who include food waste as part of feed for swine.

The U.S. Swine and Pork Industries

The U.S. swine industry plays an important role in the U.S. economy.

Cash receipts from marketing meat animals were about \$14.8 billion in 2007 (the average between 2003 and 2007 was \$13.8 billion).³ Additionally, swine and related product exports generated over \$2.5 billion in sales that year.⁴ At present, U.S. swine and swine product exports proceed without disease-related restrictions. Maintaining such favorable export conditions depends in part on continued efforts to prevent transmission of foreign diseases to U.S. swine.

As shown in table 1, U.S. pork production increased from 7,835,000 metric tons in 1997 to 9,962,000 metric tons in 2007, an annual growth rate of about 1.8 percent. During the same period, consumption increased from 7,631,000 metric tons to 8,964,000 metric tons, and U.S. exports increased from 473,000 metric tons to 1,424,000 metric tons, by far outpacing imports. Net exports increased from 185,000 metric tons to 985,000 metric tons.⁵

TABLE 1—U.S. PORK PRODUCTION, CONSUMPTION, PRICE, EXPORTS AND IMPORTS, 1997–2007¹

Year	Production in 1,000 metric tons	Consumption in 1,000 metric tons	Price per metric ton	Exports in 1,000 metric tons	Imports in 1,000 metric tons	Net exports in 1,000 metric tons
1997	7,835	7,631	\$1,562	473	288	185
1998	8,623	8,305	1,170	558	320	238
1999	8,758	8,594	1,178	582	375	207
2000	8,596	8,455	1,413	584	438	146
2001	8,691	8,389	1,473	707	431	276
2002	8,929	8,685	1,179	731	486	245
2003	9,056	8,816	1,298	779	538	241
2004	9,312	8,817	1,621	989	499	490
2005	9,392	8,671	1,562	1,207	464	743
2006	9,559	8,640	1,404	1,359	449	910
2007	9,962	8,964	1,433	1,424	439	985
5-Year Average (2003–2007)	9,456	8,782	1,464	1,152	478	674

¹ Sources: USDA/FAS, PS&D Online, 1997–2007, http://www.fas.usda.gov/dlp/circular//2008/livestock_poultry_04-2008.pdf; prices, reported as \$/100 pounds for yearly pork carcass cut-out values, are converted to dollars per metric ton, and are taken from Red Meat Yearbook (94006), <http://usda.mannlib.cornell.edu/usda/ers/94006/wholesaleprices.xls>. The 2006 and 2007 per metric ton prices are from USDA/ERS, Livestock, Dairy, and Poultry Outlook, Feb. 20, 2007, and Jan. 18, 2008. Net exports are calculated as the difference between exports and imports for each year.

Effects of the Interim Rule

The amount of food waste that meets the definition of *garbage* under § 166.1 represents a very small fraction of total commercial feeding of swine in the United States.⁶ According to a study in 2000, there were 300,000 market swine fed with about 550,000 tons of food

waste in 1997.⁷ The number of market swine fed such food waste has since declined. At present, there are 2,722 licensed garbage feeders producing about 160,000 market swine per year.⁸ Assuming the same ratio as in 1997 between the numbers of market swine fed food waste and the quantity of such food waste utilized, the amount of food

waste fed to swine in 2007 is estimated to have been about 293,330 tons. These quantities of swine and feed are very small, compared to the total number of market swine produced in the United States (0.12 percent) and the total tonnage of commercial feed utilized (0.6 percent).^{9 10}

³ USDA/ERS, Farm Income Costs: Farm Sector Income Forecast, http://www.ers.usda.gov/briefing/farmincome/data/cr_t3.htm.

⁴ http://www.fas.usda.gov/dlp/circular//2008/livestock_poultry_04-2008.pdf.

⁵ USDA/FAS, PS&D Online, 1996–2007, http://www.fas.usda.gov/dlp/circular//2008/livestock_poultry_04-2008.pdf.

⁶ Food waste includes plate waste (62.01%), eggs (0.13%), unpasteurized dairy (1.06%), fish (1.11%), bakery waste (8.94%), slaughter by-products

(0.02%), other products of animal origin (13.45%), and other waste products of non-animal origin (such as candy, brewers waste, etc.). USDA/APHIS/VS, 2001 National Waste Feeding Report, June 2003.

⁷ Felix J. Spinelli and Barbara Corso, “The Economics of Feeding Processed Food Waste to Swine” in Michael L. Westendorf (ed.) *Food Waste in Animal Feed*, Iowa State University Press, 2000.

⁸ USDA/APHIS/VS, Swine Health Protection Reports, October 2008, and personal communication with APHIS, Veterinary Services.

⁹ USDA/NASS, Meat Animal Production, Disposition, and Income: 2007 Summary, April 2008 (137,758,900 swine were marketed in 2007).

¹⁰ Total tons of swine feed is estimated as follows: 137,758,900 market swine, multiplied by 716 pounds of feed per swine, divided by 2000 pounds per ton, where 716 pounds of feed per swine is taken from the National Pork Producer Council,

This interim rule provides that, although industrially processed products that meet the definition of *garbage* must, as a general rule, be heated at boiling for 30 minutes before being fed to swine, those materials that meet the definition of *processed product* (i.e., that have undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability, and that have, at a minimum, been cooked to a temperature of 167 °F (75 °C) for at least 30 minutes or have been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the Administrator) are exempt from the requirement for boiling. The main heat treatment methods used by garbage feeders are direct-fire cookers (mostly for smaller loads) and steam injection cookers (larger loads). Spinelli and Corso (2000) assumed an average heating cost of \$5 per ton in 1997 (or about \$6.67 per ton in 2008 dollars) for food waste heated at 212 °F for 30 minutes.¹¹

We do not know what proportion of *garbage* as defined in part 166 is derived in whole or in part from animal material that has undergone heating to 167 °F for 30 minutes or has been subjected to an industrial process that provides an equivalent level of disease mitigation. As an illustrative example of the potential effect of this rule on producers who feed to swine those materials that meet the definition of *processed product*, if such materials were to comprise 5 percent of garbage fed to swine, then the cost to producers who feed such materials could be nearly \$100,000 less overall than it would be if all such processed product were treated by being heated at boiling for 30 minutes.¹²

Affected Small Entities

The Small Business Administration (SBA) has established size standards for determining whether firms are considered small under the Regulatory Flexibility Act. The majority of U.S. swine producers (NAICS 112210) are small entities, based on the SBA small-

Swine Industry Crisis, April 2008 (<http://www.wppa.org/Portals/wppa/WebEconomicImpactFinal.pdf>), and 137,758,900 market swine is from footnote 9. We note that the 716 pounds of feed consumption per animal is less than half of the food waste consumption per garbage-fed animal reported by Spinelli and Corso (2000).

¹¹ Felix J. Spinelli and Barbara Corso, "The Economics of Feeding Processed Food Waste to Swine" in Michael L. Westendorf (ed.) *Food Waste in Animal Feed*, Iowa State University Press, 2000.

¹² An estimated 293,330 tons of food waste used in 2007, multiplied by a heating cost of \$6.67 per ton, multiplied by 5 percent equals \$97,826.

entity standard of not more than \$750,000 in annual receipts.¹³ In 2007, there were a total 2,722 feeders that potentially could be affected by this rule, depending upon whether they include processed products in their feed. The average income of these entities is estimated to be about \$4,290, well below the small-entity size standard.¹⁴

Summary

Producers known to feed garbage to swine numbered 2,722 in 2007 (about 3 percent of all swine producers), and produced only about 0.12 percent of the swine marketed that year. Of these producers, the cost of feeding garbage to swine will be less for those who use processed products as feed. The rule will also provide swine producers who do not currently feed garbage to swine the option of feeding to swine processed product that is not required to be heated at boiling for 30 minutes at a licensed facility.

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

Executive Order 12372

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

¹³ SBA, Small Business Size Standards matched to North American Industry Classification System 2002, Effective July, 2006 (<http://www.sba.gov/size/sizetable2002.html>).

¹⁴ This average income is calculated by multiplying the number of market swine fed food waste by their average market value, and dividing that product by the number of garbage feeders in 2007: 160,000*\$73/2,722 = \$4,290.96.

List of Subjects in 9 CFR Part 166

Animal diseases, Hogs, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 166 as follows:

PART 166—SWINE HEALTH PROTECTION

■ 1. The authority citation for part 166 continues to read as follows:

Authority: 7 U.S.C. 3801–3813; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 166.1, a definition of *processed product* is added, in alphabetical order, to read as follows:

§ 166.1 Definitions in alphabetical order.

* * * * *

Processed product. Material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability, and that has, at a minimum, been cooked to a temperature of 167 °F (75 °C) for at least 30 minutes or has been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the Administrator.

* * * * *

§ 166.2 [Amended]

■ 3. In § 166.2, paragraph (a) is amended by adding the words "Processed products;" immediately after the words "any of the following:".

Done in Washington, DC, this 31st day of March 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–7507 Filed 4–2–09; 8:45 am]

BILLING CODE 3410–34-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0162]

Drawbridge Operation Regulation; Houma Navigation Canal, Mile 36.0, at Houma, Terrebonne Parish, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 661 Swing Bridge across the Houma Navigation Canal, mile 36.0, in Houma, Terrebonne Parish, Louisiana. The deviation is necessary to replace the wedge assemblies on the bridge. This deviation allows the bridge to remain closed during daytime hours with three approved openings and remain in the open-to-navigation position at night for the passage of vessels.

DATES: This deviation is effective from 6 a.m. on April 20, 2009 through 8 p.m. on April 30, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0162 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 671-2128.

SUPPLEMENTARY INFORMATION: Louisiana Department of Transportation and Development has requested a temporary deviation from the operating schedule of the State Route 661 Swing Bridge across the Houma Navigation Canal, mile 36.0, in Houma, Terrebonne Parish, Louisiana. The closure is necessary to allow for repairs to the bridge. From Monday, April 20, 2009, until Thursday, April 30, 2009, the contractor plans to work from 6 a.m. until 8 p.m. daily with three scheduled openings for the passage of vessels. From 8 p.m. until 6 a.m. daily, the bridge will remain in the open to navigation position for the passage of vessels.

The vertical clearance of the swing bridge in the closed-to-navigation position is 1.0 feet and unlimited in the open-to-navigation position. If for any reason, the contractor is not working during this period, the bridge will be returned to normal operation and must open on signal. If the maintenance work is completed prior to April 30, 2009, the bridge will be returned to normal

operation. The bridge owner will keep the Coast Guard informed as to any change in the schedule so that proper notices to mariners may be issued informing the public of changes to the operation of the bridge.

Presently, the bridge operates in accordance with 33 CFR 117.455 which requires the draw of the bridge across the Houma Navigation Canal at S661, mile 36.0 at Houma, to open on signal, except that the draw need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m., from 11:45 a.m. to 12:15 p.m., from 12:45 p.m. to 1:15 p.m., and 4:30 p.m. to 6 p.m. This deviation will allow the bridge to remain in the closed-to-navigation position from 6 a.m. until 8 p.m. daily; except that, the draw will open on signal for the passage of vessels at 8 a.m., noon, and 4 p.m. From 8 p.m. until 6 a.m., the bridge will remain in the open-to-navigation position for the passage of vessel. The temporary deviation will begin on Monday, April 20, 2009 and continue through 8 p.m. on Thursday, April 30, 2009. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft. Due to prior experience and coordination with waterway users it has been determined that this closure will not have a significant effect on these vessels.

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

Dated: March 16, 2009.

David M. Frank,

Bridge Administrator.

[FR Doc. E9-7528 Filed 4-2-09; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2007-1155; FRL-8767-5]

Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act, EPA is approving a revision to the Nevada state implementation plan involving legal authority. This revision was one of

the provisions that were the subject of a proposed rule published in the **Federal Register** on December 14, 2007. EPA is taking this action under the Clean Air Act obligation to take action on submittals of revisions to state implementation plans. The effect of this action is to update the Nevada state implementation plan.

DATES: *Effective Date:* This rule is effective on May 4, 2009.

ADDRESSES: EPA has established docket number EPA-R09-OAR-2007-1155 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, EPA Region IX, (415) 947-4115, steckel.andrew@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments, Previous Related Final Rule, and State Submittal of Public Process Documentation
- III. EPA Action
- IV. Statutory and Executive Order Reviews

I. Proposed Action

On December 14, 2007 (72 FR 71095), under the Clean Air Act (CAA or “Act”), EPA proposed approval of certain revisions, and disapproval of certain other revisions, to the Nevada State Implementation Plan (SIP) that had been submitted by the Nevada Division of Environmental Protection (NDEP) on January 12, 2006 and June 26, 2007. The provisions that were proposed for approval on December 14, 2007 included certain definitions; prohibitory rules; provisions related to legal authority and enforcement; rules establishing opacity, sulfur and volatile organic compound limits; and rescission of abbreviations. The proposed disapprovals related to rescission of a certain definition and rescission of a rule related to emission discharge information. In our proposed rule, we indicated that the approval of a certain statutory provision related to legal authority (i.e., [Nevada Revised Statutes (NRS) section 445B.310

(“Limitations on enforcement of Federal and State regulations concerning indirect sources”), which had been included in NDEP’s June 26, 2007 SIP revision submittal, would be contingent upon the receipt of necessary evidence of public process supporting the State adoption of NRS section 445B.310 as a revision to the Nevada SIP. Contingent, as noted, upon receipt of the public process documentation, we proposed approval of NRS section 445B.310 in our December 14, 2007 action because we found that it strengthens the SIP and provides the necessary legal authority to implement indirect source programs, where necessary to meet the national ambient air quality standards.

Our December 14, 2007 proposed rule and related technical support document (TSD) provide additional background information and a more detailed rationale for our proposed approval of NRS section 445B.310.

II. Public Comments, Previous Related Final Rule, and State Submittal of Public Process Documentation

EPA’s December 14, 2007 proposed rule provided a 30-day public comment period, and no comments were submitted. On April 9, 2008 (73 FR 19144), we took final action on all of the provisions that were the subject of our December 14, 2007 proposed rule except for NRS section 445B.310. As to NRS section 445B.310, we had not yet received the necessary public process documentation and indicated that we were deferring final action to a separate document. See 73 FR 19144, at 19145 (April 9, 2008).

By letter dated November 25, 2008, NDEP submitted materials documenting public notice and the opportunity for public hearing on NRS section 445B.310 as a revision to the Nevada SIP. We have reviewed these materials and find that they satisfy the public process requirements for SIP revisions under CAA section 110(l). Therefore, we take final action today to approve NRS 445B.310, as submitted by NDEP on June 26, 2007, as a revision to the Nevada SIP.

III. EPA Action

As authorized under section 110(k) of the Act, and for the reasons described above and in our proposed rule, EPA is approving NRS section 445B.310 (“Limitations on enforcement of federal and state regulations concerning indirect sources”), as submitted by NDEP on June 26, 2007, as a revision to the Nevada SIP.¹

¹ Upon the effective date of today’s final rule, the following provision will be superseded in the

IV. 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

applicable SIP (superseding provision shown in parentheses): NRS 445.493 (NRS 445B.310).

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 12, 2009.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, 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 DD—Nevada

- 2. Section 52.1470 is amended by adding paragraph (c)(66)(i)(A)(4) to read as follows:

§ 52.1470 Identification of plan.

* * * * *
(c) * * *

(66) * * *

(i) * * *

(A) * * *

(4) Nevada Revised Statutes (NRS) (2003), chapter 445B, section 445B.310 (“Limitations on enforcement of federal and state regulations concerning indirect sources”).

* * * * *

[FR Doc. E9-7428 Filed 4-2-09; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 440

[CMS-2232-F2]

RIN 0938-AP72

Medicaid Program; State Flexibility for Medicaid Benefit Packages

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

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

SUMMARY: This action temporarily delays the effective date of the December 3, 2008 final rule entitled, “Medicaid Program: State Flexibility for Medicaid Benefit Packages” (73 FR 73694) until December 31, 2009. In addition, this action reopens the comment period on the policies set out in the December 3, 2008 final rule, and specifically solicits comments on the effect of certain provisions of the Children’s Health Insurance Program Reauthorization Act of 2009.

DATES: *Effective Date:* This action is effective April 2, 2009. The effective date of the rule amending 42 CFR part 440 published in the December 3, 2008, **Federal Register** (73 FR 73694), delayed February 2, 2009 (74 FR 5808), is further delayed until December 31, 2009.

Comment Period: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on May 4, 2009.

ADDRESSES: In commenting, please refer to file code CMS-2232-F2. 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 this regulation to <http://www.regulations.gov>. Follow

the instructions for “Comment or 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-2232-F2, P.O. Box 8016, Baltimore, MD 21244-8016.

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

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2232-F2, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-8010.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to either of the following addresses: a. Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.) b. 7500 Security Boulevard, Baltimore, MD 21244-1850.

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

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

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

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulatory History

On December 3, 2008, we published a final rule in the **Federal Register** entitled “Medicaid Program; State Flexibility for Medicaid Benefit” (73 FR 73694). The December 2008 final rule implements provisions of section 6044 of the Deficit Reduction Act (DRA) of 2005, (Pub. L. 109-171), enacted on February 8, 2006, which amends the

Social Security Act by adding a new section 1937 related to the coverage of medical assistance under approved State plans. The final rule also provides States increased flexibility under an approved State plan to define the scope of covered medical assistance by offering coverage of benchmark or benchmark-equivalent benefit packages to certain Medicaid recipients. In addition, the final rule responds to public comments on the February 22, 2008, proposed rule that pertain to the State Medicaid benefit package provisions.

Subsequent to the publication of the December 3, 2008 final rule, in accordance with the memorandum of January 20, 2009 from the Assistant to the President and the Chief of Staff, entitled “Regulatory Review,” we published an interim final rule with comment period in the **Federal Register** to temporarily delay for 60 days the effective date of the December 3, 2008 final rule entitled, “Medicaid Program; State Flexibility for Medicaid Benefit Packages” (February 2, 2009, 74 FR 5808). The interim final rule also reopened the comment period on the policies set out in the December 3, 2008 final rule. We received nine public comments in response to the February 2, 2009 interim final rule.

B. New Legislation

On February 4, 2009, the Children’s Health Insurance Program Reauthorization Act (CHIPRA) of 2009 (Pub. L. 111-3) was enacted. Certain provisions of the CHIPRA affect current regulations regarding State Flexibility for Medicaid Benefit Packages, including the December 3, 2008 final rule. Specifically, section 611(a)(1)(C) and section 611(a)(3) of CHIPRA amends section 1937 of the Act, to require States to assure that children under the age of 21, rather than those under 19 as specified in the DRA of 2005, who are included in benchmark or benchmark-equivalent plans, have access to the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) services. EPSDT services may be provided through a benchmark or benchmark-equivalent plan or as a wrap-around benefit to those plans.

Section 611(a)(1)(A)(i) of CHIPRA amends section 1937 of the Act by changing the language “Notwithstanding any other provision of this title * * *” to read “Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability), and any other provision of this title which would be directly contrary to the authority * * *”

II. Provisions of the Final Rule

This action delays the effective date of the December 3, 2008 final rule. The effective date of that rule, which would have been February 2, 2009, was delayed until April 3, 2009 (74 FR 5808) and is now delayed until December 31, 2009. Upon review and consideration of the new provisions of CHIPRA and the public comments we received during the reopened comment period, we believe that it may be necessary to revise a substantial portion of the December 3, 2008 final rule. Therefore, to inform future rulemaking on this issue, we are delaying the effective date a second time to give the public an additional opportunity to submit additional comments on the policy set forth in the December 3, 2008 final rule as well as the provisions of CHIPRA, discussed above. We anticipate that this time period will allow sufficient time for CMS to consider such comments and develop appropriate revisions to the delayed rule.

IV. Waiver of Proposed Rulemaking and Delay in Effective Date

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

This final rule delays the effective date of the December 3, 2008 final rule that was promulgated through notice and comment rulemaking, and does not make substantive changes to that final rule. Delay in the effective date and reopening of the comment period is necessary to ensure that the final rule, when effective, fully takes into account public comments, and conforms to recently enacted legislation. We do not believe that there will be any adverse impact or effect on the public from this delay in the effective date. Moreover, it would not be in the public interest for the underlying rule to go into effect, or to have uncertainty about whether it is

in effect, when the underlying rule does not conform to statutory requirements. In addition, it is not in the public interest to put into effect a rule that we intend to revise in a reasonable time frame after fully taking into account public comment and statutory changes. For the reasons stated above, we find that both notice and comment procedures and the 30-day delay in effective date for this final rule are unnecessary and contrary to the public interest. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this final rule.

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

Dated: March 25, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: March 30, 2009.

Charles E. Johnson,

Acting Secretary.

[FR Doc. E9-7505 Filed 4-2-09; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 23 and 26

[Docket No. DOT-OST-2009-0074]

RIN 2105-AD79

Disadvantaged Business Enterprise Program; Inflationary Adjustment

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Under the statutes governing the Department's Disadvantaged Business Enterprise (DBE) Program, firms are not considered small business concerns and are therefore ineligible as DBEs once their average annual receipts over the preceding three fiscal years reach specified dollar limits. The Department of Transportation is amending the size limits or gross receipts caps to ensure that the opportunity of small businesses to participate in the Department's DBE programs remains unchanged after taking inflation into account. This final rule provides 2009 inflation adjustment of size limits on small businesses participating in the DOT's Disadvantaged Business Enterprise programs.

DATES: This rule is effective April 3, 2009.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue, SE., W94-302, Washington, DC 20590, phone numbers (202) 366-9310 (voice), (202) 366-9313 (fax), (202) 755-7687 (TTY), bob.ashby@dot.gov (e-mail).

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2007, the Department published a final rule revising 49 CFR part 23, the regulation governing the airport concessions disadvantaged business enterprise (ACDBE) program, to require that the Department adjust the general ACDBE gross receipts cap for inflation. That rule also adjusted the gross receipts cap for the Department's financial assistance programs in 49 CFR part 26. This final rule updates the gross receipts cap for the ACDBE program and the Department's financial assistance program for 2009.

The DBE Airport Concession and Contracting Programs

The DOT-assisted contracts DBE rule and airport concessions DBE rule are based on different statutes. Each statute applies to a distinct type of business that may seek DOT financial assistance. The ACDBE program is designed to give business opportunities to certain small business concerns that operate at airports and that are owned and controlled by socially and economically disadvantaged individuals. The ACDBE program is mandated by 49 U.S.C. 47107(e), originally enacted in 1987 and amended in 1992.

The DBE program for DOT-assisted contracts is a statutory program intended to ensure nondiscriminatory contracting opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals in the Department's highway, mass transit and airport financial assistance programs. The statutory provision governing the DBE program in the highway and mass transit financial assistance programs is 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. The statutory provision governing the DBE program as it relates to the airport financial assistance programs is 49 U.S.C. 47113.

ACDBE Gross Receipts Size Standards

Under the current DOT rule, if the airport concessions firm's annual gross receipts average over the preceding three fiscal years exceed \$47,780,000,

then, it is not considered a small business eligible to be certified as an ACDBE. This final rule adjusts the size standards for eligibility as an ACDBE for inflation.

This adjustment compensates for the rise in the general level of prices over time from the third quarter of 2006 through the fourth quarter of 2008. In order to ensure that this adjustment is made on a timely basis in the future, the rule was amended to provide for a similar adjustment every two years, using the same method. At two year intervals, the Department is to publish a final rule to update the size standard numbers. This final rule updates the ACDBE gross receipts cap for 2009. It should be emphasized that this action does not increase the size standard for ACDBEs in real dollar terms. It simply maintains the status quo, adjusting to 2008 dollars.

In order to make an inflation adjustment to the gross receipts figures, the Department of Transportation uses a Department of Commerce price index. The Department of Commerce's Bureau of Economic Analysis prepares constant dollar estimates of state and local government purchases of goods and services by deflating current dollar estimates by suitable price indexes.¹ These indices include purchases of durable and non-durable goods, and other services. Using these price deflators enables the Department to adjust dollar figures for past years' inflation. Given the nature of the Department's DBE Program and ACDBE Program, adjusting the gross receipts cap in the same manner in which inflation adjustments are made to the costs of state and local government purchases of goods and services is simple, accurate, and fair.

The inflation rate on purchases by state and local governments for the current year is calculated by dividing the price deflator for the fourth quarter of 2008 (140.964) by 2006's third quarter price deflator (128.352). The result of the calculation is 1.0982, which represents an inflation rate of 1.098% from the third quarter of 2006. Multiplying the \$47,780,000 figure for small business enterprises by 1.0982 equals \$52,471,996, which will be rounded off to the nearest \$10,000, or \$52,470,000.

Therefore, under this new rule, if a firm's gross receipts, averaged over the firm's previous three fiscal years, exceeds \$52,470,000, then it exceeds the

airport concessions small business size limit contained in part 23.

ACDBE Car Rental Company Size Standards

Under the existing rule, car rental companies are not eligible to participate in the ACDBE program if their average gross receipts over the three previous fiscal years exceed \$63,710,000. This final rule adjusts the size standard for car rental companies to reflect the effects of inflation on the real dollar value.

The inflation rate on purchases by state and local governments for the current year is calculated by dividing the price deflator for the fourth quarter of 2008 (140.964) by 2006's third quarter price deflator (128.352). The result of the calculation is 1.0982, which represents an inflation rate of 1.098% from the third quarter of 2006. Multiplying the \$63,710,000 figure for car rental companies by 1.0982 equals \$69,966,322, which will be rounded off to the nearest \$10,000, or \$69,970,000.

Therefore, under this new rule, if a car rental company's gross receipts, averaged over the company's previous three fiscal years, exceeds \$69,970,000, then it exceeds the airport concessions car rental company size limit contained in part 23.

Business Size Standards for the DBE DOT Financial Assistance Programs

This rule also adjusts the gross receipts cap for the Department's financial assistance programs in 49 CFR part 26. Under the existing rule, if a firm's average annual gross receipts, as defined by Small Business Administration (SBA) regulations (see 13 CFR 121.402), over the preceding three fiscal years exceed \$20,410,000, then it cannot qualify as an eligible DBE firm. SAFETEA-LU Section 1101(b)(1)(a) instructs the Secretary of Transportation to adjust this amount annually for inflation.

The inflation rate on purchases by state and local governments for the current year is calculated by dividing the price deflator for the fourth quarter of 2008 (140.964) by 2006's third quarter price deflator (128.352). The result of the calculation is 1.0982, which represents an inflation rate of 1.098% from the third quarter of 2005. Multiplying the \$20,410,000 figure for disadvantaged business enterprises in Department of Transportation financial assistance programs by 1.0982 equals \$22,414,262, which will be rounded off to the nearest \$10,000, or \$22,410,000.

Therefore, if a firm's gross receipts, averaged over the firm's previous three fiscal years, exceeds \$22,410,000, then it

exceeds the small business size limit for participation by disadvantaged business enterprises in Department of Transportation financial assistance programs contained in part 26.

Regulatory Analyses and Notices

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The Department finds that notice and comment for this rule is unnecessary and contrary to the public interest because it relates only to ministerial updates of business size standards and gross receipts caps to account for inflation, which does not change the standards or caps in real dollar terms. These updates will assist entities attempting to be part of the Department's DBE program and should not be unnecessarily delayed. Accordingly, the Department finds good cause under 5 U.S.C. 553(b)(B) to waive notice and opportunity for public comment. The Department also finds good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rule is nonsignificant for purposes of the Executive Order 12866 and the Department of Transportation's Regulatory Policies and Procedures. The rule is a ministerial adjustment for inflation of a statutory small business size standard that does not change the standard in real dollar terms. It will not impose burdens on any regulated parties. In addition, this rule would not create a serious inconsistency with any other agency's action or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), we have evaluated the effects of this action on small entities and have determined that the action will not have a significant economic impact on a substantial number of small entities. Therefore, the Department certifies that this rule would not have a significant economic impact on a substantial number of small entities.

The rule is a ministerial update to the dollar limits and size limits to define small businesses for the Department's Airport Concessions Disadvantaged

¹ See Bureau of Economic Analysis National Income and Product Account Table; Table 3.10.4 Price Indexes for Government Consumption Expenditures and General Government Gross Output.

Business Enterprise Program and for the Department's Financial Assistance Program for Disadvantaged Business Enterprises. The only effect of the rule on small entities is to allow some small businesses to continue to participate in the ACDBE and the DBE programs by adjusting for inflation. Therefore, the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and the Department has determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The Department has also determined that this action would not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this rule would not significantly or uniquely affect the Indian tribal communities, and would not impose substantial direct compliance costs, the funding and consultation requirements of the Executive Order do not apply.

Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4; 109 Stat. 48). This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$128.1 million or more in any one year (2 U.S.C. 1532). Further, in compliance with the Unfunded Mandates Reform Act of 1995, the Department will evaluate any regulatory action that might be proposed in subsequent stages of the proceeding to assess the effects on State, local, and tribal governments and the private sector. Additionally, the definition of "Federal Mandate" in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. Since this rule pertains to a

nondiscrimination requirement and affects only Federal financial assistance programs, the Unfunded Mandates Act does not apply.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The Department has determined that this rule does not contain collection of information requirements for the purposes of the PRA.

National Environmental Policy Act

The Department has analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and has determined that the inflationary adjustment for dollar limits and size limits used to define small businesses that can participate in the Department's Disadvantaged Business Enterprises programs, would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 23

Administrative practice and procedure, Airports, Civil rights, Concessions, Government contracts, Grant programs—transportation, Minority businesses, Reporting and recordkeeping requirements.

49 CFR Part 26

Administrative practice and procedure, Airports, Civil rights, Concessions, Government contracts, Grant programs—transportation, Highways and roads, Mass transportation, Minority business, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, the Department of Transportation amends 49 CFR parts 23 and 26 as follows:

PART 23—PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISE IN AIRPORT CONCESSIONS

■ 1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 47107; 42 U.S.C. 2000d; 49 U.S.C. 322; Executive Order 12138.

■ 2. Revise § 23.33 to read as follows:

§ 23.33 What size standards do recipients use to determine the eligibility of ACDBEs?

(a) As a recipient, you must, except as provided in paragraph (b) of this section, treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years, do not exceed \$52.47 million.

(b) The following types of businesses have size standards that differ from the standard set forth in paragraph (a) of this section:

(1) Banks and financial institutions:

\$1 billion in assets;

(2) Car rental companies: \$69.97 million average annual gross receipts over the firm's three previous fiscal years, as adjusted by the Department for inflation every two years from April 3, 2009.

(3) Pay telephones: 1,500 employees;

(4) Automobile dealers: 350 employees.

(c) The Department adjusts the numbers in paragraphs (a) and (b)(2) of this section using the Department of Commerce price deflators for purchases by State and local governments as the basis for this adjustment. The Department publishes a **Federal Register** document informing the public of each adjustment.

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

■ 3. The authority citation for 49 CFR part 26 continues to read as follows:

Authority: 23 U.S.C. 324; 42 U.S.C. 2000d, et seq.; 49 U.S.C 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105-178, 112 Stat. 107, 113.

■ 4. Revise § 26.65 to read as follows:

§ 26.65 What rules govern business size determinations?

(a) To be an eligible DBE, a firm (including its affiliates) must be an existing small business, as defined by

Small Business Administration (SBA) standards. As a recipient, you must apply current SBA business size standard(s) found in 13 CFR part 121 appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts.

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal

fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$22.41 million.

(c) The Department adjusts the number in paragraph (b) of this section annually using the Department of Commerce price deflators for purchases

by State and local governments as the basis for this adjustment.

Issued this 22nd day of March, 2009, at Washington, DC.

Ray LaHood,

Secretary of Transportation.

[FR Doc. E9-7118 Filed 4-2-09; 8:45 am]

BILLING CODE 4910-9X-P

Proposed Rules

Federal Register

Vol. 74, No. 63

Friday, April 3, 2009

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

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 1216

[Document Number AMS-FV-08-0110; FV-08-704]

Peanut Promotion, Research, and Information Order; Section 610 Review

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of regulatory review and request for comments.

SUMMARY: This document announces the Agricultural Marketing Service's (AMS) review of the Peanut Promotion, Research, and Information Order (Order), conducted under the Commodity Promotion, Research, and Information Act of 1996 (Act), under the criteria contained in Section 610 of the Regulatory Flexibility Act (RFA).

DATES: Written comments on this document must be received by June 2, 2009.

ADDRESSES: Interested persons are invited to submit written comments on the Internet at: <http://www.regulations.gov> or to the Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture (Department), Room 0632-S, Stop 0244, 1400 Independence Avenue, SW., Washington, DC 20250-0244; facsimile: (202) 205-2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or it can be viewed at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0244, 1400 Independence Avenue, SW., Room 0632-S, Washington, DC 20250-0244;

telephone: (888) 720-9917; facsimile: (202) 205-2800; or electronic mail:

Jeanette.Palmer@ams.usda.gov.

SUPPLEMENTARY INFORMATION: The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411-7425) authorized the Peanut Promotion, Research, and Information Order (7 CFR part 1216) which is administered by the National Peanut Board, with oversight by the Department. The Order's objective is to carry out an effective, continuous, and coordinated program of promotion, research, and information designed to strengthen peanuts' competitive position, and to maintain and expand the domestic market for peanuts.

The Order became effective on July 30, 1999. The program is funded by a mandatory assessment on all peanut producers at the rate of one percent of the total value of all farmers stock peanuts. The first handler collects from each peanut producer and pays assessments to the Board on all peanuts handled. For peanuts placed under a marketing assistance loan with the Department's Commodity Credit Corporation, the Commodity Credit Corporation will deduct and remit to the Board, from the proceeds of the loan paid to the peanut producer, one percent of the loan value of the peanuts as determined by the warehouse receipt accompanying such peanuts.

The Order is administered by the National Peanut Board, which is composed of 11 producer members and their alternates: One member and alternate from each primary peanut producing State (Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia) and one at-large member and alternate collectively from the minor peanut producing States. The members and alternates are nominated by peanut producers or peanut producer groups. The producer and alternate members were appointed to the Board by the Secretary of Agriculture. All Board members serve a term of three years.

The AMS published in the **Federal Register** on March 24, 2006 (71 FR 14828), its plan to review certain regulations, including the Peanut Promotion, Research, and Information program, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612). Because

many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review. According to the schedule published in 2006, this notice and request for comments is made for the Order.

The purpose of the review is to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. AMS will consider the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Written comments, views, opinions, and other information regarding the Order's impact on small businesses are invited.

Authority: 7 U.S.C. 7411-7425; 7 U.S.C. 7401.

Dated: March 30, 2009.

Robert C. Keeney,

Acting Associate Administrator.

[FR Doc. E9-7475 Filed 4-2-09; 8:45 am]

BILLING CODE 3410-02-P

POSTAL SERVICE

39 CFR Part 111

Price Marking Requirements for Commercial Base and Commercial Plus Pricing

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes new price markings on Express Mail® and Priority Mail® pieces mailed at commercial base and commercial plus prices. The new markings are needed to fulfill our revenue reporting and revenue assurance requirements.

DATES: Submit comments on or before May 4, 2009.

ADDRESSES: Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments, containing the name and address of the commenter, may be sent to: *MailingStandards@usps.gov*, with a subject line of "CBP and CPP Markings Comments." Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Monica Grein, 202-268-8411.

SUPPLEMENTARY INFORMATION:

The Postal Service proposes to revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to require price markings on Express Mail and Priority Mail pieces mailed at the commercial base or the commercial plus price. The new markings will help us determine which price was applied to these pieces, and verify that the pieces qualify for the price claimed. The markings must appear on pieces paid by any means except permit imprint or Express Mail Corporate Account.

Under our proposal, mailers must print—or produce as part of the meter imprint or PC Postage® indicia—"Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice" for pieces paid at the Commercial Base price, and "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice" for pieces paid at the Commercial Plus price. The appropriate marking must appear directly above, directly below, or to the left of the postage.

We propose to allow mailers 90 days after the publication date of the final rule to comply with the new standards, to afford mailers time to exhaust any label stock and reprogram systems.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553(b), (c)], regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revision to the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR is proposed to be amended as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

* * * * *

400 Commercial Parcels

* * * * *

402 Elements on the Face of a Mailpiece

* * * * *

2.0 Placement and Content of Markings

[Renumber 2.1 through 2.5 as 2.2 through 2.6 and add new 2.1, Express Mail and Priority Mail Markings, as follows:]

2.1 Express Mail and Priority Mail Markings

Except for pieces paid using permit imprint or an Express Mail Corporate Account, Express Mail and Priority Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

* * * * *

410 Express Mail

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415 Mail Preparation

[Reorganize and revise section 1.0 by adding a new 1.2 as follows:]

1.0 General Information for Mail Preparation

1.1 Express Mail Packaging Provided by the USPS

Express Mail packaging provided by the USPS must be used only for Express

Mail. Regardless of how the packaging is reconfigured or how markings may be obliterated, any material mailed in USPS-provided Express Mail packaging is charged the appropriate Express Mail price.

1.2 Price Marking

Except for pieces paid using an Express Mail Corporate Account, Express Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

* * * * *

420 Priority Mail

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425 Mail Preparation

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2.0 Marking

[Reorganize and revise section 2.0 as follows:]

2.1 Product Marking

The marking "Priority Mail" must be placed prominently on the address side of each piece of Priority Mail.

2.2 Price Marking

Except for pieces paid using permit imprint, Priority Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

Stanley F. Mires,
Attorney, Legislative.

[FR Doc. E9-7479 Filed 4-2-09; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID FEMA-2005-0051]

44 CFR Part 206**RIN 1660-AA44****Special Community Disaster Loans Program****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Federal Emergency Management Agency (FEMA) proposes to amend its regulations regarding the Special Community Disaster Loans Program to implement loan cancellation provisions for Special Community Disaster Loans provided by FEMA to local governments in the Gulf region following Hurricanes Katrina and Rita. This rule does not propose the automatic cancellation of all Special Community Disaster Loans. This rule proposes procedures and requirements for governments who received Special Community Disaster Loans to apply for cancellation of loan obligations as authorized by the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. The proposed procedures are intended to provide sufficient information to FEMA to determine when cancellation of a Special Community Disaster Loan, in whole or in part, is warranted. This proposed rule would not apply to any loans made under FEMA's traditional Community Disaster Loan program which is governed under separate regulations.

DATES: Comments on the proposed rule, including the Paperwork Reduction Act information collection, are due on or before June 2, 2009.

ADDRESSES: You may submit comments, identified by Docket ID FEMA-2005-0051, by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

E-mail: FEMA-RULES@dhs.gov. Include Docket ID FEMA-2005-0051 in the subject line of the message.

Fax: 703-483-2999.

Mail/Hand Delivery/Courier: Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472-3100.

FOR FURTHER INFORMATION CONTACT: James A. Walke, Disaster Assistance Directorate, Federal Emergency

Management Agency, 500 C Street, SW., Washington, DC 20472-3300, or call (202) 646-2751, or e-mail james.walke@dhs.gov.

Requests for additional information regarding FEMA's Paperwork Reduction Act information collection requirements or copies of the information collection should be made to Director, Records Management and Privacy, FEMA, 1800 Bell Street, Arlington, VA 20598-3005, facsimile number (202) 646-3347, or e-mail address FEMA-Information-Collections@dhs.gov.

SUPPLEMENTARY INFORMATION:**Request for Comments on the Rulemaking**

FEMA encourages public participation in this rulemaking. All submissions received must include the agency name and docket ID (FEMA-2005-0051). Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the Privacy and Use Notice link on the Administration Navigation Bar of <http://www.regulations.gov>.

All comments received, as well as this document, are available on the public docket for this rulemaking. For access to the docket, go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, Room 835, 500 C Street, SW., Washington, DC 20472-3100.

At this time, FEMA does not anticipate it will hold a public meeting for this rulemaking project.

I. Background and Purpose

The Federal Emergency Management Agency's (FEMA's) Community Disaster Loan (CDL) Program provides funding to help local governments that have incurred significant loss in revenue due to a presidentially declared disaster, revenue that is necessary for local governments to provide essential municipal services, such as public schools, fire and police services, and sanitation services. The CDL Program for local governments began in 1970 as a program of community disaster grants. In 1974, Congress replaced the grant program with a program of community disaster loans. Since 1976, FEMA has issued 55 Community Disaster Loans under this program, totaling

approximately \$233.5 million. FEMA's traditional CDL Program is governed under 44 CFR part 206 subpart K. See 44 CFR 206.360.

On August 29, 2005, Hurricane Katrina hit Louisiana, Mississippi, Florida, and Alabama and emergencies were declared in each of the 4 States—the most for any single disaster in FEMA history. Hurricane Rita soon followed on September 21, 2005, in an area that had already been affected by Hurricane Katrina. Federal disaster declarations for the storms covered 90,000 square miles of the United States, an area roughly the size of the State of Oregon. The hurricanes directly affected over 1.5 million people, displaced approximately 771,000 people, and resulted in a peak shelter population of over 267,000 people.

Hurricanes Katrina and Rita devastated communities in Louisiana, Texas, Mississippi, and Alabama. Tax revenue was lost because people no longer lived in the area. Residents who remained were unable to pay taxes due to unemployment. Mass evacuations and limited sheltering options in the region resulted in fewer households purchasing goods and services and, in turn, paying sales tax. Although the tax base was severely depleted, communities still had to provide essential services such as police, medical personnel, teachers, and firefighters. Those costs are not eligible for Stafford Act funding from FEMA under the Public Assistance Program or under any other FEMA grant program. Further, the traditional CDL program cap of \$5 million per individual loan was too small for the catastrophic and long term nature of these disasters.

Realizing the catastrophic nature of Hurricanes Katrina and Rita, the unusual circumstances facing these local communities, and the lack of pre-existing sources of Federal funding, Congress passed the Community Disaster Loan Act of 2005, Public Law 109-88 (Oct. 7, 2005) (2005 Act). The 2005 Act authorized FEMA to transfer funds appropriated in the Second Emergency Supplemental Appropriations Act To Meet Immediate Needs Arising From The Consequences Of Hurricane Katrina, 2005, Public Law 109-62 (Sept. 8, 2005), to support up to \$1 billion in loan authority to assist communities impacted by Hurricanes Katrina and Rita. Loans issued by FEMA under the 2005 Act are referred to as "Special Community Disaster Loans." For these Special Community Disaster Loans (Special CDLs), the 2005 Act added three elements to the traditional CDL program under section 417 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (Stafford Act), 42 U.S.C. 5184: (1) It removed the \$5 million limit on individual loans; (2) it restricted the loans "to assist local governments in providing essential service;" and (3) it made the loan cancellation provision of section 417(c)(1) of the Stafford Act inapplicable.

FEMA published an interim rule on October 18, 2005, to implement the provisions of the 2005 Act. *See* at 70 FR 60443; *also* 44 CFR 206.370–206.377. The interim rule took effect immediately to allow FEMA to provide these loans as soon as possible to the local governments already impacted by Hurricanes Katrina and Rita. Special CDLs, and their accompanying regulations, only apply to communities affected by Katrina and Rita. Further, FEMA was only authorized to approve loans in either the fiscal year in which the disaster occurred (FY 2005) or the fiscal year immediately following that year (FY 2006). Although FEMA is no longer authorized to grant new applications for Special CDLs, FEMA has chosen not to remove the Special CDL regulations at this time, as the conditions such as loan administration, repayment, terms, and restrictions on the use of loan funds may still be applicable.

After FEMA published its interim rule, Congress passed the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, Public Law 109–234 (June 15, 2006) (2006 Act), which appropriated funds to support \$371,733,000 in loan authority in addition to the loans authorized under the 2005 Act. However, certain eligibility criteria for the 2006 Act program were different from those in the 2005 Act program. The 2006 Act included three changes: (1) The maximum loan amount was increased to 50 percent of the applicant's operating budget the fiscal year of the disaster; (2) the loan analysis could only consider "tax revenue" loss and not "other revenues" as allowed for in the 2005 Act; and (3) applicants were required to demonstrate actual loss in tax revenues of 25 percent or greater. The 2006 Act, like the 2005 Act, made the loan cancellation provision of section 417(c)(1) of the Stafford Act inapplicable.

As a result of the 2005 and 2006 Acts, FEMA made 152 loans totaling \$1,270,501,241 to 109 eligible applicants in Mississippi and Louisiana. Under the 2005 Act, FEMA made 52 loans totaling \$261,135,806 in Mississippi and 84 loans totaling \$738,864,194 in Louisiana. In total, \$1

billion of the \$1 billion loan level authorized in the 2005 Act was provided to eligible applicants devastated by Hurricanes Katrina and Rita. Under the 2006 Act, FEMA made four additional loans totaling \$9,485,908 in Mississippi and twelve additional loans totaling \$261,015,333 in Louisiana. In total, \$270,501,241 of the \$371,733,000 loan level authorized in the 2006 Act was provided to eligible applicants devastated by Hurricanes Katrina and Rita. No additional eligible applicants were identified prior to the September 30, 2006 deadline for the remaining \$101,231,759 of the loan authority.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110–28, section 4502(a), 119 Stat. 2061 (May 25, 2007) (2007 Act), removed the loan cancellation prohibitions contained in the 2005 and 2006 Acts. This amendment retroactively applies to the dates of enactment of both Acts. This statutory change now gives FEMA discretionary authority, limited by the language in section 417(c)(1) of the Stafford Act (42 U.S.C. 5184), to cancel Special CDLs.

With this new authority, FEMA shall cancel a loan if "the revenues of the local government during the full three fiscal year period following the disaster are insufficient to meet the operating budget for the local government, including additional unreimbursed disaster-related expenses for a municipal operating character." This authority is the same as FEMA's authority to cancel loans issued under its traditional CDL program, which have implementing regulations at 44 CFR 206.366. This rulemaking proposes procedures and requirements for local governments to apply for cancellation of Special CDLs, that are the same as those established for the traditional CDL program. FEMA expects to determine whether a local government's revenues are insufficient using the same method FEMA currently uses to determine loan cancellations under the traditional CDL program. Currently, if an applicant has a three year cumulative operating deficit, FEMA analyzes the applicant's revenue during that time to determine if the deficit was caused by insufficient revenues. FEMA determines this by subtracting the applicant's actual post-disaster revenues from the revenue the applicant expected to obtain had the disaster not occurred. This net difference is the estimated revenue loss. If revenue loss does not account for the entire deficit, FEMA examines the applicant's disaster-related expenditures

to determine if an increase in expenditures contributed to the deficit. Based on the results of this analysis, FEMA may cancel all or a part of the loan.

II. This Proposed Rule

With the passage of the 2007 Act, FEMA has been given the discretionary ability to cancel Special CDLs issued under the 2005 and 2006 Acts subject to the limitations of section 417(c) of the Stafford Act. Accordingly, FEMA proposes to amend its Special CDL regulations to include loan cancellation procedures and requirements.

Removing the prohibition against cancellation is consistent with FEMA's handling of loans provided to communities affected under all other disasters. For example, communities who receive traditional CDLs may be eligible for loan cancellation. Other communities who have met the cancellation requirements of section 417(c)(1) of the Stafford Act also have had loans cancelled.

Furthermore, FEMA believes the sustained financial long-term recovery of the communities affected by Hurricanes Katrina and Rita may continue to be at risk. For those communities that have not exhibited reasonable financial recovery after three years, cancellation may be appropriate, subject to the limitations of section 417(c) of the Stafford Act. A number of the Gulf Coast communities that carry Special Community Disaster Loans have argued that if they do not have the financial strength to repay these loans on a timely basis, going into default may further impede their ability to recover, affecting among other things, a municipality's ability to issue bonds.

This rule does not propose the automatic cancellation of all Special Community Disaster Loans. FEMA's authority to provide cancellation is limited to those communities whose revenues during the three full fiscal year period following the major disaster are insufficient to meet its operating budget, including additional disaster-related expenses of a municipal operation character. The proposed procedures are intended to provide sufficient information to FEMA to determine when cancellation of a Special Community Disaster Loan, in whole or in part, is warranted.

FEMA proposes to treat those affected by Hurricanes Katrina and Rita under the same terms as traditional CDL recipients. Section 417 of the Stafford Act provides FEMA with the cancellation authority for both the Special CDL Program and the traditional CDL Program. FEMA implemented

cancellation provisions for the traditional CDL Program regulations at 44 CFR 206.366. FEMA has been applying these provisions to the traditional CDL Program since 1990 and has found them to be successful in providing the information necessary to determine whether cancellation is appropriate. Since the statutory authority to cancel the loans, as provided for in section 417(c)(1) of the Stafford Act, is now the same for both loan programs, FEMA proposes to use the same cancellation requirements and procedures for both loan programs to reduce confusion for the regulated public and reviewing officials.

FEMA may cancel “* * * all or any part of Special Community Disaster Loans to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character.” 42 U.S.C. 5184(c). For loan cancellation purposes, FEMA interprets the term “operating budget” to mean actual revenues and expenditures of the local government as published in the official financial statements of the local government. Under the proposed cancellation procedures, the FEMA Assistant Administrator for the Disaster Assistance Directorate (Assistant Administrator) would review the Application for Loan Cancellation and a financial evaluation of the applicant to evaluate the local government’s revenues and determine whether FEMA should cancel, in whole or in part, a Special CDL issued under the 2005 or 2006 Acts. FEMA would cancel a part of a loan, as opposed to the whole, in situations where the community’s application for cancellation reflects that the community’s revenues are not sufficient to repay the entire loan, but are sufficient to repay a portion thereof.

As limited by the Stafford Act, a community’s eligibility for cancellation is based on a fixed period of time. The Assistant Administrator’s decision must be based on the revenues of the local government during the three full fiscal year period following the major disaster. This means that since Hurricane Katrina occurred in August 2005, eligibility for cancellation can only be based on the revenues of the local government during the following three full fiscal years. The typical “fiscal year,” as used by the Federal government, runs from October 1 to September 30. Under this model, the three full fiscal year period after Hurricanes Rita and Katrina ended on September 30, 2008. For governments

that operate under a different fiscal year, however, FEMA would modify the three-year period to reflect the 36 calendar months following the disaster.

All of the Special CDLs are three-year loans that may be drawn upon by the local community at its discretion. Once an amount is drawn down, interest begins to accrue on the loan from the date it is dispersed. Although communities may voluntarily make payments on the loan at any time, communities are not required to repay the loan or any related interest until five years after the date of the promissory note, unless otherwise extended by the Assistant Administrator. None of the loans referenced above will come due until October 2010 at the earliest. As of January 2009, two communities have voluntarily paid their loans in full, including accrued interest.

Communities applying for cancellation would be required to submit their Application for Loan Cancellation before the expiration date of their loan. This would allow FEMA the opportunity to cancel all or a part of the loan and forgive all related interest before the loan must be repaid. As long as the community applies for and is granted cancellation before the date its loan expires, then all interest on the amount of the loan that is cancelled would be forgiven regardless of the date that the amount was dispersed or the date that cancellation is granted.

If the Assistant Administrator determines that all or part of a community’s Special CDL should be cancelled, the amount of principal would be cancelled, and the related interest would be forgiven. The Assistant Administrator’s determination concerning loan cancellation would specify that any uncanceled principal and related interest must be repaid in accordance with the terms and conditions of the promissory note; and that, if repayment will constitute a financial hardship, the local government must submit for FEMA review and approval, a repayment schedule for settling the indebtedness on timely basis. Such repayments would be required to be made to the Treasurer of the United States and be sent to FEMA, Attention: Office of the Chief Financial Officer. A loan or cancellation of a loan would not reduce or affect other disaster-related grants or other disaster assistance. However, FEMA will not make any cancellation that would result in a duplication of benefits to the applicant.

If the tax and other revenue rates or the tax assessment valuation of property which was not damaged or destroyed by the disaster are reduced in the three

fiscal years subsequent to the major disaster, the tax and other revenue rates and tax assessment valuation factors applicable to such property in effect at the time of the major disaster would be used without reduction for purposes of computing revenues received. This may result in decreasing the potential for loan cancellations.

If the local government transfers funds from its operating funds accounts to its capital funds account, utilizes operating funds for other than routine maintenance purposes, or significantly increases expenditures which are not disaster related, except increases due to inflation, the annual operating budget or operating statement expenditures would be reduced accordingly for purposes of evaluating any request for loan cancellation.

It is not the purpose of these loan programs to underwrite pre-disaster budget or actual deficits of the local government. Consequently, such deficits carried forward would reduce any amounts otherwise eligible for loan cancellation.

If FEMA disapproves an Application for Loan Cancellation, in whole or in part, the local government would be allowed to appeal and submit any additional information in support of the application within 60 days of the date of disapproval. The decision of the Assistant Administrator or designee would be final on the appeal of any disapproval of an application for cancellation.

The cancellation provisions would retroactively apply to the dates of enactment of the 2005 and 2006 Acts, so these proposed regulations would apply to all of the Special CDLs awarded by FEMA.

III. Regulatory Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), a “significant regulatory action” is subject to Office of Management and Budget (OMB) review and the requirements of Executive Order 12866. Section 3(f) of the Executive Order defines “significant regulatory action” as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule is an economically significant regulatory action under section 3(f) of Executive Order 12866 because it is expected to have an annual effect on the economy of more than \$100 million, and materially alter the budgetary impact of the Special Community Disaster Loans Program. Accordingly, OMB has reviewed this rule.

As previously stated, the 2005 Act authorized FEMA to transfer funds appropriated in the Second Emergency Supplemental Appropriations Act To Meet Immediate Needs Arising From The Consequences Of Hurricane Katrina, 2005, (Pub. L. 109-62), to support up to \$1 billion in loan authority to assist communities impacted by Hurricanes Katrina and Rita. Loans issued under the 2005 Act are referred to as Special Community Disaster Loans. The next year, the 2006 Act appropriated funds to support an additional \$371,733,000 in loan authority in addition to loans authorized under the 2005 Act. Both the 2005 and 2006 Acts made the loan cancellation provision of section 417(c)(1) of the Stafford Act inapplicable, meaning FEMA had no authority to cancel these loans.

The 2007 Act removes the loan cancellation prohibitions contained in the 2005 and 2006 Acts. The amendment retroactively applies to the date of enactment of both the 2005 and 2006 Acts. This statutory change now gives FEMA discretionary authority, limited by the language in section 417(c)(1) of the Stafford Act, to cancel Special Community Disaster Loans issued pursuant to either the 2005 or 2006 Acts.

Under the 2005 Act, FEMA made 52 loans totaling \$261,135,806 in Mississippi and 84 loans totaling \$738,864,194 in Louisiana. In total, \$1 billion of the \$1 billion loan level authorized in the 2005 Act was provided to eligible applicants devastated by Hurricanes Katrina and Rita. Under the 2006 Act, FEMA made four additional loans totaling \$9,485,908 in Mississippi and twelve additional loans totaling \$261,015,333 in Louisiana. In total, \$270,501,241 of the \$371,733,000 loan level authorized in

the 2006 Act was provided to eligible applicants devastated by Hurricanes Katrina and Rita. No additional eligible applicants were identified prior to the September 30, 2006 deadline for the remaining \$101,231,759 of the loan authority.

As a result of the 2005 and 2006 Acts, FEMA made 152 Special Community Disaster Loans totaling \$1,270,501,241 to 109 eligible applicants in Mississippi and Louisiana. The application period for these loans has closed, so no additional local governments can be granted loans under these programs. If all 152 loan recipients applied for and were found eligible for full cancellation under these proposed procedures, up to \$1,270,501,241, plus any applicable interest and costs, could be cancelled. However, because the Special Community Disaster Loans operate as lines of credit from which applicants justifying need draw down, not all of the loan funds obligated have been distributed. As of March 16, 2009, only \$831 million (approximately 65% of the total amount awarded) has been drawn down by applicants. FEMA expects that all communities with Special Community Disaster Loans will apply for cancellation because of the benefits cancellation could have assisting in the recovery of communities. Because FEMA cannot evaluate the individual financial situations of the communities without reviewing the data that would be submitted in the applications for cancellation, FEMA cannot predict at this time how many of those communities will be eligible for cancellation. FEMA solicits public input on this issue.

The purpose of this rule is to implement the cancellation provisions outlined in the 2007 Act which allow for the cancellation of Special Community Disaster Loans for those communities whose revenues during the full three-fiscal-year period following the major disaster are insufficient to meet the operating budget of the local government. The cancellation provisions apply only to Special Community Disaster Loans issued under the 2005 and 2006 Acts. Community Disaster Loans issued prior to the enactment of the 2005 or 2006 Acts, or other loans not issued under the authority of those Acts, are not affected by this rule. Consequently, this rule will have no impact on local governments that do not have a Special Community Disaster Loan.

FEMA proposes to use the cancellation procedures already familiar to communities who received traditional Community Disaster Loans. These procedures are located at 44 CFR

206.366 and have been used by loan recipients since 1990. In assessing the budgetary impact of using an alternative procedure, FEMA considered the effect of possible changes to these well-established cancellation procedures.

In considering alternatives, FEMA first considered the automatic cancellation of all Special Community Disaster Loans. However, the text of the statute and the legislative history show that Congress did not automatically forgive these loans, but allows for partial or full forgiveness of community disaster loan repayments if, after three years, local revenue remains insufficient to meet operating expenses. Next, FEMA considered revising the documents submitted by the local communities to prove that local revenue is insufficient to meet operating expenses. FEMA opted to retain the requirements used for the traditional Community Disaster Loan program that have proven accurate and efficient in determining whether local communities meet the requirements for cancellation of traditional Community Disaster Loans. Furthermore, the alternatives considered did not have a measurable effect on Federal costs and did not simplify program administration or consolidate or clarify existing definitions, procedures, or processes. Finally, the creation of additional or revised regulatory requirements would not be in concert with the intention of providing forgiveness consistent with previous disasters.

FEMA has found during the past 19 years that the cancellation provisions for the traditional Community Disaster Loan program work—they provide sufficient and accurate information on which FEMA can base its decision to cancel loans—and compliance on the part of the borrower is relatively easy. There are no significant issues with these existing procedures that require revision; however, those affected by these regulations are encouraged to identify problems and suggest solutions to those problems during the public comment period for this rule.

Communities affected by these regulations have already received the Special Community Disaster Loans. Therefore, these communities already have established systems and procedures in place to meet the loan maintenance and servicing requirements in 44 CFR 206.375(c). The documents already required under that paragraph meet some of the proposed financial information submission requirements for cancellation. The proposed administrative requirements for loan cancellation should not be too burdensome for either the loan

applicant or FEMA. The documents that must be provided in an Application for Loan Cancellation would include: (1) Annual operating budgets for the fiscal year of the disaster and the three subsequent fiscal years (States and local governments should already have annual operating budgets as a matter of practice; therefore, this element should create no new burden on the applicants); (2) annual financial reports for the fiscal year of the disaster and the three subsequent fiscal years (these annual financial reports are already required to be submitted by 44 CFR 206.375(c), and should create no new burden on the applicants); (3) the following information concerning annual real estate property taxes pertaining to the community for the fiscal year of the disaster and the three subsequent fiscal years: the market value of the tax base, the assessment ratio, the assessed valuation, the tax levy rate and the taxes levied and collected (pursuant to pertinent State statutes, ordinances, regulations which prescribe the local government's system of budgeting, accounting and financial reporting in 44 CFR 206.374(b)(1)(ii)(B), and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," 44 CFR 13.26, local governments receiving loans must be audited annually; the information required to be submitted with the Application for Loan Cancellation is standard information contained in the annual financial reports resulting from these annual audits); (4) audit reports for the fiscal year of the disaster and the 3 subsequent fiscal years certifying to the validity of the operating statements (this is a standard element of the annual audit report and the requirement to provide this information should create no new burden on the applicant); and (5) other financial information specified in the Application for Loan Cancellation, which includes information such as unreimbursed disaster-related expenses.

The burden on the public is low with respect to new administrative requirements associated with submitting the Application for Loan Cancellation. FEMA estimates that the annual estimated cost to submit the Application for Loan Cancellation to be \$4,850.32. FEMA made 152 Special Community Disaster Loans to 109 eligible applicants in Mississippi and Louisiana. Because the documents required to be submitted with an Application for Loan Cancellation are documents that each local government should already possess, FEMA estimates that it would take an average of 1 hour for local

governments to prepare the Application for Loan Cancellation. Using wage rates from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), Standard Occupation Classification (SOC) System, the median hourly wage for Emergency Management Specialists in Business and Financial Operations (SOC Code Number 13.1061) is \$22.79 per hour. Adding 40 percent to the BLS figure to account for benefits, FEMA has calculated the burden using a wage rate of \$31.91 per hour. Since there are a total of 152 Special Community Disaster Loans, it is estimated that the one time cost of compliance to submit the Application for Loan Cancellation for all loans is \$4,850.32. This figure is calculated as follows: $((152 \times 1) \times \$31.91)$.

If all 152 loan recipients applied, and were found eligible, for full cancellation under these proposed procedures, up to \$1,270,501,241, plus any applicable interest and costs, could be cancelled, although as of March 16, 2009 only \$831 million of that amount had been drawn down. Any funds cancelled will have a positive effect on the State and local economy by reducing on-going operating expenses related to the loan, as well as the debt for the loan. Although not a grant, the cancellation of these loans would affect the Federal government's budget much like a grant. The loans were originally provided out of the Federal Treasury. If the local governments' revenues are found to be insufficient to meet its operating budget, the principal amount of the loan and the related interest would be forgiven. The economic impact would be a transfer payment from the Federal government to the local government whose loan was cancelled.

The overall impact of this rule is, therefore, the cost to the applicant to apply for the cancellation, as well as the impact on the economy of potentially forgiving all Special Community Disaster Loans and any related interest and costs. The maximum total economic impact of this rule is approximately \$1.3 billion (conservatively assuming that all funds awarded will be drawn down, and exclusive of any interest that may also be forgiven). However, without knowing the dollar amounts or even the number of loans that will be cancelled, it is impossible to predict the amount of the economic impact of this rule with any precision. Although the impact of the rule could be spread over multiple years as applications are received, processed, and loans cancelled, the total economic effect of a specific loan cancellation would only occur once, rather than annually.

B. Regulatory Flexibility Act

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

FEMA certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Section 601(5) defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000. This proposed rule would affect the following entities, some of which might be small entities: The 109 eligible applicants devastated by Hurricanes Katrina and Rita located in Mississippi and Louisiana that received Special Community Disaster Loans authorized in the 2005 and 2006 Acts. This proposed rule will not impose any additional requirements on local governments that do not have a Special Community Disaster Loan.

As stated previously, the potential for loan cancellation under the proposed procedures would not have a negative impact on any loan applicant as any funds cancelled will have a positive beneficial effect on the State and local governments by reducing on-going operating expenses and debt related to the loan. We have previously explained that State and local governments that choose to seek loan cancellation consideration will need to spend a minimal amount of staff time preparing the required application. Such a minimal staffing burden is not considered to be a significant economic impact. Consequently, this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Unfunded Mandates Reform Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year. FEMA does not expect this rule to result in such expenditure since loan recipients applying for potential cancellation of a Special Community Disaster Loan will not result in any expenditure not already assumed. Additionally, this rule is expected to provide a benefit to the local governments by allowing for the cancellation of Special Community Disaster Loans for those communities whose revenues during the full three-fiscal-year period following the major disaster are insufficient to meet the operating budget of the local government. FEMA discusses this rule's effects elsewhere in this preamble.

D. Executive Order 13132, Federalism

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. It will not preempt any State laws. Eligible applicants who may apply for loan cancellation under these proposed procedures do so voluntarily and State policy making discretion is not affected. In accordance with section 6 of Executive Order 13132, FEMA determines that this rule will not have Federalism implications sufficient to warrant the preparation of a Federalism impact statement.

E. National Environmental Policy Act

FEMA's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) at 44 CFR 10.8(d)(2)(ii) categorically exclude the preparation, revision, adoption of regulations, directives, manuals, and other guidance documents related to actions that qualify for categorical exclusions. Moreover, the changes being proposed in this rule constitute actions that enforce existing Federal

regulations, (44 CFR 10.8(d)(2)(iv)), and involve emergency and disaster response and recovery activities under section 417 of the Stafford Act (44 CFR 10.8(d)(2)(ix)(K)). This rulemaking will not have a significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement is required.

F. Paperwork Reduction Act of 1995

In the October 19, 2005 interim rule (at 70 FR 60442; also 44 CFR 206.370–206.377), FEMA determined that implementation of the interim rule would be subject to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). With the interim rule, FEMA submitted two information collection requests to OMB for review and clearance in accordance with the review procedures of the PRA. OMB approved the requested revision of the collection entitled "Application for Community Disaster Loan (CDL) Program and the Special Community Disaster Loan (SCDL) Program," which was assigned OMB Control Number 1660–0083 and expires on June 30, 2009. This proposed rule does not contain any changes that would affect that currently approved collection.

OMB also approved the collection entitled "Application for Community Disaster Loan Cancellation" which was assigned OMB Control Number 1660–0082 and expires on January 31, 2010. That collection uses FEMA Form 90–5, Application for Loan Cancellation, which has an annual number of respondents of 1 (the number of communities who apply for cancellation of a Community Disaster Loan under the existing procedures in 44 CFR 206.366). It is intended that applicants seeking cancellation of a Special Community Disaster Loan will use the same form submitted for Community Disaster Loans. Because FEMA proposes to implement the same cancellation procedures for Special Community Disaster Loans as already exist for the Community Disaster Loan program, FEMA proposes to amend that existing collection to increase the number of respondents to 153. This number reflects the 1 Community Disaster Loan

cancellation application already received annually under the Community Disaster Loan program, and the potential 152 applications for cancellation of Special Community Disaster Loans as proposed in this rule.

Accordingly, in this proposed rule, FEMA is seeking a revision to the already existing collection of information OMB Control Number 1660–0082, to include the cancellation of Special Community Disaster Loans. This proposed rule serves as the 60 day comment period for this proposed change pursuant to 5 CFR 1320.12. FEMA invites the general public to comment on the proposed collection of information.

Collection of Information

Title: Application for Community Disaster Loan Cancellation.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0082.

Form Numbers: FEMA Form 90–5.

Abstract: Local governments may submit an Application for Loan Cancellation through the Governor's Authorized Representative to the FEMA Regional Administrator prior to the expiration date of the loan. FEMA has the authority to cancel repayment of all or part of a Community Disaster Loan or a Special Community Disaster Loan to the extent that a determination is made that revenues of the local government during the three fiscal years following the disaster are insufficient to meet the operating budget of that local government because of disaster-related revenue losses and additional unreimbursed disaster-related municipal operating expenses. Operating budget means actual revenues and expenditures of the local government as published in the official financial statements of the local government.

Affected Public: State, local or tribal governments.

Number of Respondents: 153.

Frequency of Response: 1 per year.

Hour Burden per Response: 1 hour.

Estimated Total Annual Burden

Hours: 153 hours.

TABLE A.12—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
State, local and Tribal Government.	Application for Loan Cancellation/FEMA Form 90–5 (under 44 CFR 206.366 as currently approved by OMB).	1	1	1	1	\$31.91	\$31.91

TABLE A.12—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
State, local and Tribal Government.	Application for Loan Cancellation/FEMA Form 90-5 (under 44 CFR 206.376 the change associated with this rule).	152	1	1	152	\$31.91	\$4,850.32
Total .....	.....	153	.....	.....	153	.....	\$4,882.23

Estimated Cost: \$0. There are no start-up, operational or other costs associated with this information collection in addition to the burden hour cost noted in the table above.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Interested persons are invited to submit written comments on the information collection through one of the methods listed in **ADDRESSES** above on or before June 2, 2009.

FOR FURTHER INFORMATION CONTACT: Contact Gerald Connelly, (202) 646-3638 for additional information regarding this information collection. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646-3347 or e-mail address: *FEMAINformation-Collections@dhs.gov*.

G. Executive Order 12630, Taking of Private Property

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

H. Executive Order 12988, Civil Justice Reform

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

I. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Because no Special Community Disaster Loans were made to Indian Tribal Governments, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. This rule would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs—housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs—housing and community development, Natural resources, Penalties, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, FEMA proposes to amend 44 CFR part 206 as follows:

PART 206—FEDERAL DISASTER ASSISTANCE

1. The authority citation for part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5207; 119 Stat. 2061; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

2. Revise § 206.370 to read as follows:

§ 206.370 Purpose and scope.

(a) *Purpose.* Sections 206.370 through 206.377 provide procedures for local governments and State and Federal officials concerning the Special Community Disaster Loans program under section 417 of the Stafford Act (42 U.S.C. 5184), the Community Disaster Loan Act of 2005, Public Law 109-88, and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, Public Law 109-234.

(b) *Scope.* Sections 206.370 through 206.377 apply only to Special Community Disaster Loans issued under the Community Disaster Loan Act of 2005, Public Law 109-88, and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, Public Law 109-234.

3. In § 206.371, revise the last sentence of paragraph (f), paragraph (g) and add new paragraph (h) to read as follows:

§ 206.371 Loan program.

* * * * *
 (f) * * * Neither the loan nor any cancelled portion of the loans may be used as the non-Federal share of any Federal program, including those under the Stafford Act.

(g) *Relation to other assistance.* Any Special Community Disaster Loans including cancellations of loans made under this subpart shall not reduce or otherwise affect any commitments, grants, or other assistance provided under the authority of the Stafford Act or this part.

(h) *Cancellation.* The Assistant Administrator for the Disaster Assistance Directorate shall cancel repayment of all or part of a Special Community Disaster Loan to the extent that he/she determines that revenues of the local government during the 3 fiscal years following the disaster are insufficient to meet the operating budget of that local government because of

disaster-related revenue losses and additional unreimbursed disaster-related municipal operating expenses.

4. In § 206.372 revise paragraphs (a), (c), (d) and (e) to read as follows:

§ 206.372 Responsibilities.

(a) The local government shall submit the financial information required by FEMA in the application for a Community Disaster Loan or other format specified by FEMA and comply with the assurances on the application, the terms and conditions of the Promissory Note in the application for loan cancellation, if submitted, and §§ 206.370 through 206.377. The local government shall send all loan application, loan administration, loan cancellation, and loan settlement correspondence through the Governor's Authorized Representative (GAR) and the FEMA Regional Office to the FEMA Assistant Administrator for the Disaster Assistance Directorate.

* * * * *

(c) The Regional Administrator or designee shall review each loan application or loan cancellation request received from a local government to ensure that it contains the required documents and transmit the application to the Assistant Administrator for the Disaster Assistance Directorate. He/she may submit appropriate recommendations to the Assistant Administrator for the Disaster Assistance Directorate.

(d) The Assistant Administrator for the Disaster Assistance Directorate or a designee, shall execute a Promissory Note with the local government and shall administer the loan until repayment or cancellation is completed and the Promissory Note is discharged.

(e) The Assistant Administrator for the Disaster Assistance Directorate or designee shall approve or disapprove each loan request, taking into consideration the information provided in the local government's request and the recommendations of the GAR and the Assistant Administrator for the Disaster Assistance Directorate. The Assistant Administrator for the Disaster Assistance Directorate or designee shall approve or disapprove a request for loan cancellation in accordance with the criteria for cancellation in these regulations.

* * * * *

5. In § 206.374, add a sentence at the end of paragraph (b)(2) to read as follows:

§ 206.374 Loan application.

* * * * *

(b) * * *

(2) * * * For loan cancellation purposes, FEMA interprets the term "operating budget" to mean actual revenues and expenditures of the local government as published in the official financial statements of the local government.

* * * * *

6. Add § 206.376 to read as follows:

§ 206.376 Loan cancellation.

(a) *General.* (1) FEMA shall cancel repayment of all or part of a Special Community Disaster Loan to the extent that the Assistant Administrator for the Disaster Assistance Directorate determines that revenues of the local government during the full three fiscal year period following the disaster are insufficient, as a result of the disaster, to meet the operating budget for the local government, including additional unreimbursed disaster-related expenses for a municipal operating character. For loan cancellation purposes, FEMA interprets the term operating budget to mean actual revenues and expenditures of the local government as published in the official financial statements of the local government.

(2) If the tax and other revenues rates or the tax assessment valuation of property which was not damaged or destroyed by the disaster are reduced during the 3 fiscal years subsequent to the major disaster, the tax and other revenue rates and tax assessment valuation factors applicable to such property in effect at the time of the major disaster shall be used without reduction for purposes of computing revenues received.

(3) If the local government's fiscal year is changed during the "full 3 year period following the disaster" the actual period will be modified so that the required financial data submitted covers an inclusive 36-month period.

(4) If the local government transfers funds from its operating funds accounts to its capital funds account, utilizes operating funds for other than routine maintenance purposes, or significantly increases expenditures which are not disaster related, except increases due to inflation, the annual operating budget or operating statement expenditures will be reduced accordingly for purposes of evaluating any request for loan cancellation.

(5) It is not the purpose of this loan program to underwrite predisaster budget or actual deficits of the local government. Consequently, such deficits carried forward will reduce any amounts otherwise eligible for loan cancellation.

(6) The provisions of this section apply to all Special Community Disaster

loans issued from the dates of enactment of Public Law 109-88 and Public Law 109-234.

(b) *Disaster-related expenses of a municipal operation character.* (1) For purposes of this loan, unreimbursed expenses of a municipal operating character are those incurred for general government purposes, including but not limited to police and fire protection, trash collection, collection of revenues, maintenance of public facilities, flood and other hazard insurance.

(2) Disaster-related expenses do not include expenditures associated with debt service, any major repairs, rebuilding, replacement or reconstruction of public facilities or other capital projects, intragovernmental services, special assessments, and trust and agency fund operations. Disaster expenses which are eligible for reimbursement under project applications or other Federal programs are not eligible for loan cancellation.

(3) Each applicant shall maintain records including documentation necessary to identify expenditures for unreimbursable disaster-related expenses. Examples of such expenses include but are not limited to:

(i) Interest paid on money borrowed to pay amounts FEMA does not advance toward completion of approved Project Applications.

(ii) Unreimbursed costs to local governments for providing usable sites with utilities for mobile homes used to meet disaster temporary housing requirements.

(iii) Unreimbursed costs required for police and fire protection and other community services for mobile home parks established as the result of or for use following a disaster.

(iv) The cost to the applicant of flood insurance required under Public Law 93-234, as amended, and other hazard insurance required under section 311, Public Law 93-288, as amended, as a condition of Federal disaster assistance for the disaster under which the loan is authorized.

(4) The following expenses are not considered to be disaster-related for Special Community Disaster Loan purposes:

(i) The local government's share for assistance provided under the Stafford Act including flexible funding under section 406(c)(1) of the Act (42 U.S.C. 5172).

(ii) Improvements related to the repair or restoration of disaster public facilities approved on Project Applications.

(iii) Otherwise eligible costs for which no Federal reimbursement is requested as a part of the applicant's disaster response commitment, or cost sharing as

specified in the FEMA–State Agreement for the disaster.

(iv) Expenses incurred by the local government which are reimbursed on the applicant’s project application.

(c) *Cancellation application.* A local government which has drawn loan funds from the U.S. Treasury may request cancellation of the principal and related interest by submitting an Application for Loan Cancellation through the Governor’s Authorized Representative to the Regional Administrator prior to the expiration date of the loan.

(1) Financial information submitted with the application shall include the following:

(i) Annual Operating Budgets for the fiscal year of the disaster and the 3 subsequent fiscal years;

(ii) Annual Financial Reports (Revenue and Expense and Balance Sheet) for each of the above fiscal years. Such financial records must include copies of the local government’s annual financial reports, including operating statements balance sheets and related consolidated and individual presentations for each fund account. In addition, the local government must include an explanatory statement when figures in the Application for Loan Cancellation form differ from those in the supporting financial reports.

(iii) The following additional information concerning annual real estate property taxes pertaining to the community for each of the above fiscal years:

- (A) The market value of the tax base (dollars);
- (B) The assessment ratio (percent);
- (C) The assessed valuation (dollars);
- (D) The tax levy rate (mils);
- (E) Taxes levied and collected (dollars).

(iv) Audit reports for each of the above fiscal years certifying to the validity of the Operating Statements. The financial statements of the local government shall be examined in accordance with generally accepted auditing standards by independent certified public accountants. The report should not include recommendations concerning loan cancellation or repayment.

(v) Other financial information specified in the Application for Loan Cancellation.

(2) *Narrative justification.* The application may include a narrative presentation to supplement the financial material accompanying the application and to present any extenuating circumstances which the local government wants the Assistant Administrator for the Disaster

Assistance Directorate to consider in rendering a decision on the cancellation request.

(d) *Determination.* (1) If, based on a review of the Application for Loan Cancellation and FEMA audit, the Assistant Administrator for the Disaster Assistance Directorate or a designee determines that all or part of the Special Community Disaster Loan funds should be canceled, the amount of principal canceled and the related interest will be forgiven. The Assistant Administrator for the Disaster Assistance Directorate, or a designee’s determination concerning loan cancellation will specify that any uncanceled principal and related interest must be repaid in accordance with the terms and conditions of the Promissory Note, and that, if repayment will constitute a financial hardship, the local government must submit for FEMA review and approval, a repayment schedule for settling the indebtedness on timely basis. Such repayments must be made to the Treasurer of the United States and be sent to FEMA, Attention: Office of the Chief Financial Officer.

(2) A loan or cancellation of a loan does not reduce or affect other disaster-related grants or other disaster assistance. However, no cancellation may be made that would result in a duplication of benefits to the applicant.

(3) The uncanceled portion of the loan must be repaid in accordance with § 206.377.

(4) *Appeals.* If an Application for Loan Cancellation is disapproved, in whole or in part, by the Assistant Administrator for the Disaster Assistance Directorate or designee, the local government may submit any additional information in support of the application within 60 days of the date of disapproval. The decision by the Assistant Administrator for the Disaster Assistance Directorate or designee on the additional information is final.

7. Amend § 206.377 by revising the first sentence of paragraph (b) introductory text, the last sentence of paragraph (b)(2), paragraph (b)(4) and (c)(2) to read as follows:

§ 206.377 Loan repayment.

* * * * *

(b) *Repayment.* To the extent not otherwise cancelled, loan funds become due and payable in accordance with the terms and conditions of the Promissory Note. * * *

* * * * *

(2) * * * If any portion of the loan is cancelled, the interest amount due will be computed on the remaining principal with the shortest outstanding term.

* * * * *

(4) The Assistant Administrator for the Disaster Assistance Directorate may defer payments of principal and interest until FEMA makes its final determination with respect to any Application for Loan Cancellation which the borrower may submit. * * *

* * * * *

(c) * * *

* * * * *

(2) The principal amount shall be the original uncanceled principal plus related interest less any payments made.

* * * * *

Dated: March 26, 2009.

Nancy Ward,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. E9–7286 Filed 4–2–09; 8:45 am]

BILLING CODE 9110–23–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 09–24]

Jurisdictional Separations and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Jurisdictional separations is the process by which incumbent local exchange carriers (incumbent LECs) apportion regulated costs between the intrastate and interstate jurisdictions. In this document, the Commission seeks comment on extending until June 30, 2010 the current freeze of part 36 category relationships and jurisdictional cost allocation factors used in jurisdictional separations, which freeze would otherwise expire on June 30, 2009. Extending the freeze would allow the Commission to provide stability for, and avoid imposing undue burdens on, carriers that must comply with the Commission’s separations rules while the Commission considers issues relating to comprehensive reform of the jurisdictional separations process.

DATES: Comments are due on or before April 17, 2009. Reply comments are due on or before April 24, 2009.

ADDRESSES: You may submit comments, identified by WC Docket No. 80–286, 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.

- *E-mail:* ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response. Include the docket number in the subject line of the message.

- *Mail:* Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

- *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.

FOR FURTHER INFORMATION CONTACT: Daniel Ball, Attorney Advisor, at 202-418-1577, Pricing Policy Division, Wireline Competition Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket No. 80-286, FCC 09-24, released on March 27, 2009. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554.

Background

1. Jurisdictional separations is the process by which incumbent LECs apportion regulated costs between the intrastate and interstate jurisdictions. The NPRM proposes extending the current freeze of part 36 category relationships and jurisdictional cost allocation factors used in jurisdictional separations, which freeze would otherwise expire on June 30, 2009, until June 30, 2010. Extending the freeze will allow the Commission to provide stability for, and avoid imposing undue burdens on, carriers that must comply with the Commission's separations rules while the Commission considers issues relating to comprehensive separations reform.

2. The 2001 Separations Freeze Order, 66 FR 33202, June 21, 2001, froze all part 36 category relationships and allocation factors for price cap carriers and all allocation factors for rate-of-return carriers. Rate-of-return carriers had the option to freeze their category relationships at the outset of the freeze. The freeze was originally established July 1, 2001 for a period of five years, or until the Commission completed separations reform, whichever occurred first. The 2006 Separations Freeze

Extension Order, 71 FR 29843, May 24, 2006, extended the freeze for three years or until the Commission completed separations reform, whichever occurred first.

3. In this NPRM the Commission seeks comment on extending the freeze for one year, until June 30, 2010. The proposed extension would allow the Commission to work with the Federal-State Joint Board on Separations to achieve comprehensive separations reform. Pending comprehensive reform, the Commission tentatively concludes that the existing freeze should be extended on an interim basis to avoid the imposition of undue administrative burdens on incumbent LECs. The Commission asks commenters to consider how costly and burdensome an extension of the freeze, or a reversion to the pre-freeze part 36 rules, would be for small incumbent LECs, and whether an extension would disproportionately affect specific types of carriers or ratepayers. Incumbent LECs have not been required to utilize the programs and expertise necessary to prepare separations information since the inception of the freeze almost eight years ago. If the Commission does not extend the separations freeze, and instead allows the earlier separations rules to return to force, incumbent LECs would be required to reinstitute their separations processes, and they may no longer have the necessary employees and systems in place to do so. Given the imminent expiration of the current separations freeze, it is unlikely that incumbent LECs would have sufficient time to reinstitute the separations processes necessary to comply with the earlier separations rules.

4. The extended freeze would be implemented as described in the 2001 Separations Freeze Order. Specifically, price-cap carriers would use the same relationships between categories of investment and expenses within part 32 accounts and the same jurisdictional allocation factors that have been in place since the inception of the current freeze on July 1, 2001. Rate-of-return carriers would use the same frozen jurisdictional allocation factors, and would use the same frozen category relationships if they had opted previously to freeze those as well.

Comment Filing Procedures

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section of this document. Comments may be filed using: (1) The Commission's Electronic Comment

Filing System (ECFS); (2) the Federal Government's eRulemaking Portal; or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments.

- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor 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, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: 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).

Ex Parte Requirements

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. See 47 CFR 1.1200, 1.1206. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules. 47 CFR 1.1206(b).

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). See 5 U.S.C. 603(a).

Need for, and Objectives of, the Proposed Rules

In the 1997 *Separations NPRM*, the Commission noted that the network infrastructure by that time had become vastly different from the network and services used to define the cost categories appearing in the Commission's part 36 jurisdictional separations rules, and that the separations process codified in part 36 was developed during a time when common carrier regulation presumed that interstate and intrastate telecommunications service must be provided through a regulated monopoly. Thus, the Commission initiated a proceeding with the goal of reviewing comprehensively the Commission's part

36 procedures to ensure that they meet the objectives of the 1996 Act. The Commission sought comment on the extent to which legislative changes, technological changes, and market changes might warrant comprehensive reform of the separations process. Because over eleven years have elapsed since the closing of the comment cycle on the 1997 *Separations NPRM*, and over seven years have elapsed since the imposition of the freeze, and because the industry has experienced myriad changes during that time, we ask that commenters, in their comments on the present NPRM, comment on the impact of a further extension of the freeze.

The purpose of proposed extension of the freeze is to ensure that the Commission's separations rules meet the objectives of the 1996 Act, and to allow the Commission additional time to consider changes that may need to be made to the separations process in light of changes in the law, technology, and market structure of the telecommunications industry.

Legal Basis

The legal basis for the NPRM is contained in sections 1, 2, 4, 201-205, 215, 218, 220, 229, 254, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 201-205, 215, 218, 220, 229, 254 and 410, and 1.1200-1.1216 of the Commission's rules, 47 CFR 1.1, 1.411-1.429, 1.1200-1.1216.

Description and Estimate of the Number of Small Entities to Which Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under section 3 of the Small Business Act. Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

We have included small incumbent LECs in this RFA analysis. As noted above, a "small business" under the RFA is one that, inter alia, meets the pertinent small business size standard established by the SBA, and is not dominant in its field of operation.

Section 121.201 of the SBA regulations defines a small wireline telecommunications business as one with 1,500 or fewer employees. In addition, the SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. Because our proposals concerning the part 36 separations process will affect all incumbent LECs providing interstate services, some entities employing 1,500 or fewer employees may be affected by the proposals made in this NPRM. We therefore have included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts. Neither the Commission nor the SBA has developed a small business size standard specifically for providers of incumbent local exchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under the SBA definition, a carrier is small if it has 1,500 or fewer employees. According to the FCC's Telephone Trends Report data, 1,311 incumbent LECs reported that they were engaged in the provision of local exchange services. Of these 1,311 carriers, an estimated 1,024 have 1,500 or fewer employees and 287 have more than 1,500 employees. Consequently, the Commission estimates that most incumbent LECs are small entities that may be affected by the rules and policies adopted herein.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

None.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

As described above, seven years have elapsed since the imposition of the freeze, thus, we ask commenters, in their comments on the present NPRM, to address the impact of a further extension of the freeze. We seek comment on the effects our proposals would have on small entities, and whether any rules that we adopt should apply differently to small entities. We direct commenters to consider the costs and burdens of an extension on small incumbent LECs and whether the extension would disproportionately affect specific types of carriers or ratepayers.

Implementation of the proposed freeze extension would ease the administrative burden of regulatory compliance for LECs, including small incumbent LECs. The freeze has eliminated the need for all incumbent LECs, including incumbent LECs with 1500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules. If an extension of the freeze can be said to have any effect under the RFA, it is to reduce a regulatory compliance burden for small incumbent LECs, by abating the aforementioned separations studies and providing these carriers with greater regulatory certainty.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Paperwork Reduction Act

The NPRM does not propose any new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new, modified, or proposed "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, 44 U.S.C. 3506(c)(4).

List of Subjects in 47 CFR Part 36

Communications common carriers, Reporting and recordkeeping requirements, Telephone, and Uniform System of Accounts.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 36 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for part 36 continues to read:

Authority: 47 U.S.C. Secs. 151, 154(i) and (j), 205, 221(c), 254, 403, and 410.

2. In 47 CFR part 36 remove the words "June 30, 2006" where ever they appear and add, in their place, the words "June 30, 2010" in the following places:

- a. Section 36.3(a), (b), (c), (d), and (e);
- b. Section 36.123(a)(5), and (a)(6);
- c. Section 36.124(c), and (d);
- d. Section 36.125(h), (i), and (j);
- e. Section 36.126(b)(5), (c)(4), (e)(4), and (f)(2);
- f. Section 36.141(c);
- g. Section 36.142(c);
- h. Section 36.152(d);
- i. Section 36.154(g);
- j. Section 36.155(b);
- k. Section 36.156(c);
- l. Section 36.157(b);
- m. Section 36.191(d);
- n. Section 36.212(c);
- o. Section 36.214(a);
- p. Section 36.372;
- q. Section 36.374(b), and (d);
- r. Section 36.375(b)(4), and (b)(5);
- s. Section 36.377(a) introductory text, (a)(1)(ix), (a)(2)(vii), (a)(3)(vii), (a)(4)(vii), (a)(5)(vii), and (a)(6)(vii);
- t. Section 36.378(b)(1);
- u. Section 36.379(b)(1), and (b)(2);
- v. Section 36.380(d), and (e);
- w. Section 36.381(c) and (d); and
- x. Section 36.382(a).

[FR Doc. E9-7450 Filed 4-2-09; 8:45 am]

BILLING CODE 6712-01-P

Notices

Federal Register

Vol. 74, No. 63

Friday, April 3, 2009

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

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

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before June 2, 2009.

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

ADDRESSES: Send comments via e-mail at rrussell@usaid.gov or mail comments to: Ranta Russell, Office of the Assistant Administrator, Bureau for Africa, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523, (202) 712-1137.

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412-0572. **Form No.:** N/A.

Title: Summer Internship Application. **Type of Review:** Renewal of Information Collection.

Purpose: The United States Agency for International Development, Africa Bureau, uses the Summer Internship Application to collect information from approximately 300 student applicants to its summer internship programs for USAID Missions in Africa and in Washington, DC.

Annual Reporting Burden:

Respondents: 300.

Total annual responses: 300.

Total annual hours requested: 150 hours.

Dated: March 25, 2009.

Sylvia Lankford,

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

[FR Doc. E9-7377 Filed 4-2-09; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program: Federal Financial Report (FNS-778) and Financial Status Report Addendum (FNS-778A)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment, a summary of a proposed information collection. The collection establishes a new financial report that will replace the SF-269 (Food Stamp) report currently used by State agencies to report expenditures in the Supplemental Nutrition Assistance Program (formerly the Food Stamp Program).

DATES: Written comments must be received on or before June 2, 2009.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jane Duffield, Chief, State Administration Branch, Supplemental Nutrition Assistance Program, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 818, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Ms. Duffield at 703-605-0795 or via e-mail to PADMAILBOX@fns.usda.gov.

Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Room 818, Alexandria, Virginia 22302.

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

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Jane Duffield at (703) 605-4385.

SUPPLEMENTARY INFORMATION:

Title: Supplemental Nutrition Assistance Program: Federal Financial Report Forms.

OMB Number: Not Yet Assigned.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: Section 16(a) of the Food and Nutrition Act of 2008 (the Act) (7 U.S.C. 2011 *et seq.*) authorizes the Secretary to pay each State agency an amount equal to 50 percent of most allowable administrative costs involved in each State agency's operation of the Supplemental Nutrition Assistance

Program (SNAP) (formerly known as the Food Stamp Program). In fiscal year 2007, FNS paid State agencies \$2.8 billion in reimbursement for their SNAP administrative costs. Under corresponding SNAP regulations at 7 CFR 277.11(c), State agencies are required to use the standard Financial Status Report (Form SF-269) on a quarterly basis to report program administrative costs to FNS and to support the claims made for Federal funding. Since 1980, the SNAP has used a program-specific SF-269 variant approved by the Office of Management and Budget (OMB) that captures total SNAP administrative costs and subdivides it into 26 functional categories. In 1988, OMB published a new version of the SF-269 that captures only total program costs. The continued use of the program-specific variant since then thus represents an exception to the general rule approved by OMB.

The requirement to use the SF-269 for financial reporting originated in OMB Circular A-102 (*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*). However, on December 7, 2007, OMB published a **Federal Register** Notice announcing the promulgation of a new Federal Financial Report (FFR) and directing Federal grant-making agencies to begin requiring their grantees to use it not later than September 30, 2008 (72 FR 69248). Subsequently, on August 13, 2008, OMB published a Notice which requires Federal agencies to transition to the new form no later than October 1, 2009. The new FFR would replace the SF-269, other standard forms, and agency-specific and program-specific financial reports.

While OMB adopted the new FFR in order to standardize and streamline the financial reporting on Federal grants and agreements, the new form cannot meet the needs of a program as complex as SNAP. This is because:

1. SNAP consists of numerous functions and components for which financial data is needed in order for FNS to maintain a high level of program integrity and accountability. All such functions are required by SNAP regulations. FNS uses the reported data to monitor the actual cost of each function against budgeted amounts approved for each State agency. Many of these functions also have a component in the State Plan. Where the SF-269 currently used for SNAP financial reporting captures financial data on 26 FSP functions, the new FFR captures only total program costs. Examples of needs that cannot be met with capturing only total program costs include:

a. Certification. A disproportionate share of total SNAP administrative funding supports the cost of certifying households eligible for SNAP benefits. Being the largest category in SNAP, changes in certification activity and caseload can easily impact both certification and total costs, both in the aggregate and in the cost per case. This function is also affected by a funding reduction under section 16(k) of the Act for common costs allocable to the SNAP but built into States' block grants under the Temporary Assistance to Needy Families (TANF) Program. FNS monitors to ensure that the offset occurred in full. Changes in certification costs and monitoring the offset would be lost in the total costs data captured by the new FFR.

b. Nutrition Education. This area of the program has seen a dramatic increase in terms of activity and costs in recent years. The goal of SNAP-Ed is to improve the likelihood that persons eligible for SNAP will make healthy food choices within a limited budget and choose physically active lifestyles consistent with the current Dietary Guidelines for Americans and MyPyramid. State agencies submit a SNAP-Ed plan to FNS for approval each year and FNS monitors the costs against the budget and approved plan activities. The SF-269 collection of the costs of this vital and increasing activity is necessary for program accountability and management. It would be buried in the total costs data captured by the new FFR.

c. Fraud Control. The Food and Nutrition Act authorizes FNS to pay the costs of State SNAP investigations and prosecutions. States agencies are required to investigate any allegation of a suspected intentional program violation by recipients and refer the positive cases for administrative hearings or prosecution which can lead to disqualification of the recipient. The SF-269 reporting for this functional category allows FNS to track and monitor these State costs for Federal reimbursement.

d. For the sake of brevity, we will not go into every functional component. However, we should note that many of the cost components are tied to individual State Plans. They are also tied to the FNS-366A, Budget Projection, which uses the same cost categories as the SF-269.

2. Costs incurred by State agencies to conduct some SNAP functions are reimbursed at rates other than the standard 50 percent rate. For example FNS reimburses 100 percent of the costs of administering the program's Employment and Training (E&T)

component, up to a stated ceiling. E&T administrative costs beyond that ceiling are reimbursed at 50 percent, and some E&T cost items are ineligible for 100 percent reimbursement altogether. To monitor State agencies' compliance with these requirements, FNS must collect data on State agencies' costs of both 100 percent and 50 percent E&T activity. However, these distinctions would be lost in the total cost data captured by the new FFR.

3. Since the costs of most SNAP functions are reimbursed at the 50 percent rate, FNS must capture data on costs supported by resources from within each State. That is, FNS must ensure that each State agency has met its matching requirement.

The options available to FNS are limited. They include:

Option 1: Instructing State agencies to shift to the new FFR.

Adopting this option would require a sweeping re-tooling of FNS and State agency information technology (IT) systems to accommodate the new format. FNS recognizes that the re-tooling is inevitable because Federal awarding agencies and their grantees will begin using the new FFR for financial reporting on most Federal programs. As already noted, however, the new FFR may be satisfactory for discretionary project and research grants where only total program costs are meaningful, but it cannot meet the needs of SNAP. The only way FNS could obtain the data needed for SNAP monitoring and oversight would be to require each State agency to submit one FFR covering SNAP's total administrative costs and another FFR on each component/function (26 in all). Such a procedure would be expensive to implement and burdensome for State agencies to comply with. The data gathered, thereby, would also be misleading; each SNAP function would be reported as if it were a discrete categorical program. A State agency would end up submitting 26 FFRs under the same grant agreement.

Option 2: Capturing total SNAP administrative costs on the new FFR and devising an addendum to capture the subset applicable to each function/component.

This option would enable FNS to acquire the data needed for SNAP monitoring and oversight without requiring State agencies to submit a separate FFR on each function. While it would be less burdensome in that regard, this option would, nonetheless, suffer from other drawbacks of Option 1. Specifically, it would also require the massive IT re-tooling. In addition, it would entail extensive developmental

work to create an addendum, obtain authorization to use it, publish it, train State officials on its use, and construct the electronic programming to capture, analyze, and store the data. Since the data themselves would be substantially the same as those currently collected, FNS believes that re-arranging the data solely for the sake of change would not add value.

Option 3: Retaining the existing reporting requirement.

This option would entail retaining the content of the SF-269 currently used for SNAP financial reporting, but would require FNS to recast that document as an FNS form rather than a government-wide standard form. It would have the advantages of the other options without their drawbacks. Specifically, it would require little change to FNS and State IT systems and no change in the data themselves. It would minimize disruption to State agencies, since they could continue using the SNAP financial reporting format to which they are accustomed. For these reasons, FNS has decided to adopt Option 3.

Accordingly, FNS is proposing to establish a new program-specific financial reporting form that would continue to collect the same data in the same sequence as the SF-269 currently used in SNAP. FNS use of the SF-269 (FS) for SNAP is currently approved under OMB Control No. 0348-0039, but that information collection authorization is expected to be eliminated government-wide. Therefore, FNS is proposing to assign the current SF-269 (FS) report for SNAP a new FNS form number and to put the new program-specific form into a new information collection package. The new form would look nearly identical to the current SF-269 (FS) except for the new FNS form number and OMB control number. These Federal changes for SNAP would not affect State agencies data collection and reporting, or FNS' automated system's budget and cost analysis. States would report on the new form which would essentially retain the current line items, cost categories, and data sequence but will have a new form number. We should note that four categories have been removed from the form because they are obsolete (coupon issuance, 75% fraud, 75% ADP development, and 63% ADP development). FNS proposes to seek OMB approval of the new financial

reporting form and new information collection package as an exception to the FFR.

The Financial Status Report Addendum (SF-269A (FS)) is used by State agencies for quarterly reporting of program cash-out benefits where FNS has approved the issuance of checks or electronic cash payments in lieu of electronic benefit transfer (EBT) benefits. This program benefit report also is a program-specific form approved by OMB. Final reports are due December 30 for the preceding Federal fiscal year. As with the expenditure report for administrative costs, FNS is proposing to give the program benefit expenditure report a new FNS form number while keeping the current line items and one program benefit cost category on that report. We believe the consistency between the line items in the two financial reports (for administrative costs and for program benefits) would avoid confusion and would continue to promote standardization between the two forms within the State for SNAP. The new form would look nearly identical to the current program specific SF-269A (FS) used by SNAP, except for the new FNS form number.

Copies of the proposed new FNS-778, Financial Status Report, and FNS-778A, Financial Status Report Addendum, are displayed at the end of this notice.

Currently, the program regulations at 7 CFR 277.11(c) specifically mention the use of the "standard Financial Status Report (Form SF-269) to report program costs." Since the new forms will report the same line items and cost categories as their predecessors and accomplish the same purpose as the SF-269 (FS) and SF-269(A) (FS) for SNAP, FNS is planning to do a final rule to make a nomenclature change to the current regulations to refer to the new forms. Thus, 7 CFR 277.11(c) will then read "State agencies shall use the Form FNS-778 to report program costs." The final rule will go on to change the other references to the SF-269 in 277.11(c) and (d) to conform to the new form FNS-778. That change will be made via a final rule, will be on a separate track and will not delay the changeover to the new form under the Paperwork Reduction Act provisions.

FNS plans to extend the use of the current SF-269 (FS) and SF-269A (FS) through the end of the Fiscal Year 2009

reporting cycle. That is, the last reports submitted in the old format will be the final reports on State agencies' Fiscal Year 2009 awards; these reports will be due December 30, 2009. Use of the new reports FNS-778 and FNS-778A will begin with financial reporting for Fiscal Year 2010. As with the current financial reports, the new financial status reports will be due 30 days after the end of the calendar quarters to which they pertain, and a final report will be due 90 days after the end of the fiscal year. Thus, the first reports using the new FNS-778 and FNS-778A will be due January 30, 2010, and the final reports for that fiscal year will be due December 30, 2010.

State agencies should continue to use the old form that was in use for a prior year to amend reports for that prior year. State agencies may amend a prior year report in FNS' Food Programs Reporting System (FPRS).

Respondents: State agencies that administer SNAP.

Number of Respondents: 53.

Estimated Number of Responses per Respondent:

Financial Status Report (FNS-778): 53 State agencies averaging 5 responses per respondent for the current fiscal year and an estimated 3 responses per year for prior year adjustments and corrections (if needed).

Estimated Total Annual Responses (FNS-778): 424.

Financial Status Report Addendum (FNS-778A): 7 State agencies averaging 5 responses per respondent.

Estimated Total Annual Responses (FNS-778A): 35.

Estimated Total Annual Burden on Respondents: 4,646.

The State agencies submit the financial status report (FNS-778) for the current year for administrative costs at an estimate of 16.8 hours per respondent, or 4,452 total hours. The 53 State agencies submit revised expenditure reports on the FNS-778 (for prior years) for which we estimate 1 hour per respondent for an additional 159 hours annually. The use of the electronic system will minimize the burden to State agencies for a revised report. Seven (7) State agencies will submit the FNS-778A which is estimated at 1 hour per respondent or a total of 35 hours annually.

Affected public	Forms	Number of respondents	Frequency of response	Total annual responses	Time per response (hrs)	Annual burden hours
State Agencies	FNS-778 (Initial Submission).	53	5	265	16.8	4,452.00

Affected public	Forms	Number of respondents	Frequency of response	Total annual responses	Time per response (hrs)	Annual burden hours
	FNS-778 (for 2-year revisions).	53	3	159	1	159.00
	FNS-778A	7	5	35	1	35.00
Total Burden Estimates	.....	53	.....	459	.....	4,646.00

Dated: March 31, 2009.

E. Enrique Gomez,

Acting Administrator, Food and Nutrition Service.

BILLING CODE 3410-30-P

FORM APPROVED OMB NO. 0584-XXXX

FINANCIAL STATUS REPORT		1. FEDERAL AGENCY & ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED FOOD AND NUTRITION SERVICE, USDA		Letter of Credit No. 12-356		2a. FISCAL YEAR	
3. STATE AGENCY (Name and complete address, including ZIP code. Also enter assigned State code).		4. AGENCY DUNS NUMBER		5. STATE AGENCY ACCOUNT OR ID NO.		6. FINAL REPORT <input type="checkbox"/> YES <input type="checkbox"/> NO	
8. PROJECT/GRANT PERIOD		7. BASIS <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL		9. PERIOD COVERED BY THIS REPORT			

10. STATUS OF FUNDS										
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM										
SNAP FUNCTIONS/ACTIVITIES	1 CERTIFICATION	2 EBT ISSUANCE	3 QUAL. CNTL.	4 MGT. EVAL.	5 FRAUD CNTL.	6 ADP. DEV.	7 ADP OPER	8 FAIR HEARINGS	9 OTHER ACTIVITIES	10 GRAND TOTAL
a. Net outlays previously reported										
b. Total outlays this report period										
c. Less: Program income credits										
d. Net outlays this report period (Line b minus line c)										
e. Net outlays to date (Line a plus line d)										
f. Less: Non-Federal share of outlays										
g. Total Federal share of outlays (Line e minus line f)										
h. Total unliquidated obligations										
i. Less: Non-Federal share of unliquidated obligations shown on line h										
j. Federal share of unliquidated obligations										
k. Total Federal share of outlays and unliquidated obligations										
l. Total cumulative amount of Federal funds authorized										
m. Unobligated balance of Federal funds										

11. INDIRECT EXPENSE		a. TYPE OF RATE <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> PREDETERMINED <input type="checkbox"/> FINAL <input type="checkbox"/> FIXED		13. CERTIFICATION I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.		SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		DATE REPORT SUBMITTED	
b. RATE		c. BASE		d. TOTAL AMOUNT		e. FEDERAL SHARE		NAME	
12. REMARKS: Attach any explanation deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.						TITLE		TELEPHONE NO.	
						AREA CODE		NUMBER	

No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing regulation (34 C.F.R. 256)

SBU

FNS-778 (10-08) Electronic Form Version Designed in Adobe 8.1 verison

FORM APPROVED OMB NO. 0584-XXXX
2a. FISCAL YEAR

1. FEDERAL AGENCY & ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED		Letter of Credit No. 12-35-	
FOOD AND NUTRITION SERVICE, USDA		6. FINAL REPORT	
4. AGENCY DUNS NUMBER	5. STATE AGENCY ACCOUNT OR ID NO.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
8. PROJECT/GRANT PERIOD		7. BASIS	
		<input type="checkbox"/> CASH	<input type="checkbox"/> ACCRUAL
9. PERIOD COVERED BY THIS REPORT			

FINANCIAL STATUS REPORT - Page 2

3. STATE AGENCY (Name and complete address including ZIP code. Also enter assigned State code).

10. STATUS OF FUNDS	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM									
	11 E&T 100% GRANT	12 E&T 50% GRANT	13 E&T DEPENDENT CARE	14 E&T TRANS. & OTHER	15 E&T ABAWD GRANT	16 OPTIONAL WORKFARE	17 OUTREACH	18 NUTRITION EDUCATION	19 REINVESTMENT	20 PAGE 2 SUBTOTAL
a. Net outlays previously reported										
b. Total outlays this report period										
c. Less: Program income credits										
d. Net outlays this report period (Line b minus line c)										
e. Net outlays to date (Line a plus line d)										
f. Less: Non-Federal share of outlays										
g. Total Federal share of outlays (Line e minus line f)										
h. Total unliquidated obligations										
i. Less: Non-Federal share of unliquidated obligations shown on line h										
j. Federal share of unliquidated obligations										
k. Total Federal share of outlays and unliquidated obligations										
l. Total cumulative amount of Federal funds authorized										
m. Unobligated balance of Federal funds										

12. Remarks

No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing regulation (34 C.F.R. 256)

FORM APPROVED OMB NO. 0584-XXXX

FINANCIAL STATUS REPORT - Page 3	1. FEDERAL AGENCY & ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED FOOD AND NUTRITION SERVICE, USDA	Letter of Credit No. 12-35	2a. FISCAL YEAR
3. STATE AGENCY (Name and complete address including ZIP code. Also enter assigned State code).	4. AGENCY DUNS NUMBER	6. FINAL REPORT <input type="checkbox"/> YES <input type="checkbox"/> NO	7. BASIS <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL
8. PROJECT/GRANT PERIOD		9. PERIOD COVERED BY THIS REPORT	

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM										
10. STATUS OF FUNDS	21 ISSUANCE INDIRECT	22 EBT STARTUP	23 SAVE	24 UNSPECIFIED PORTION OF OTHER	25	26	27	28	29	30 PAGE 3 SUBTOTAL
a. Net outlays previously reported										
b. Total outlays this report period										
c. Less: Program income credits										
d. Net outlays this report period (Line b minus line c)										
e. Net outlays to date (Line a plus line d)										
f. Less: Non-Federal share of outlays										
g. Total Federal share of outlays (Line e minus line f)										
h. Total unliquidated obligations										
i. Less: Non-Federal share of unliquidated obligations shown on line h										
j. Federal share of unliquidated obligations										
k. Total Federal share of outlays and unliquidated obligations										
l. Total cumulative amount of Federal funds authorized										
m. Unobligated balance of Federal funds										

12. Remarks

10m. Enter the unobligated balance of Federal funds. This amount should be difference between lines k and l.

11b. Enter rate in effect during the reporting period.

11c. Enter amount of the base to which the rate was applied.

11d. Enter total amount of indirect cost charged during the report period.

11e. Enter the Federal share of the amount entered in item 11d.

If more than one rate was applied during the grant period, enter in the remarks block on pages 2 and 3 (or include in a separate schedule) information showing bases against which the indirect cost rates were applied, the respective indirect rates, the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the program, and the Federal share of indirect expense charged to the program to date.

NOTE: Each column represents that portion of total outlays and/or obligations based on Direct Costs and allocated Indirect Costs. Indirect issuance costs assigned by cost rates are reported in "Issuance Indirect" (Column 21).

1. **CERTIFICATION:** Enter the costs for certification activity, including accepting and processing the application. Include salaries, benefits, travel expenses, supervisory, clerical, and other support costs.

2. **ELECTRONIC BENEFIT TRANSFER (EBT) ISSUANCE:** Enter the costs for EBT issuance. Include all EBT operational costs and EBT equipment costs. Include Direct Costs and Indirect Costs charged through a public assistance cost allocation plan (PACAP). Do not include indirect EBT issuance costs charged through an indirect cost rate. (These are reported in Column 21.)

3. **QUALITY CONTROL:** Enter the costs for Quality Control activity, including travel expenses.

4. **MANAGEMENT EVALUATION:** Enter the costs for Management Evaluation activities.

5. **FRAUD CONTROL:** Enter the costs for qualified employees engaged specifically in the investigation and prosecution of SNAP fraud activity.

6. **ADP DEVELOPMENT:** Enter the computer system development costs which are to be reimbursed at the Federal Financial Participation rate of 50%. Include EBT planning costs which are to be reimbursed at the Federal Financial Participation rate of 50%

7. **ADP OPERATIONS:** Enter the operational costs of computer systems which are charges under an approved cost allocation plan.

8. **FAIR HEARINGS:** Enter the costs for Fair Hearing activities

9. **OTHER COSTS:** Enter the sum of Columns 20 and 30, These columns respectively capture the sums of Columns 11 - 19 (page 2) and 21 - 24 (page 3) of this form. They thereby capture the costs for all other SNAP activities, including the E&T function, Outreach, Nutrition Education, reinvestment, SAVE, etc..

10. **GRAND TOTAL:** Enter the total administrative costs for the SNAP. This is the sum of Columns 1 through 9.

11. **EMPLOYMENT AND TRAINING (E&T) PROGRAM GRANT ALLOCATION (100% GRANT):** Enter the amount of the unmatched Federal grant expended on administrative costs of the E&T program. **NOTE: If applicable, do not include amount from Column 15: E&T ABAWD GRANT in this category.** Do not include participant reimbursements in this category.

12. **E&T ADMINISTRATIVE COSTS (50% MATCHING):** Enter the amount in excess of the E&T allocation (Column 11) and, if applicable, the additional E&T allocation for "pledge" States (Column 15), expended to operate the E&T program in accordance with the FNS-approved State E&T plan. Do not include participant reimbursements in this category.

13. E&T PARTICIPANT REIMBURSEMENT - DEPENDENT CARE: Enter the amount expended to reimburse E&T participants for the costs of dependent care incurred as a result of E&T participation. NOTE: The Federal contribution may not exceed one-half of the lesser amount of either the actual cost of dependent care or the applicable payment rate for child care established in accordance with the Child Care and Development Block Grant provisions of 45 CFR 98.43.
14. E&T PARTICIPANT REIMBURSEMENT - TRANSPORTATION AND OTHER COSTS: Enter the amount expended to reimburse E&T participants for the costs of transportation and other reasonable and necessary costs (other than dependent care) incurred as a result of E&T participation.
15. E&T ABAWD GRANT: Enter the amount of the unmatched additional Federal grant allocated under section 16 (h)(1)(E) of the Act expended to provide qualifying education/training or workfare opportunities to applicants and recipients subject to the 3-month SNAP time limit for able-bodied adults without dependents. NOTE: This amount is separate from - and must not be included as part of - 100 percent Federal E&T grant expenditures in Column 11.
16. OPTIONAL WORKFARE: Enter the operational costs for workfare programs operated under Section 20 of the Act. These are only programs which are not included in Employment and Training Programs. Include the cost when the participant has been reimbursed for workfare-related expenses such as transportation, child care, or the cost for personal safety items or equipment required for performance of work if these items are also purchased by regular employees. (Do not include enhanced reimbursement which should be reported on the SF-270.)
17. OUTREACH: Enter the outreach costs. Include as outreach costs only those costs which were included in the FNS approved plan for Program informational activities.
18. NUTRITION EDUCATION: Enter the nutrition education costs. Enter as nutrition education costs only those costs which were included in the FNS approved plan for Nutrition Education
19. REINVESTMENT: Enter those costs which were funded in full by the State agency in accordance with the State agency's FNS approved plan without any Federal matching funds.
20. PAGE 2 SUBTOTAL: Enter sum of items identified and recorded in columns 11-19. The total in Column 20 must be included in Column 9.
21. ISSUANCE INDIRECT: Enter the indirect costs for EBT issuance systems that are approved for cost charging through an indirect cost rate.
22. EBT START-UP: Enter the EBT system start-up costs incurred after the Implementation Advance Planning Document (IAPD) is approved and prior to issuance of benefits by the EBT system. Start-up costs include design, development, and implementation costs. They do NOT include system planning approved by FNS; all EBT planning costs prior to approval of the IAPD should be reported in Column 6 (ADP Development.)
23. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE): Enter the administrative costs of planning, implementing and operating a SAVE system.
24. UNSPECIFIED PORTION OF OTHER: Enter that portion of Column 9, "Other Activities," not specifically identified and recorded in columns 11- 19 and 21 - 23. Include Wage Matching, etc.
30. PAGE 3 SUBTOTAL: Enter the total of Columns 21 through 24. The total from Column 30 must be included in Column 9.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a Collection of Information unless it displays a valid OMB control number. The valid OMB number is 0584-XXXX. The time required to complete this information collection is estimated to average 16.8 hours per response, including the time to review the instructions, search data sources, gather the data needed, and complete and review the information collection.

FORM APPROVED OMB NO. 0584-XXXX

**FINANCIAL STATUS REPORT
ADDENDUM**

1. FEDERAL AGENCY & ORGANIZATIONAL ELEMENT
TO WHICH REPORT IS SUBMITTED
FOOD AND NUTRITION SERVICE, USDA

2. Letter of Credit No. 12-35-		3. STATE AGENCY (Name and complete address, including ZIP code)		
2a. FISCAL YEAR				
4. UNIVERSAL IDENTIFIER NO.	5. STATE AGENCY ACCOUNT NO. OR ID	6. FINAL REPORT <input type="checkbox"/> YES <input type="checkbox"/> NO		7. BASIS <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL

8. PROJECT/GRANT PERIOD		9. PERIOD COVERED BY THIS REPORT	
FROM (Month, Day, Year)	TO (Month, Day, Year)	FROM (Month, Day, Year)	TO (Month, Day, Year)

10. STATUS OF FUNDS	SNAP
FUNCTIONS/ACTIVITIES	31 PROGRAM BENEFITS
a. NET OUTLAYS PREVIOUSLY REPORTED	
b. TOTAL OUTLAYS THIS REPORT PERIOD	
c. LESS: PROGRAM INCOME CREDITS	
d. NET OUTLAYS THIS REPORT PERIOD (Line b minus line c)	
e. NET OUTLAYS TO DATE (Line a plus line d)	
f. LESS: NON-FEDERAL SHARE OF OUTLAYS	
g. TOTAL FEDERAL SHARE OF OUTLAYS (Line a minus line f)	
h. TOTAL UNLIQUIDATED OBLIGATIONS	
i. LESS: NON-FEDERAL SHARE OF UNLIQUIDATED OBLIGATIONS SHOWN ON LINE h	
j. FEDERAL SHARE OF UNLIQUIDATED OBLIGATIONS	
k. TOTAL FEDERAL SHARE OF OUTLAYS AND UNLIQUIDATED OBLIGATIONS	
l. TOTAL CUMULATIVE AMOUNT OF FEDERAL FUNDS AUTHORIZED	
m. UNOBLIGATED BALANCE OF FEDERAL FUNDS	

13. CERTIFICATION I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.	SIGNATURE OF AUTHORIZED OFFICIAL		DATE REPORT SUBMITTED	
	NAME	TITLE	TELEPHONE NO.	
			AREA CODE	NUMBER

12. REMARKS: Attach any explanation deemed necessary or information required by FNS in compliance with governing legislation.

No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing regulation (34 C.F.R. 256)

FORM FNS-778A (10-08)
Electronic Form Version Designed in Adobe 8.1 version

SBU

INSTRUCTIONS**FNS-778A**

This form is used only to report the amount expended in program benefits for the Supplemental Nutrition Assistance Program (SNAP) under any FNS approved project or initiative. Use a separate FNS-778A Addendum for each approved project or initiative. Please type or print legibly. The fields and line items for items 1 through 10m are the same as those used on the FNS-778. Directions for those line items may be found on the FNS-778. Specific instructions for column 31 are as follows:

31. **PROGRAM BENEFITS:** Enter in this Column the amount expended in program benefits for the Supplemental Nutrition Assistance Program (SNAP) under any FNS approved project or initiative in which program benefits were authorized through a grant award to the State agency and funded through the State Agency's Letter of Credit. Use a separate FNS-778 Addendum for each type of project (e.g., SSI/Elderly Cash-out, Welfare Reform Initiative, Group Residential Housing Initiative, etc.) and specify the type of project in the "Remarks" block.

DO NOT include program benefits in Columns 1 - 30 on the FNS-778.

According to the Paperwork Act of 1995, no persons are required to respond to a Collection of Information unless it displays a valid OMB control number. The valid OMB control number is 0584-XXXX. The time required to complete this information collection is estimated to average 1 hour per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection.

[FR Doc. E9-7509 Filed 4-2-09; 8:45 am]

BILLING CODE 3410-30-C

DEPARTMENT OF AGRICULTURE**Forest Service****Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee**

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Thursday, April 23, 2009 at the Sunnyslope Fire Station, 206 Easy Street, Wenatchee, WA and on May 27 at the Okanogan-Wenatchee National Forest Headquarters office, 215 Melody Lane, Wenatchee, WA. Both meetings will begin at 9 a.m. and continue until 3 p.m. During the April 23, 2009 meeting, Provincial Advisory Committee members will receive information about Lynx habitat studies, livestock grazing permit system, motorized law enforcement program, and volunteer work on the forest. During the May 27, 2009 meeting information will be shared about the Forest's Travel Management plan and process. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Becki Heath, Designated Federal Official, USDA, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509-664-9200.

Dated: March 27, 2009.

Rebecca Lockett Heath,

Designated Federal Official, Okanogan-Wenatchee National Forest.

[FR Doc. E9-7484 Filed 4-2-09; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE**Forest Service****Okanogan and Wenatchee National Forests Resource Advisory Committee**

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Wenatchee-Okanogan Resource Advisory Committee will meet on Wednesday, April 29 and Wednesday, May 13 at the Okanogan-Wenatchee National Forest Headquarters Office, 215 Melody Lane, Wenatchee, WA, and on Wednesday, May 6 at the Rural County Fire District #1 Sunnyslope Fire Station, 206 Easy Street, Wenatchee, WA. These meetings will begin at 9 a.m. and continue until 3 p.m. On April 29, committee members will review Yakima County and Kittitas County projects, on May 6, committee members will review Chelan County projects, and on May 13, committee

members will review Okanogan County projects proposed for Resource Advisory Committee consideration under Title II of the Secure Rural Schools and Community Self-Determination Act of 2000.

All Wenatchee-Okanogan Resource Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Robin DeMario, Public Affairs Specialist, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801 (509) 664-9200.

Dated: March 27, 2009.

Rebecca Lockett Heath,

Okanogan-Wenatchee National Forest, Forest Supervisor.

[FR Doc. E9-7485 Filed 4-2-09; 8:45 am]

BILLING CODE 3410-11-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 a product and services previously furnished by such agencies.

DATES: *Effective Date:* May 4, 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 January 16, 2009 and January 30, 2009, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (74 FR 2993 and 74 FR 5637) of proposed additions to the Procurement List. No comments were received in response to the Committee's **Federal Register** Notices; however, pertinent comments were received from the contractor currently performing the Facilities Support Operations service at Fort Polk, LA as part of the impact analysis process and are addressed in the following paragraphs.

A representative of the current commercial contractor submitted comments in response to the Committee's letter that requested information to be used in the impact analysis. The comments recommend that this service not be added to the AbilityOne PL for three reasons. The representative commented that a qualified nonprofit agency would not have the capability to perform the services; that adding the services to the PL could have significant adverse impact on the military installation's operational mission; and that adding the services to the PL would have an adverse impact on the current commercial contractor.

Pursuant to 41 U.S.C. 46-48c and 41 CFR Chapter 51, the Committee is responsible for determining which products and services provided by qualified nonprofit agencies are suitable for procurement by the Federal Government. In each instance, the Committee evaluates the potential for employment, the qualification of the nonprofit agency, the capability of the nonprofit agency, and the level of impact.

The comments from the current contractor do not rise to the level of facts sufficient to convince the Committee that this service should not

be added to the PL. The contractor speculates that the services cannot be done by a qualified nonprofit agency and that adding the services to the PL could have an adverse impact on the military's mission accomplishment. Finally, the contractor indicates that adding this service to the PL would have an adverse impact on them and their employees. The first two comments are speculative in nature and the third is not supported by the facts in order to meet the Committee definition of "severe adverse impact". The Committee has conducted the necessary evaluation in this instance and has determined that the specific service is suitable for procurement by the Federal Government.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services 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: Base Information Transfer Center, BITC, Multiple Locations, AF Air Combat Command.
Contracting Activity: Dept of the Air Force, FA4890 ACC CONS LGC, Langley AFB, VA.

Prime NPA: The Arc of the Virginia Peninsula, Inc., Hampton, VA.

50 Vandenberg, Barksdale AFB, LA.
NPA: The Arc of Caddo-Bossier, Shreveport, LA.

5465 East Nuggat Street, Davis Monthan AFB, AZ.

NPA: Catholic Community Services of Southern Arizona, Tucson, AZ.

426 3rd Street, Dyess AFB, TX.

NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX.

1234 Kenney Road, Ellsworth AFB, SD.
NPA: BH Services, Inc., Ellsworth AFB, SD.

330 Bomber Blvd, Minot AFB, ND.

NPA: MVW Services, Inc., Minot, ND.

390 Gunfighter Ave, Mountain Home AFB, ID.

NPA: Western Idaho Training Company, Inc., Caldwell, ID.

4250 Friffis Ave, Nellis AFB, NV.

NPA: Opportunity Village Association for Retarded Citizens, Las Vegas, NV.

1815 Wright Brothers Ave, Seymour Johnson AFB, NC.

NPA: The Arc of the Virginia Peninsula, Inc., Hampton, VA.

504 Shaw Drive, Shaw AFB, SC.

NPA: Genesis Development, Jefferson, IA.

Service Type/Location: Facilities Support Operations, 6661 Warrior Trail, Fort Polk, LA.

NPA: PRIDE Industries, Roseville, CA.

Contracting Activity: Dept of the Army, XR W6BB ACA POLK, Fort Polk, LA.

Deletions

On January 30, 2009 and February 13, 2009, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (74 FR 5637 and 74 FR 7216) of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product and services 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 product and 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 product and services deleted from the Procurement List.

End of Certification

Accordingly, the following product and services are deleted from the Procurement List:

Products

NSN: 7520-01-483-8986—Presentation Sheets, "SmartChart Pro".

NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA.

Contracting Activity: GSA/FSS OFC SUP CTR—Paper Products, New York, NY.

Services*Service Type/Location:*

Recycling/Recovery Service, McConnell, 22 CONS/LGC, McConnell AFB, KS.

NPA: MCDS Federal Contracting, Inc., McPherson, KS.

Contracting Activity: Dept of the Air Force, FA4621 22 CONS LGC, McConnell AFB, KS.

Support Service (Recreation Aide), Altus Air Force Base: 97th Air Mobility Wing, 303 J Avenue, Bldg. 302, Altus AFB, OK.

NPA: Dale Rogers Training Center, Inc., Oklahoma City, OK.

Contracting Activity: Dept of the Air Force, FA4419 97 CONS CC, Altus AFB, OK.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. E9-7538 Filed 4-2-09; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**Procurement List; Proposed Additions**

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the 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.

Comments Must Be Received on or Before: 5/4/2009.

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

NSN: 7510-00-NIB-0897—Rubber Band, Sterling Grade, Size 33, 1 lb.

NSN: 7510-01-058-9974—Rubber Band, Sterling Grade, Size 64, 1 lb.

NSN: 7510-00-NIB-0898—Rubber Band, Sterling Grade, Size 117, 1 lb.

NSN: 7510-00-NIB-0899—Rubber Band, Sterling Grade, Size 19, 1 lb.

NSN: 7510-00-NIB-0900—Rubber Band, Sterling Grade, Size 32, 1 lb.

NSN: 7510-00-NIB-0901—Rubber Band, Sterling Grade, Size 16, 1 lb.

NSN: 7510-00-NIB-0902—Rubber Band, Sterling Grade, Size 18, 1 lb.

NSN: 7510-00-NIB-0903—Rubber Band, Sterling Grade, Size 54 Asst, 1 lb.

NSN: 7510-00-NIB-0904—Big Band Pack, Red.

Coverage: A-List for the total Government requirement as aggregated by the General Services Administration.

NSN: 7510-00-205-0371—Rubber Band, Sterling Grade, Size 84, ¼ lb.

NSN: 7510-00-205-0842—Rubber Band, Sterling Grade, Size 33, ¼ lb.

NSN: 7510-00-205-1438—Rubber Band, Sterling Grade, Size 19, ¼ lb.

NSN: 7510-00-205-1439—Rubber Band, Sterling Grade, Size 16, ¼ lb.

NSN: 7510-00-243-3434—Rubber Band, Sterling Grade, Size 32, ¼ lb.

NSN: 7510-00-243-3435—Rubber Band, Sterling Grade, Size 64, ¼ lb.

NSN: 7510-00-243-3437—Rubber Band, Sterling Grade, Size 18, ¼ lb.

Coverage: B-List for the broad Government requirement as aggregated by the General Services Administration.

NPA: Central Association for the Blind & Visually Impaired, Utica, NY.

Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products, New York, NY.

NSN: 7530-00-NIB-0883—Folder, File, Reinforced (2-ply) Ltr Size Manila.

Coverage: A-List for the total Government requirement as aggregated by the General Services Administration.

NSN: 7530-00-NIB-0882—Folder, File, Reinforced (2-ply) Ltr Size Manila.

Coverage: B-List for the broad Government requirement as aggregated by the General Services Administration.

NSN: 7530-00-NIB-0881—Folder, File, Reinforced (2-ply) Ltr Size Manila.

Coverage: A-List for the total Government requirement as aggregated by the General Services Administration.

NPA: Central Association for the Blind & Visually Impaired, Utica, NY.

Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products, New York, NY.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. E9-7539 Filed 4-2-09; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE**International Trade Administration****A-570-846****Brake Rotors from the People's Republic of China: Notice of Amended Final Results of Administrative Review Pursuant to Court Decision**

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

EFFECTIVE DATE: April 3, 2009.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-0413.

SUPPLEMENTARY INFORMATION:**Background**

The original publication of this notice occurred on March 16, 2009. *See Brake Rotors from the People's Republic of China: Notice of Amended Final Results of Administrative Review Sales at Less Than Fair Value and Antidumping Duty Order Pursuant to Court Decision*, 74 FR 11081 (March 16, 2009). Due to several inadvertent errors in the **Federal**

Register notice, we are republishing the notice in its entirety. Specifically, there were errors in the title, the listed period of review (“POR”) and two misspellings in the “Amended Final Results” section.

This matter arose from a challenge to the *Final Results* issued by the Department of Commerce (“Department”) for the period of review (“POR”) April 1, 2004, through March 31, 2005.¹ See *Brake Rotors from the People’s Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review*, 71 FR 66304 (November 14, 2006) (“*Final Results*”). Following publication of the *Final Results*, the Respondents² filed a lawsuit with the Court of International Trade (“CIT”) challenging the Department’s *Final Results*. The Respondents contested several aspects of the *Final Results*, including the Department’s surrogate valuation for steel scrap.

On June 26, 2008, the CIT directed the Department to: 1) explain whether the rejected rotors, casting strands/handles, etc., reintroduced into the production process should be properly accounted for in the factor of production “STLSCRAP”; 2) address the issue of the composition of the predominant scrap used in the production process; 3) address respondents’ argument that the Department should be solely focusing on the type of scrap the Respondents reported in the factor field “STLSCRAP”; and 4) explain whether the Department has in fact reassessed its position in subsequent reviews as to the proper harmonized tariff schedule (“HTS”) classification of the Respondents’ scrap. See *Laizhou Auto Brake Equipment Company, et. al. v. United States*, Court No. 06–00430, Slip Op. 08–71 (CIT June 26, 2008) (“*Laizhou I*”), at 17–18. Pursuant to the CIT’s remand instructions, we reexamined the record and determined that the best available information on the record with which to value steel scrap is HTS 7204.49.00 (other ferrous waste and scrap (“ferrous scrap”)), rather than HTS 7204.10.00 (waste and

scrap of cast iron (“cast iron scrap”)) which was used in the *Final Results*.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* to interested parties on September 8, 2008. No party submitted comments. On September 24, 2008, the Department filed its final results of redetermination pursuant to *Laizhou I* with the CIT. See *Final Results of Redetermination Pursuant to Court Remand*, Court No. 06–00430 (September 24, 2008) (“*Final Redetermination*”). In responding to the CIT’s questions and reassessing the record evidence, we have determined it appropriate to value steel scrap using HTS 7204.49.00 (ferrous scrap), instead of the previously selected value, HTS 7204.10.00 (cast iron scrap). We note that respondents reported purchasing steel scrap that is captured under HTS 7204.49.00, and there is no record evidence which contradicts this assertion. The Department valued HTS 7204.49.00 using publicly available Indian import statistics for the POR from the *World Trade Atlas* (“WTA”).³ Thus, the Department revised, as appropriate, the remanded steel scrap surrogate value selection components of the margin calculations of Longkou Haimeng Machinery Co., Ltd. and Hongfa Machinery (Dalian) Co., Ltd. The Department also revised the “sample rate” applicable to the non-mandatory respondents separate from the PRC-wide entity who are parties to this litigation: Laizhou Auto Brake Equipment Co., Ltd.; Laizhou City Luqi Machinery Co., Ltd.; Laizhou Hongda Auto Replacement Parts Co., Ltd.; and Qingdao Gren (Group) Co.⁴ On November 5, 2008, the CIT sustained all aspects of the remand redetermination made by the Department pursuant to the CIT’s remand of the *Final Results*. See *Laizhou II*.

On November 21, 2008, consistent with the decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department notified the public that the Court’s decision was not in harmony with the Department’s final results. See *Brake Rotors Timken Notice*. See *Brake Rotors from the*

People’s Republic of China: Notice of Court Decision Not In Harmony With Final Results of Administrative Review, 73 FR 70618 (November 21, 2008). No party appealed the CIT’s decision. As there is now a final and conclusive court decision in this case, we are amending our *Final Results*.

Amended Final Results

As the litigation in this case has concluded, the Department is amending the *Final Results* to reflect the results of our remand determination. The revised dumping margins for the order on brake rotors in the amended final results are as follows:

Exporter	Margin
Hongfa Machinery (Dalian) Co.	0.01% (<i>de minimis</i>)
Laizhou Auto Brake Equipment Company	6.20%
Laizhou Luqi Machinery Co., Ltd.	6.20%
Laizhou Hongda Auto Replacement Parts Co., Ltd.	6.20%
Longkou Haimeng Machinery Co., Ltd.	0.01% (<i>de minimis</i>)
Qingdao Gren (Group) Co.	6.20%

The Department intends to issue instructions to U.S. Customs and Border Protection (“CBP”) fifteen days after publication of this notice, to revise the cash deposit rates for the companies listed above, effective as of the publication date of this notice. In addition, we will also instruct CBP to liquidate all entries at the appropriate rates.

This notice is published in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: March 27, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–7522 Filed 4–2–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Public Comment on the Wholly Formed Requirement for Qualifying Woven Fabric Under the Dominican Republic Earned Import Allowance Program

AGENCY: Department of Commerce, International Trade Administration, Office of Textiles and Apparel.

ACTION: Request for public comment on the wholly formed requirement for

¹ We note that the Court of International Trade cited an incorrect POR of April 1, 2005, through May 31, 2006 in its decision. See *Laizhou Auto Brake Equipment Company, et. al. v. United States*, Court No. 06–00430, Slip Op. 08–120 (CIT November 5, 2008) (“*Laizhou II*”). The CIT corrected this error on February 20, 2009. See *Laizhou II Errata*, dated February 20, 2009.

² The Respondents referenced here are Longkou Haimeng Machinery Co., Ltd., Hongfa Machinery (Dalian) Co., Ltd., Laizhou Auto Brake Equipment Co., Ltd., Laizhou City Luqi Machinery Co., Ltd., Laizhou Hongda Auto Replacement Parts Co., Ltd., and Qingdao Gren (Group) Co.

³ WTA is published by Global Trade Information Services, Inc., which is a secondary electronic source based upon the publication, *Monthly Statistics of the Foreign Trade of India, Volume II: Imports*. See <http://www.gtis.com/wta.htm>.

⁴ For the sample rate calculation which includes other mandatory respondents, please see Memo to the File, through Scot T. Fullerton, Program Manager, Office 9, from Toni Dach, International Trade Compliance Analyst, Office 9, Regarding “Calculation of the ‘Sample Rate’ for the Draft Redetermination of the 2004/2005 Administrative Review of Brake Rotors from the People’s Republic of China,” dated September 8, 2008.

qualifying woven fabric under the Dominican Republic Earned Import Allowance Program.

SUMMARY: The Office of Textiles and Apparel (“OTEXA”) requests public comment on the wholly formed requirement of qualifying woven fabric under the Dominican Republic Earned Import Allowance Program.

DATES: Commerce will consider comments received by 5:00pm on May 4, 2009.

ADDRESSES: Comments should be addressed to: Janet Heinzen, Director, Office of Textiles and Apparel, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Robert Carrigg, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2573.

SUPPLEMENTARY INFORMATION:

Authority: Section 2(a) of the Andean Trade Preference Extension Act of 2008 (“ATPEA”); Section 404(b)(2)(H) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, as amended; Imports of Certain Apparel Articles: Interim Procedures for the Implementation of the Earned Import Allowance Program Established Under the Andean Trade Preference Act of 2008 (74 FR 3563, published January 21, 2009) (“Interim Procedures”).

BACKGROUND:

On December 1, 2008 the Department of Commerce implemented provisions under the Andean Trade Preference Extension Act of 2008 (Public Law 110-436, 122 Stat. 4976) (“ATPEA”). Section 2 of the ATPEA amends Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 495). Specifically, Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act is amended by adding Section 404 creating a benefit for eligible apparel articles wholly assembled in the Dominican Republic that meet the requirements for a “2 for 1” earned import allowance. Section 2 of the ATPEA requires the Secretary of Commerce to establish a program to provide earned import allowance certificates to any producer or entity controlling production of eligible apparel articles in the Dominican Republic, such that apparel wholly assembled in the Dominican Republic from fabric or yarns, regardless of their source, and imported directly from the Dominican Republic, may enter the United States duty-free, pursuant to the satisfaction of the terms governing issuance of the earned import

allowance certificate. The Secretary of Commerce has delegated his authority under the Act to implement and administer the Earned Import Allowance Program to the International Trade Administration’s Office of Textiles and Apparel (“OTEXA”).

On January 21, 2009, OTEXA published interim procedures, 74 FR 3563, implementing Section 2 of the ATPEA. These procedures set forth the provisions OTEXA will follow in implementing the Earned Import Allowance Program. In accordance with these procedures, OTEXA will issue certificates to qualifying apparel producers to accompany imports of eligible apparel articles wholly formed in the Dominican Republic and exported from the Dominican Republic. Such certificates will be issued as long as there is a sufficient balance of square meter equivalents available as a result of the purchase of qualifying woven fabric. “Qualifying woven fabric” is defined in Section 2 of the ATPEA and in OTEXA’s interim procedures as “woven fabric of cotton wholly formed in the United States from yarns wholly formed in the United States” and intended for production of apparel in the Dominican Republic. See Section 2(e) of the Interim Procedures; Section 404(c)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, as amended by Section 2 of the Andean Trade Preference Extension Act of 2008. Neither the ATPEA nor the interim procedures define the term “wholly formed— as it is used in the definition of “qualifying woven fabric.”

OTEXA has received inquiries regarding the interpretation of “wholly formed” as a requirement under the definition of “qualifying woven fabric.” OTEXA currently interprets “wholly formed” within the definition of “qualifying woven fabric” to require that all production processes and finishing operations, starting with weaving and ending with a fabric ready for cutting or assembly without further processing, took place in the United States. OTEXA believes this interpretation to be consistent with similar definitions and interpretations of the term “wholly formed.”

Pursuant to the ATPEA, these procedures may be modified to address concerns that may arise as OTEXA gains experience in implementing them. See Section 2(b)(2)(H) of the ATPEA. OTEXA requests public comment on the “wholly formed” requirement in the definition of “qualifying woven fabric” for the purposes of the Dominican Republic Earned Import Allowance Program.

Comments must be in English, and must be received no later than May 4, 2009. Comments should be addressed to: Janet Heinzen, Director, Office of Textiles and Apparel, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

Comments may be submitted in writing or electronically.

(1) An electronic mail (“email”) version of the comments must be either in PDF, Word, or Word-Perfect format, and sent to the following email address:
OTEXA_DR2for1@mail.doc.gov.

(2) All comments submitted will be made available for public review on the Office of Textile and Apparel (“OTEXA”), Dominican Republic 2 x 1 website at <http://otexa.ita.doc.gov/>.

Dated: March 31, 2009.

Janet E. Heinzen,

Director, Office of Textiles and Apparel.

[FR Doc. E9-7525 Filed 4-2-09; 8:45 am]

BILLING CODE 3510-DS

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 090306279-9290-01]

Proposed Revision to Voluntary Product Standard (PS) 20-05 “American Softwood Lumber Standard”

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice and request for comments.

SUMMARY: This notice advises the public that the National Institute of Standards and Technology (NIST) is seeking comments for the proposed revision of Voluntary Product Standard (PS) 20-05, “American Softwood Lumber Standard.” This standard, prepared by the American Lumber Standard Committee, serves the procurement and regulatory needs of numerous federal, state, and local government agencies by providing for uniform, industry-wide grade-marking and inspection requirements for softwood lumber. The implementation of the standard also allows for uniform labeling and auditing of treated wood and, through a Memorandum of Understanding with the U.S. Department of Agriculture, labeling and auditing of wood packaging materials for international trade. As part of a five-year review process, NIST is seeking public comment and invites

interested parties to review the revised standard and submit comments.

DATES: Written comments regarding the proposed revision, PS 20–05, should be submitted to the Standards Services Division, NIST, no later than May 18, 2009.

ADDRESSES: An electronic copy (in PDF) of the current standard, PS 20–05, can be obtained at the following Web site: <http://ts.nist.gov/docvps>. Written comments on the standard should be submitted to David F. Alderman, Standards Services Division, NIST, 100 Bureau Drive, Stop 2150, Gaithersburg, MD 20899–2150; fax (301) 975–4715. Electronic comments may be submitted via e-mail to david.alderman@nist.gov.

FOR FURTHER INFORMATION CONTACT: David F. Alderman, Standards Services Division, National Institute of Standards and Technology, telephone: (301) 975–4019; fax: (301) 975–4715, e-mail: david.alderman@nist.gov.

SUPPLEMENTARY INFORMATION: Under Department of Commerce regulations codified in Title 15, Code of Federal Regulations, Part 10, *Procedures for the Development of Voluntary Product Standards*, and administered by NIST, the American Lumber Standard Committee acts as the Standing Committee for PS 20–05, *American Softwood Lumber Standard*, responsible for maintaining, revising, and interpreting the standard. The Committee is comprised of producers, distributors, users, and others with an interest in the standard.

Voluntary Product Standard (PS) 20–05 establishes standard sizes and requirements for developing and coordinating the lumber grades of the various species of lumber, the assignment of design values, and the preparation of grading rules applicable to each species. Its provisions include implementation of the standard through an accreditation and certification program; establishment of principal trade classifications and lumber sizes for yard, structural, and factory/shop use; classification, measurement, grading, and grade-marking of lumber; definitions of terms and procedures to provide a basis for the use of uniform methods in the grading inspection, measurement, and description of softwood lumber; commercial names of the principal softwood species; definitions of terms used in describing standard grades of lumber; and commonly used industry abbreviations. The standard also includes the organization and functions of the American Lumber Standard Committee, the Board of Review, and the National Grading Rule Committee.

All public comments will be reviewed and considered. The American Lumber Standard Committee and NIST will revise the standard accordingly.

Dated: March 26, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–7518 Filed 4–2–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent (NOI) To Prepare an Environmental Impact Statement (EIS) for Proposed Realignment of a Portion of National Guard Avenue and Construction of the New Main Gate for The 158th Fighter Wing, Vermont Air National Guard at Burlington International Airport, Burlington, VT

AGENCY: National Guard Bureau, Department of the Air Force, DOD.

ACTION: Notice of Intent.

SUMMARY: This notice corrects the heading of a notice that was posted in the *Federal Register* on March 30th 2009, Vol. 74, No. 59 “U.S. Air Force Scientific Advisory Board Notice Of Meeting Notice Of Intent (NOI) To Prepare An Environmental Impact Statement (EIS) For Proposed Realignment Of A Portion Of National Guard Avenue And Construction of the New Main Gate For the 158th Fighter Wing, Vermont Air National Guard At Burlington International Airport, Burlington, Vermont.”

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and Air Force policy and procedures (32 CFR part 989), the National Guard Bureau is issuing this notice to advise the public of its intent to prepare an EIS to evaluate the potential environmental impacts that could result from the proposed realignment of a portion of National Guard Avenue, and construction of a new main gate at the 158th Fighter Wing (158 FW) installation at Burlington International Airport.

A recent evaluation of infrastructure security at the installation identified several vulnerabilities revealing a potential threat to mission-critical resources. Realignment of a segment of National Guard Avenue would remedy some of these vulnerabilities and protect mission-critical resources. Work

conducted would be in compliance with anti-terrorism/force protection (AT/FP) standoff criteria. Preliminary studies indicate that potential significant adverse effects to wetlands and to sensitive Native American sites may result from realignment of the roadway. In addition to the road segment realignment, the 158 FW would also construct a new main gate along a portion of the realigned roadway, construct a new Security Forces facility, which would be collocated with the new main gate, and construct an internal roadway loop that would improve vehicular safety and circulation to a portion of the installation.

In addition to the proposed action, another action alternative will evaluate the potential impacts of an alternative roadway alignment for National Guard Avenue, and redesigning the main gate in its current location to meet AT/FP criteria. The Security Forces and internal roadway loop would remain as described under the Proposed Action. The no-action alternative will also be analyzed in the EIS.

The National Guard Bureau will conduct a scoping meeting to solicit public input concerning the proposal. The scoping process will help identify issues to be addressed in the environmental analysis. Comments will be accepted at any time during the environmental impact analysis process. However, to ensure the Air Force has sufficient time to consider public input in the preparation of the Draft EIS, comments should be submitted to the address below by 16 April 2009.

Notices will be posted and published in the Burlington Free Press. The scoping meetings will be held at the South Burlington High School, Cafeteria #2, 550 Dorset Street, South Burlington, VT 05403, on 16 April 2009, from 6–9 p.m.

FOR FURTHER INFORMATION CONTACT:

Please direct any written comments or requests for information to Robert Dogan, NGB/A7AM, at Conaway Hall, 3500 Fetchet Avenue, Andrews Air Force Base, Maryland 20762–5157; (301) 836–8859; or fax (301) 836–7428.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E9–7481 Filed 4–2–09; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE**Department of the Army****Notice of Intent To Prepare an Environmental Impact Statement for Mission and Master Planning Actions at Fort Stewart/Hunter Army Airfield, GA**

AGENCY: Department of the Army, DoD.
ACTION: Notice of intent.

SUMMARY: The United States Army announces its intent to proceed with an Environmental Impact Statement (EIS) to address known and reasonably anticipated changes in missions and operations at Fort Stewart/Hunter Army Airfield. This is necessary to analyze the cumulative socioeconomic and environmental impacts associated with a number of recent personnel stationing actions and changes in how the Army trains and deploys our nation's Soldiers. When the EIS is completed, it will also be used by Army decision makers as an important resource to consult when making future decisions about future land uses and operations at Fort Stewart/Hunter Army Airfield.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Kendrick, National Environmental Policy Act Specialist, Directorate of Public Works, Prevention and Compliance Branch, Environmental Division, 1550 Frank Cochran Drive, Building 1137-A, Fort Stewart, Georgia 31314-4928. Written comments may be mailed to that address or e-mailed to *Melissa.B.Kendrickus.army.mil*. For media queries please contact Fort Stewart Public Affairs Office at (912) 435-9874 during normal business hours (9 a.m. to 5 p.m.).

SUPPLEMENTARY INFORMATION: Fort Stewart/Hunter Army Airfield, located in southeastern Georgia, is the largest Army installation east of the Mississippi River covering approximately 280,000 acres. Updates to the installation's mission and master planning process will allow the installation to continue to train Soldiers, protect valuable environmental and cultural resources, and minimize negative impacts to neighboring communities. The Army's intent in moving forward with this EIS is to provide decision makers with a comprehensive planning tool, a public information source, and a reference for mitigation.

The proposed action involves constructing ranges and facilities to support military units assigned to Fort Stewart, accommodating current and future training requirements, and the updating of operational and management plans for training lands

and infrastructure. The EIS will address the effects of the proposed activities beginning in FY11 and extending through FY14. Construction projects include ranges, cantonment expansion, Georgia Highway 144 by-pass, widening of Highway 144, and other transportation improvements on Fort Stewart. The EIS will also include an assessment of Fort Stewart's alternative energy potential and will evaluate alternative energy projects which may be implemented at Fort Stewart in the future.

Alternatives may consist of different locations on the installation for specific projects or modifications to those projects. Range projects will be located on areas currently dedicated to military training. The size of the cantonment area may increase. Alternatives will be developed during preparation of the Draft EIS and as a result of public input and environmental analysis.

Several areas present the potential for significant impacts. Fort Stewart/Hunter Army Airfield land provides known or potential habitat for protected plant and wildlife species. Fort Stewart/Hunter Army Airfield provides habitat for 40 percent of the protected red-cockaded woodpecker in Georgia and intensively manages installation land to protect their habitat. Approximately 60 percent of the installation has been surveyed for cultural resources. As a result of these surveys, numerous sites have been recommended as eligible or potentially eligible for the National Register of Historic Places. Another issue of concern is that approximately 30 percent of the installation is potentially wetlands.

The EIS will analyze the potential impacts of the proposed action and the alternatives. Impacts analyzed will include a wide range of environmental resource areas including, but not limited to, air quality, traffic, noise, water resources, biological resources, cultural resources, socioeconomic, utilities, land use, solid and hazardous materials/waste, and cumulative environmental effects. Additional resources and conditions may be identified as a result of the scoping process initiated by this Notice of Intent (NOI).

The public will be invited to actively participate in the EIS process, which includes three scoping meetings to provide input on the proposed actions and alternatives. The public will also be invited to review and comment on the Draft EIS. Dates and times for these public involvement opportunities will be announced in the local news media. Comments from the public will be considered before any decision is made regarding implementing the proposed

action at Fort Stewart/Hunter Army Airfield.

The public scoping period will last for 30 days following the publication of this NOI in the **Federal Register**. Comments from the public will be considered before any decision is made regarding implementing the proposed action.

Dated: March 20, 2009.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

[FR Doc. E9-7320 Filed 4-2-09; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE**Department of the Army; Corps of Engineers****Notice of Availability for the Final Environmental Impact Statement/ Environmental Impact Report and a Draft General Conformity Determination for the Middle Harbor Redevelopment Project, Port of Long Beach, Los Angeles County, CA**

AGENCY: Department of the Army—U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: On May 19, 2008, the U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division (Corps) in coordination with the Port of Long Beach (POLB) completed and published the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Middle Harbor Redevelopment Project (Project) in the Port of Long Beach. The Corps and POLB considered all comments received in preparing the Final EIS/EIR, which is available for a 30-day review (April 3, 2009 through May 3, 2009). The Final EIS/EIR includes a draft general conformity determination (see Appendix A-4), pursuant to Section 176(c) of the Clean Air Act. A general conformity determination is necessary because Project construction would require Federal action (i.e., issuance of a Corps permit for activities proposed in navigable waters and waters of the U.S.) and not all the Federal action's direct and indirect emissions would be below specified de minimis thresholds (40 CFR 93.153(b)). Pursuant to the general conformity regulations (40 CFR part 93, subpart B), general conformity determinations do not have to be included in the EIS and can be separately noticed, but the draft general conformity determination for the Federal action associated with the

Project is being included in the Final EIS/EIR in this case.

The Final EIS/EIR, including the draft general conformity determination, is available for public review during the next 30 days at the Port of Long Beach, 925 Harbor Plaza, Long Beach, California and on the Port's Web site: <http://www.portoflosangeles.org>. In addition, the Final EIS/EIR, including the draft general conformity determination, is available at the Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, CA 90822.

Any comments received by the Corps and POLB on the Final EIS/EIR or the included draft general conformity determination during the next 30 days will be considered fully before the Corps makes a final general conformity determination and finalizes the Record of Decision (ROD) for the Federal action associated with the Project. The Corps will publish a notice of a final general conformity determination in the Federal Register within 30 days of rendering a final decision. The public can request from the Corps copies of the ROD, which includes responses to comments on the Final EIS/EIR, including any on the draft general conformity determination, following publication of a final general conformity determination and upon execution of the ROD.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the Final EIS/EIR or the included draft general conformity determination should be provided by May 3, 2009 to Antal Szijj, Senior Project Manager, North Coast Branch, Regulatory Division, U.S. Army Corps of Engineers, 2151 Alessandro Drive, Suite 110, Ventura, California 93001, (805) 585-2147.

SUPPLEMENTARY INFORMATION: None.

Aaron O. Allen,

Acting Chief, Regulatory Division, Los Angeles District.

[FR Doc. E9-7524 Filed 4-2-09; 8:45 am]

BILLING CODE 3710-KF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Partially Closed Meeting of the Secretary of the Navy Advisory Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Secretary of the Navy Advisory Panel will meet to receive ethics training and discuss top areas of concern that the Secretary of the Navy

should address. The discussion of such information would be exempt from public disclosure as set forth in section 552b(c)(5), (6), and (7) of title 5, United States Code. For this reason the executive session of this meeting will be closed to the public.

DATES: The open session of the meeting will be held on Tuesday, April 21, 2009, from 8:15 a.m. to 10:15 a.m. The closed executive Session will also be held on Thursday, April 21, 2009, from 10:30 a.m. to 2 p.m.

ADDRESSES: The meeting will be held in the Pentagon Conference Center, Room B8, 1000 Navy Pentagon, Washington, DC 20350-1000. The meeting will be handicap accessible.

For Access: Public access is limited due to the Pentagon Security requirements. Any individual wishing to attend will need to contact CDR Marc Gage at 703-695-3042 or LCDR Victor Spears at 703-695-3573 no later than April 14, 2009. Members of the public who do not have Pentagon access will be required to also provide Name, Date of Birth and Social Security number by April 14, 2009, in order to obtain a visitor badge. Public transportation is recommended as public parking is not available.

Members of the public wishing to attend this event must enter through the Pentagon's Metro Entrance between 8:15 a.m. and 8:35 a.m. where they will need two forms of identification in order to receive a visitors badge and meet their escort. Members of the Public will then be escorted to Pentagon Conference Center, Room B8, to attend the open sessions of the Advisory Panel. Members of the Public shall remain with designated escorts at all times while on the Pentagon Reservation. Members of the public will be escorted back to the Pentagon Metro Entrance at 10:15 a.m.

FOR FURTHER INFORMATION CONTACT: Colonel Caroline Simkins-Mullins, SECNAV Advisory Panel, Office of Program and Process Assessment 1000 Navy Pentagon, Washington, DC 20350, telephone: 703-697-9154.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided per the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The executive session of this meeting will consist of discussions of ethics training for the Secretary of the Navy Advisory Panel. The proposed closed session from 10:15 a.m. to 2 p.m. will include a discussion of top areas of concern that the Secretary of the Navy should address. Discussion of such information cannot be adequately segregated from other topic, which precludes opening the

executive session of this meeting to the public.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because it will be concerned with matters listed in sections 552b(c)(5), and (7) of the title 5, United States Code.

Dated: March 31, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9-7533 Filed 4-2-09; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; American Indian Tribally Controlled Colleges and Universities (TCCU), and Alaska Native-Serving and Native Hawaiian-Serving Institutions (ANNH) Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY 2009)

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.031T, 84.031N and 84.031W.

DATES: Applications Available: April 3, 2009.

Deadline for Transmittal of Applications: May 4, 2009.

Deadline for Intergovernmental Review: July 2, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The TCCU and the ANNH programs authorized by Title III, Part A of the Higher Education Act of 1965 (HEA), as amended by the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110-315, provide grants to eligible institutions of higher education (IHEs) to help them become self sufficient and expand their capacity to serve low-income students by providing funds to improve and strengthen their academic quality, institutional management and fiscal stability. Section 371 of the HEA makes funds available in FY 2009 to certain minority-serving institutions eligible for Title III Part A programs including an additional \$30 million to the TCCU program, of which \$7 million is available for new awards; and \$15 million to the ANNH program, of which \$10 million is available for new awards. Awards under these programs are hereafter referred to as "TCCU—Section 371 and ANNH—Section 371."

Program Authority: 20 U.S.C. 1057-1059d and Public Law 110-84.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR Part 607.

II. Award Information

Type of Award: Discretionary grants. TCCU one-year construction grants, ANNH five-year individual development grants, and ANNH one-year renovation grants will be awarded in FY 2009. Planning grants will not be awarded in FY 2009.

Estimated Available Funds: \$7,172,000 for the TCCU program and \$14,345,000 for the ANNH program for FY 2009.

Average Size of Awards: See following chart.

Estimated Average Size of Awards: See following chart.

Estimated Number of Awards: See following chart.

Program name and type of award	Maximum award amount	Estimated number of awards	Estimated average award amount
Tribally Controlled Colleges and Universities Program (84.031T)			
1-year TCCU-Section 371 Construction Grants	\$1,000,000	7	\$1,000,000
Alaska Native and Native Hawaiian Program (84.031N and 84.031W)			
5-year Individual Development Grants	700,000	7	600,000
1-year ANNH-Section 371 Renovation Grants	2,000,000	10	1,000,000

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months for development and cooperative arrangement, and 12 months for one-year TCCU-Section 371 construction grants and ANNH-Section 371 renovation grants.

III. Eligibility Information

1. *Eligible Applicants:* An IHE that qualifies as an eligible institution under the TCCU and the ANNH programs may apply for grants under this notice. These programs are authorized by Title III, Part A, of the HEA. To qualify as an eligible institution under any Title III, Part A program, an institution must, among other requirements—

(1) Be accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(2) Be legally authorized by the State in which it is located to be a junior college or to provide an educational program for which it awards a bachelor's degree;

(3) Be designated as an "eligible institution" by demonstrating that it: (A) Has an enrollment of needy students as described in 34 CFR 607.3; and (B) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

Relationship between the Title III, Part A programs and the Hispanic-Serving Institutions (HSI) program.

Note 1: A grantee under the Developing Hispanic-Serving Institutions (HSI) program, which is authorized under Title V of the HEA, may not receive a grant under any HEA, Title III, Part A program. The Title III, Part A programs include the Strengthening Institutions Program (SIP), TCCU and ANNH.

Further, a current HSI program grantee may not give up its HSI grant in order to receive a grant under any Title III, Part A program.

Note 2: An eligible HSI that does not fall within the limitation described in Note 1 (i.e., is not a current grantee under the HSI program) may apply for a FY 2009 grant under all Title III, Part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant.

Note 3: An eligible IHE that submits more than one application may only be awarded one individual development grant or one cooperative arrangement development grant in a fiscal year. Furthermore, we will not award a second cooperative arrangement development grant to an otherwise eligible IHE for the same award year as the IHE's existing cooperative arrangement development grant award.

Note 4: The Department will make five-year awards for individual development grants and five-year awards for cooperative arrangement development grants in rank order from separate funding slates according to the average score received from a panel of three readers. The Department will make 1-year construction grants under the TCCU-Section 371 program, and 1-year ANNH-Section 371 renovation grants in rank order from separate funding slates according to the average score received from a panel of three readers.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match those grant funds with non-Federal funds (20 U.S.C. 1059c(c)(3)(B)).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application via the Internet using the following address: <http://www.grants.gov>. If you do not have access to the Internet, please contact Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, DC 20006-8513. Telephone: (202) 502-7576 or by e-mail: darlene.collins@ed.gov.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for these programs.

Page Limits: We have established mandatory page limits for the applications to be submitted under this notice. You must limit your application to the equivalent of no more than 50 pages for an individual development grant, 70 pages for a cooperative arrangement development grant and 35 pages for a construction or renovation grant under the TCCU or the ANNH programs, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1 inch margins at the top, bottom, and both sides. Page numbers and an identifier may be outside the 1" margin.
- Double space (no more than three lines per vertical inch) all text in the

application narrative, *except* titles, headings, footnotes, quotations, references, captions and all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the page limit.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New or Arial. Applications submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III), application for Federal Assistance face sheet (SF 424); the supplemental information for SF 424 form required by the Department of Education; Part II, the Budget Information Summary Form (ED Form 524); and Part IV, the Assurances and Certifications. The page limit also does not apply to a Table of Contents and the Program Abstract. If you include any attachments or appendices, these items will be counted as part of the Program Narrative (Part III of the application) for purposes of the page limit requirement. You must include your complete response to the selection criteria in the program narrative.

We will reject your application if you apply these standards and exceed the page limit.

- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: April 3, 2009.

Deadline for Transmittal of

Applications: May 4, 2009.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV.6. *Other Submission Requirements in this notice:*

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed

under **FOR FURTHER INFORMATION CONTACT** in Section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 2, 2009.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for these programs.

5. *Funding Restrictions:* We reference the regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

Applicability of Executive Order 13202. Applicants that apply for construction funds under the Title III, Part A programs, must comply with Executive Order 13202 signed by former President George W. Bush on February 17, 2001, and amended on April 6, 2001. This Executive Order provides that recipients of Federal construction funds may not "require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other construction project(s)" or "otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations, on the same or other construction project(s)." However, the Executive Order does not prohibit contractors or subcontractors from voluntarily entering into these agreements. Projects funded under these programs that include construction activity will be provided a copy of this Executive Order and will be asked to certify that they will adhere to it.

6. *Other Submission Requirements:* Applications for grants under the TCCU and ANNH programs must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the TCCU and ANNH programs (CFDA numbers 84.031T, 84.031N and 84.031W), must be submitted electronically using the Governmentwide Grants.gov Apply site

at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the TCCU and ANNH programs at <http://www.Grants.gov>. You must search for the downloadable application package for this program competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.031, not 84.031N).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information typically provided on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424; Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time; or, if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement and may submit your application in paper format if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006-8513. FAX: (202) 502-7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031T, 84.031N or 84.031W), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
 - (2) A mail receipt that is not dated by the U.S. Postal Service.
- If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications By Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031T, 84.031N or 84.031W), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for these programs are in 34 CFR 607.22(a)–(g). Applicants must address each of the following selection criteria (separately for each proposed activity). The total weight of the selection criteria is 100 points; the maximum score for each criterion is noted in parentheses.

- (a) Quality of The Applicant's Comprehensive Development Plan (Maximum 25 Points).
- (b) Quality of Activity Objectives (Maximum 15 Points).

(c) Quality of Implementation Strategy (Maximum 20 Points).

(d) Quality of Key Personnel (Maximum 7 Points).

(e) Quality of Project Management Plan (Maximum 10 Points).

(f) Quality of Evaluation Plan (Total 15 Points).

(g) Budget (Total 8 Points).

2. *Review and Selection Process:* For five-year individual development grants and one-year construction and renovation grants, awards will be made in rank order according to the average score received from a panel of three readers.

Tie-breaker for Development Grants.

In tie-breaking situations for development grants described in 34 CFR 607.23(b), the regulations for the Title III Part A programs require that we award one additional point to an application from an IHE that has an endowment fund or which the current market value, per full time equivalent (FTE) enrolled student, is less than the comparable average current market value of the endowment funds, per FTE enrolled student at comparable institutions that offer similar instruction. We award one additional point to an application from an IHE that had expenditures for library materials per FTE enrolled student that are less than the average expenditures per FTE enrolled student at comparable institutions that offer similar instruction. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

- (i) Faculty development;
- (ii) Funds and administrative management;
- (iii) Development and improvement of academic programs;
- (iv) Acquisition of equipment for use in strengthening management and academic programs;
- (v) Joint use of facilities; and
- (vi) Student services.

For the purpose of these funding considerations, we use 2006–2007 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given in the case of applicants for:

- (a) Individual development grants to applicants that have the lowest endowment values per FTE student; and
- (b) cooperative arrangement development grants to applicants in accordance with Section 394(b) of the HEA, if the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant institution.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S.

Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary in 34 CFR 75.118 and 34 CFR 607.31. The Secretary may also require more frequent performance reports under 34 CFR 75.720. For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the Title III, Part A programs:

- a. The number of full-time degree-seeking undergraduates enrolling at IHEs. Note that this is a long-term measure, which will be used to periodically gauge performance, beginning in FY 2009;
- b. The percentage of full-time undergraduate students who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same institution;
- c. The percentage of students enrolled at 4-year IHEs graduating within 6 years of enrollment; and
- d. The percentage of students enrolled at 2-year IHEs graduating within 3 years of enrollment.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, DC 20006-8513. Telephone: (202) 502-7576 or by e-mail: darlene.collins@ed.gov.

If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed in Section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzellan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: March 31, 2009.

Daniel T. Madzellan,

Director, Forecasting and Policy Analysis.
[FR Doc. E9-7532 Filed 4-2-09; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8592-1]

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. 20080242, ERP No. D-BLM-D65040-WV, East Lynn Lake Coal Lease Project, Proposal to Lease Federal Coal that lies Under Nine Tracts of Land for Mining, Wayne County, WV.

Summary: EPA expressed environmental objections to adverse impacts to water quality and aquatic life. EPA recommends consideration of an alternative that includes a more protective buffer between proposed mining operations and the existing earthen dam including East Lynn Lake. Additionally, the final EIS should include information on degradation from past mining activities, clarify the hydrologic connection between surface and ground water, and geological conditions in the project area. Rating EO2.

EIS No. 20080279, ERP No. D-FRC-D05125-PA, Holtwood Hydroelectric Project (Docket No. P-1881-050) Application for an Amendment License to Increase the Installed Capacity, Susquehanna River, Lancaster and York Counties, PA.

Summary: Although EPA acknowledged the efforts to address fish passage, we expressed environmental concerns about potential impacts to other resources, including wetlands and water quality, and requested that information, regarding wetland delineation, plans for excavation of sediment and bedrock, sediment sampling protocols, and a comparison of impacts of the excavation and blasting plans be included in the FEIS. Rating EC2.

EIS No. 20080393, ERP No. D-NRC-D06006-PA, Generic—License Renewal of Nuclear Plants, Supplement 36 to NUREG-1437, Regarding Beaver Valley Power Station, Units 1 and 2, Plant Specific, Issuing Nuclear Power Plant Operating License for an Additional 20-Year Period, PA.

Summary: EPA does not object to proposed project. Rating LO.

EIS No. 20080404, ERP No. D-BLM-J65526-00, Grand Staircase—Escalante National Monument (GSENM), Draft Monument Management Plan Amendment & Draft Rangeland Health, Implementation, Portions of Kane and Garfield, Utah and Coconino County, AZ.

Summary: EPA expressed environmental concerns about the use of

accurate criteria to measure stream riparian health and trends in the grazing allotments, and the need to mitigate impacts to the impaired reaches of the Paria River and the Escalante River. Rating EC2.

EIS No. 20080484, ERP No. D-NOA-L91033-AK, Bering Sea Chinook Salmon Bycatch Management, Establish New Measures to Minimize Chinook Salmon Bycatch, to Amend the Fishery Management Plan, Implementation, Bering Sea Pollock Fishery, AK.

Summary: EPA expressed environmental concerns about monitoring and enforcement of the Bering Sea Chinook Salmon Bycatch program, and requested a discussion of how climate change may impact the proposed action. Rating EC2.

EIS No. 20080503, ERP No. D-NRC-D06007-PA, Generic—License Renewal of Nuclear Plants, Supplement 37 to NUREG-1437, Regarding Three Mile Island Nuclear Station, Unit 1, in Londonterry Township in Dauphin County, PA.

Summary: EPA expressed environmental concerns about air quality impacts associated with the steam generator transport process. Rating EC2.

EIS No. 20080513, ERP No. D-AFS-L65562-AK, Central Kupreanof Timber Harvest Project, Proposes to Harvest up to 70.2 Million Board Feet of Timber, Kupreanof Island, Petersburg Ranger District, Tongass National Forest, AK.

Summary: EPA expressed environmental concerns about potential adverse impacts to essential fish habitat and water quality from increased harvest activities. Rating EC2.

EIS No. 20080521, ERP No. D-NPS-J65528-ND, Theodore Roosevelt National Park, Elk Management Plan, Implementation, Billing and McKenzie Counties, ND.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20080535, ERP No. D-BLM-J65529-MT, Indian Creek Mine Expansion, Proposed Mine Expansion would include Quarry Areas, Mine Facilities, Ore Storage Sites, Soil Salvage Stockpiles, Haul Roads, and Overburden Disposal Areas, Issuing Operating Permit #00105 and Plan of Operation #MTM78300, Broadwater County, MT.

Summary: EPA expressed environmental concerns about potential impacts to air quality and nitrate contamination of groundwater from blasting residue. The final EIS should

include monitoring and mitigation measures to avoid water quality impacts and an air quality analysis including values for NAAQS and PSD. Rating EC2.

EIS No. 20080543, ERP No. D-NRC-C03017-NY, Generic—License Renewal of Nuclear Plants, Supplement 38 to NUREG-1437, Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Westchester County, NY.

Summary: EPA expressed environmental concerns about the proposed project's impacts to aquatic resources and storage of low level waste. We recommended that the final SEIS include new geologic and seismic data concerning recent seismic activity in the area. Rating EC2.

EIS No. 20090004, ERP No. D-NPS-H65028-MO, Jefferson National Expansion Memorial, General Management Plan, Implementation, St. Louis, MO.

Summary: EPA expressed environmental concerns that the competition for the design of the preferred alternative had not begun, and that the implemented design could cause "moderate to major long term to beneficial impacts on transportation". EPA recommended working with metropolitan and State transportation planners to include design specifications to reduce potential adverse effects. Rating EC2.

Final EISs

EIS No. 20080472, ERP No. F-FRC-D05125-PA, Holtwood Hydroelectric Project (Docket No. P-1881-050) Application for an Amendment License to Increase the Installed Capacity, Susquehanna River, Lancaster and York Counties, PA.

Summary: EPA expressed environmental concerns because the impacts associated with sediment and bedrock excavation activities, and requested additional information, including excavation plans, a comparison of alternatives, and sediment sampling plans.

EIS No. 20080526, ERP No. F-IBR-J39038-CO, Southern Delivery System Project, Water Supply Development, Execution of up to 40-year Contracts for Use of Fryingpan-Arkansas Project Facilities, Special Use Permit, El Paso County, CO.

Summary: EPA found the Final EIS to be largely responsive to EPA's comments on the Draft EIS and Supplemental Information Report, and believes the project is much improved and will result in fewer environmental impacts than what was originally

proposed. EPA does not object to the proposed project.

EIS No. 20090012, ERP No. F-NOA-L91032-00, Proposed Acceptable Biological Catch (ABC) and Optimum Yield (OY) Specifications and Management Measures for the 2009-2010 Pacific Coast Groundfish Fishery Management Plan, Implementation, WA, OR and CA.

Summary: While EPA had no objections to the proposed action, EPA did request clarification on monitoring and catch limits.

EIS No. 20090042, ERP No. FR-AFS-J65446-MT, Beaverhead-Deerlodge National Forest Land and Resource Management Plan, Implementation, Beaverhead, Butte-Silver Bow, Deerlodge, Granite, Jefferson, and Madison Counties, MT.

Summary: The preferred alternative addresses EPA concerns and we support the development of a consistent and integrated aquatic strategy to provide for protection for riparian areas, aquatic species, and good water quality.

EIS No. 20090037, ERP No. FS-AFS-F65062-MN, Echo Trail Area Forest Management Project, Updated Information to Amended to Further Address Water Quality and Watershed Health, Superior National Forest, Lacroix Ranger District and Kawishiwi Ranger District, St. Louis and Lake Counties, MN.

Summary: No formal comments were sent to the preparing agency.

Dated: March 31, 2009.

Dawn Roberts,

Management Analyst, Office of Federal Activities.

[FR Doc. E9-7515 Filed 4-2-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8591-9]

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 03/23/2009 through 03/27/2009 Pursuant to 40 CFR 1506.9.

EIS No. 20090088, Draft EIS, BLM, UT, Greens Hollow Coal Lease Tract Project, Proposed Federal Coal Leasing and Subsequent Underground Coal Mining, Funding and Lease

Application, Fishlake and Manti-La Sal National Forest, Sanpete and Sevier Counties, UT, Comment Period Ends: 05/18/2009, Contact: Steve Rigby, 435-636-3604.

EIS No. 20090089, Final EIS, AFS, AZ, Warm Fire Recovery Project, Removal of Fire-Killed Trees Reforestation, Fuel Reduction and Road Reconstruction of Wildland Fire Burn Portion, Coconino County, AZ, Wait Period Ends: 05/04/2009, Contact: Lois Pfeffer, 559-359-7023.

EIS No. 20090090, Final EIS, FHW, MI, Blue Water Bridge Plaza Study and Improvements to the I-94/1-69 Corridor, To Provide Safe, Efficient and Secure Movement of People and Goods across the Canadian-U.S. Border, Port Huron Area, St. Clair County, MI, Wait Period Ends: 05/04/2009, Contact: Ryan Rizzo, 517-702-1833.

EIS No. 20090091, Draft EIS, FRC, VA, Smith Mountain Pumped Storage Project (FERC No. 2210-169). Application for Hydropower License To Continue Operating the 636-megawatt Pumped Storage Project, Roanoke River, Bedford, Campbell, Franklin and Pittsylvania Counties, VA, Comment Period Ends: 05/18/2009, Contact: Patricia Schaub, 1-866-208-3372.

EIS No. 20090092, Draft EIS, FHW, MO, East Columbia Transportation Project, To Improve the Transportation Network in Eastern Columbia/Bounty County by: (1) Extending Route 740 from its Terminus at US-63, along a new Alignment, to I-70 at the existing St. Charles road interchange, (2) Improving existing Broadway (Route WW) to Oliver Road and (3) Extending Ballenger Lane, from Route 740 to Clark Lane, City of Columbia, Bounty County, MO, Comment Period Ends: 05/18/2009, Contact: Peggy Casey, 573-636-7104.

EIS No. 20090093, Final EIS, FHW, IA, I-29 Improvements in Sioux City, Construction from Burlington Northern Santa Fe Rail Road (BNSF) Bridge over the Missouri River to Existing Hamilton Boulevard Interchange, Woodbury County, IA, Wait Period Ends: 05/04/2009, Contact: Lubin Quinones, 515-233-7300.

EIS No. 20090094, Draft EIS, UAF, HI, Fort Kamehameha Historic District Buildings and Structures Proposes to Dispose of their Obligation of Continuing Management and Maintenance, Hickham Air Force Base (AFB), HI, Comment Period Ends: 05/18/2009, Contact: Tiffany Patrick, 808-449-3197.

EIS No. 20090095, Final EIS, NRC, PA, Generic—License Renewal of Nuclear Plants, Supplement 35 to NUREG-1437, Regarding Susquehanna Steam Electric Station, Units 1 and 2, Issuing Nuclear Power Plant Operating Licenses for a 20-Year Period, PA, Wait Period Ends: 05/04/2009, Contact: Andrew Stuyvenberg, 301-415-4006.

EIS No. 20090096, Final Supplement, COE, LA, Inner Harbor Navigation Canal (IHNC) Lock Replacement Project, Proposal for Relieving Navigation Traffic Congestion Associated with IHNC Lock, Located between the St. Claude Avenue and North Claiborne Avenue Bridge, Orleans, LA, Wait Period Ends: 05/04/2009, Contact: Richard Boe, 504-862-1505.

Amended Notices

EIS No. 20090056, Third Draft Supplement, TPT, CA, Presidio Trust Management Plan (PTMP), Updated Information on the Preferred Alternative for the Main Post District of the Presidio of San Francisco, Implementation, City and County of San Francisco, CA, Comment Period Ends: 04/27/2009, Contact: John Pelka, 415-561-4183. Revision to FR Notice Published 03/06/2009: Extending Comment Period from 04/20/2009 to 04/27/2009.

EIS No. 20090067, Draft Supplement, FHW, TX, Trinity Parkway Project, New and Additional Information, Construction of a Six-Lane Controlled Access Toll Facility from IH-35 E/TX-183 to US-175/TX-310, U.S. Army COE Section 10 and 404 Permits, Dallas County, TX, Comment Period Ends: 05/15/2009, Contact: Salvador Deocampo, 512-536-5950. Revision to FR Notice Published 03/20/2009: Extending Comment Period from 05/04/2009 to 05/15/2009.

EIS No. 20090053, Final Supplement, COE, MS, Gulfport Harbor Navigation Channel Project, To Evaluate Proposed Construction of Authorized Improvements to the Gulfport Harbor, Harrison County, MS, Wait Period Ends: 05/04/2009. Contract: Jennifer Jacobson, 251-690-2724. Revision to FR Notice Published 03/06/2009: Extending Wait Period from 04/06/2009 to 05/04/2009, Due to an Omission in Appendix D.

Dated: March 31, 2009.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9-7516 Filed 4-2-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8789-3]

Science Advisory Board Staff Office; Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Carbon Monoxide Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee Carbon Monoxide Review Panel to peer review EPA's *Integrated Science Assessment for Carbon Monoxide: First External Review Draft* and conduct a consultation on EPA's planning document entitled *Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Risk and Exposure Assessment*.

DATES: The public meeting will be held on Tuesday, May 12, 2009 from 9 a.m. to 5 p.m. (Eastern Time) and Wednesday, May 13, 2009 from 8 a.m. to 2 p.m. (Eastern Time).

ADDRESSES: The meeting will be held at the Carolina Inn, 211 Pittsboro Street, Chapel Hill, North Carolina 27516.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning the CASAC public meeting may contact Dr. Ellen Rubin, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail (202) 343-9975; fax (202) 233-0643; or e-mail at rubin.ellen@epa.gov. General information concerning the CASAC can be found on the EPA Web site at <http://www.epa.gov/casac>.

SUPPLEMENTARY INFORMATION:

Background: The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC provides advice, information and recommendations on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The Panel will comply with the

provisions of FACA and all appropriate SAB Staff Office procedural policies.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the National Ambient Air Quality Standards (NAAQS) for the six "criteria" air pollutants, including carbon monoxide (CO). EPA is conducting scientific assessments to review the primary (health-based) NAAQS of CO. As part of this review, EPA's Office of Research and Development (ORD) has completed a draft document, *Integrated Science Assessment for Carbon Monoxide* (First External Review Draft, March 2009) and requested that CASAC peer review the document. EPA's Office of Air and Radiation (OAR) will also release a planning document entitled *Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Risk and Exposure Assessment* (April 2009). OAR has requested that the CASAC provide consultative advice on this plan.

The purpose of the May 12-13, 2009 meeting is to review these two documents. Background information about the formation of the CASAC Carbon Monoxide Review Panel was published in the **Federal Register** on October 12, 2007 (72 FR 58078-58080). The CASAC Panel previously held a public teleconference on April 8, 2008 (announced in 73 FR 12998) to provide consultative advice on EPA's *Plan for Review of the National Ambient Air Quality Standards for Carbon Monoxide*, the first document in this review of the CO NAAQS. The CASAC panel report was made available at [http://yosemite.epa.gov/sab/sabproduct.nsf/AB0ED61CDF9F37DF8525746A005C12EC/\\$File/EPA-CASAC-08-013-unsigned.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/AB0ED61CDF9F37DF8525746A005C12EC/$File/EPA-CASAC-08-013-unsigned.pdf).

Technical Contacts: Any questions concerning EPA's *Integrated Science Assessment for Carbon Monoxide* should be directed to Dr. Tom Long at long.tom@epa.gov at (919) 541-1880. Any questions concerning EPA's *Carbon Monoxide National Ambient Air Quality Standard: Scope and Methods Plan for Risk and Exposure Assessment* should be directed to Dr. Dave McKee at mckee.dave@epa.gov at (919) 541-5288.

Availability of Meeting Materials: A meeting agenda, charge questions and other materials for the meeting will be placed on the CASAC Web site at <http://www.epa.gov/casac>. Select the calendar link on the left and click on May 12-13. The *Integrated Science Assessment for Carbon Monoxide: First External Review Draft (March 2009)* is available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=203935>. The

CO NAAQS Scope and Methods Plans (April 2009) will be available at http://www.epa.gov/ttn/naaqs/standards/co/s_co_cr_pd.html.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for consideration on the topics included in this advisory activity. **Oral Statements:** To be placed on the public speaker list for the May 12–13, 2009 meeting, interested parties should notify Dr. Ellen Rubin, DFO, by e-mail no later than April 27, 2009. Individuals making oral statements will be limited to three minutes per speaker. **Written Statements:** Written statements for the May 12–13, 2009 meeting should be received in the SAB Staff Office by April 27, 2009, so that the information may be made available to the CASAC Panel for its consideration prior to this meeting. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). Submitters are asked to provide versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Rubin at the phone number or e-mail address noted above, preferably at least ten days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: March 27, 2009.

Anthony F. Maciorowski,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. E9-7434 Filed 4-2-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0190; FRL-8409-9]

National Bed Bug Summit; Change of Location of the Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is changing the location of its National Bed Bug Summit in order to accommodate the expected attendance. The meeting will be held on April 14 through April 15, 2009, on the topic of bed bug resurgence in the

United States. The aim of the session will be to share information and knowledge on the topic of bed bugs and their newfound resurgence, provide a venue to identify ideas and opinions for their control, and develop recommendations as how affected stakeholders, communities, and local jurisdictions can begin to address the emerging nationwide bed bug problem.

DATES: The meeting will be held on April 14 and 15, 2009, from 9 a.m. to 6 p.m. on the first day, and from 9 a.m. to noon on the last day.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will now be held in the Sheraton Crystal City Hotel, 1800 Jefferson Davis Hwy., Arlington, VA 22202; (703) 769-3942; <http://www.sheraton.com/crystalcity>.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 306-0404; fax number: (703) 308-0029; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to persons who work in agricultural settings or persons who are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act of 1996 (FQPA). Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farmworker groups; pesticide users and growers; pest consultants; State, local, and Tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. **Docket.** EPA has established a docket for this action under docket ID number EPA-HQ-OPP-2009-0190. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

II. Background

The resurgence of the common bed bug is increasingly reaching levels that are critical and affecting all areas of the country. As this resilient pest has become a nationwide problem affecting hotels, universities, and homes in the general population, it is important that the EPA assist in exploring means of effectively identifying challenges and ways to remedy this pest concern. Potential participants for this forum include Federal, State, and local government agencies responsible for public health and public housing; researchers and academicians; health, housing, and environmental advocacy organizations; the pest management industry; pesticide manufacturers; and other interested parties. All interested parties are encouraged to participate and share in the development of strategies to address the national bed bug dilemma.

III. How Can I Request to Participate in this Meeting?

EPA received a large number of requests to attend the National Bed Bug Summit from the initial meeting announcement published in the **Federal Register** of March 18, 2009 (74 FR 11550) (FRL-8407-1). In order to accommodate the number of people expected, EPA has secured larger meeting space. Therefore, the meeting location has been changed to the Sheraton Crystal City Hotel, 1800 Jefferson Davis Hwy., Arlington, VA 22202; (703) 769-3942; <http://www.sheraton.com/crystalcity>. The Sheraton Crystal City Hotel is located one block from the Crystal City Metro

stop, and is close to Ronald Reagan Washington National Airport (DCA).

The National Bed Bug Summit meeting is open to the public and seating is available on a first come basis. Persons interested in attending do not need to register in advance of the meeting and there is no registration fee. Lodging and transportation are not being provided. No RSVP is required. An information package that contains a meeting overview, directions, close-by hotels, transportation options, etc., is available at <http://www.epa.gov/pesticides>.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests, Public health.

Dated: March 30, 2009.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E9-7661 Filed 4-1-09; 4:15 pm]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8785-2]

Notice of Availability of Proposed Modification of National Pollutant Discharge Elimination System (NPDES) General Permit for Offshore Oil and Gas Exploration, Development and Production Operations Off Southern California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Proposed NPDES General Permit Modification.

SUMMARY: EPA Region 9 is proposing certain modifications of its general NPDES permit (permit No. CAG280000) for discharges from offshore oil and gas exploration, development and production facilities located in Federal waters off the coast of Southern California. The permit, which was issued on September 22, 2004 (69 FR 56761), required a one-year monitoring study for discharges of produced water, cooling water and fire control system test water to evaluate whether these discharges would have reasonable potential to cause or contribute to exceedances of marine water quality criteria. For produced water, the permit required monitoring for 26 pollutants which may be present in the discharges. For cooling water and fire control system test water, monitoring was required for total residual chlorine which may be used for anti-fouling

The monitoring study has now been completed and Region 9 is proposing to modify the permit to include additional effluent limitations and monitoring requirements for those discharges for which the monitoring study showed a reasonable potential to cause or contribute to exceedances of marine water quality criteria.

For produced water discharges, Region 9 is also proposing to modify the water quality criterion for undissociated sulfide in the permit based on the results of a new study submitted by the permittees concerning the toxicity of this material to marine organisms. The proposed effluent limitations for undissociated sulfide in the modified general permit would be based on the modified water quality criterion.

DATES: Comments on the proposed permit modifications must be received or postmarked no later than May 4, 2009.

ADDRESSES: Public comments on the proposed permit modifications may be submitted by U.S. Mail to: Environmental Protection Agency, Region 9, Attn: Lisa Honor, NPDES Permits Office (WTR-5), 75 Hawthorne Street, San Francisco, California 94105-3901, or by e-mail to: honor.lisa@epa.gov.

FOR FURTHER INFORMATION CONTACT: Eugene Bromley, EPA Region 9, NPDES Permits Office (WTR-5), 75 Hawthorne Street, San Francisco, California 94105-3901, or telephone (415) 972-3510. A copy of the proposed permit modifications and fact sheet will be provided upon request and is also available on Region 9's Web site at <http://www.epa.gov/region09/water/>. Additional information concerning the general permit overall is available in the fact sheet accompanying the final issuance of the general permit on September 22, 2004. The 2004 general permit and fact sheet are available on Region 9's Web site at <http://www.epa.gov/region09/water/>.

Administrative Record: The proposed permit modifications and other related documents in the administrative record are on file and may be inspected any time between 8:30 a.m. and 4 p.m., Monday through Friday, excluding legal holidays, at the following address: U.S. EPA Region 9, NPDES Permits Office (WTR-5), 75 Hawthorne Street, San Francisco, CA 94105-3901.

SUPPLEMENTARY INFORMATION:

A. Reasonable Potential Monitoring Study. Among other factors, the Ocean Discharge Criteria regulations (40 CFR part 125, subpart M) require a consideration of marine water quality

criteria for discharges to the ocean permitted under the NPDES permit program. In considering these criteria, particularly in determining permit conditions that would be needed to support a determination the resulting discharges will not cause unreasonable degradation of the marine environment, the permit included a study requirement using the statistical procedures EPA uses in determining the need for water quality-based effluent limits for point source discharges to waters of the United States, including the territorial seas. The study, captioned the "reasonable potential monitoring study," was required in order to determine whether the ocean discharges regulated under the permit would cause, or have the reasonable potential to cause, or contribute to non-attainment of marine water quality criteria at the boundary of the mixing zone, which is the location identified in the Ocean Discharge Criteria regulations at 40 CFR 125.123(d)(1).

General permit No. CAG28000 included the study requirement because at the time of the issuance insufficient data were available to evaluate the reasonable potential for discharges of produced water, cooling water and fire control system test water to cause or contribute to exceedances of the marine water quality criteria for pollutants Region 9 had identified as potentially present in the discharges. The permit's study requirements were derived from the statistical procedures explained in EPA's Technical Support Document for Water Quality-Based Toxics Control (TSD) (EPA/505/2-90-001). EPA explained in the permit if a discharge demonstrated the reasonable potential to cause non-attainment of a marine water quality criterion at the boundary of a mixing zone, the permit could be reopened and modified to include additional effluent limitations and monitoring requirements to ensure compliance with the water quality criteria. Today Region 9 is proposing to reopen and modify the general permit to include such additional limitations and requirements, thus enabling its determination the authorized discharges will not cause unreasonable degradation of the marine environment.

For produced water, the permit required monitoring monthly during the first year of the permit for 26 pollutants of concern Region 9 had identified as potentially present in the discharges. For cooling water and fire control system test water, monitoring was also required monthly during the first year for total residual chlorine which is used at some platforms as an anti-fouling agent. Monitoring results were due by

March 1, 2006 and were submitted for all platforms in a timely manner. The permit also required the submittal of an analysis by March 1, 2006, using statistical procedures in the TSD, of the reasonable potential of the discharges to cause or contribute to non-attainment of the previously specified marine water quality criteria. These analyses also were submitted for all platforms in a timely manner.

The general permit authorizes discharges from 22 offshore platforms. However, only 15 of the platforms discharge produced water. Thirteen of the platforms showed reasonable potential to exceed applicable marine water quality criteria for one or more of the 26 pollutants monitored in produced water; the applicable water quality criteria used were the more stringent of CWA section 304(a) criteria or the California Ocean Plan objectives as required by the 2004 final general permit. One of the platforms (Platform Irene) rarely discharges produced water and the operator had not collected the minimum number of samples (which is ten samples) recommended by the TSD to do a reasonable potential analysis. Moreover, the discharges measured for this platform were from small scale pilot tests of potential produced water treatment systems which may not be representative of future discharges resulting from the treatment system ultimately installed. Thus, Region 9 is deferring action on this platform until the general permit is reissued in 2009. Until then, for the majority of the pollutants addressed by the reasonable potential study, Platform Irene would continue to be subject to effluent limits in its previous individual permit, and the platform would continue to conduct monitoring for all 26 of the pollutants as required by Part II.B.1.b.2 of the general permit.

Seven of the 22 platforms use chlorine in cooling water or fire control system test water. Six of the seven platforms showed a reasonable potential to cause non-attainment of the marine water quality criteria for chlorine.

Proposed effluent limitations and monitoring requirements to control the pollutants in the above discharges and ensure compliance with marine water quality criteria are discussed in section C below.

B. Modified Water Quality Criterion for Undissociated Sulfide. The general permit provides a permittee may request a modified criterion for a pollutant of concern in produced water discharges based on additional studies of the toxicity of the pollutant. On April 20, 2006, several permittees operating under the general permit requested a

modification of the criterion in the permit for undissociated sulfide (2 µg/l). The permittees requested a modified criterion of 12 µg/l based on a new study of the toxicity of this material to marine organisms. Region 9 reviewed the new study and believes a revised criterion of 5.79 µg/l is justified by the data (rather than 12 µg/l). Region 9 is proposing to modify the water quality criterion in the permit for undissociated sulfide to 5.79 µg/l. The proposed effluent limitations for undissociated sulfide discussed below are based on the revised criterion of 5.79 µg/l for this material.

C. Proposed Effluent Limitations and Monitoring Requirements. Using the procedures in the TSD, Region 9 calculated effluent limitations for the pollutants in discharges of produced water, cooling water and fire control system test water for which reasonable potential was determined to exist based on the monitoring study. For produced water, these effluent limitations are found in a new Appendix C which is proposed to be added to the general permit. For cooling water and fire control system test water, the effluent limitations are found in a new Appendix D which would be added to the permit.

Monitoring once per quarter would also be required for the pollutants with reasonable potential in each of the discharges. The monitoring results would be reported in the quarterly discharge monitoring reports. For pollutants with no reasonable potential in produced water, monitoring once during the remainder of the permit term would be required as set forth in Part II.B.1.e.3 of the general permit.

D. Requirements Related to the Coastal Zone Management Act. The Coastal Zone Management Act (CZMA) requires Federal activities and projects affecting the coastal zone of a state, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CMP) (CZMA Sections 307(c)(1) through (3)). California has a CMP which was approved in 1978; the CZMA authority is the California Coastal Commission (CCC).

In accordance with revised regulations implementing the CZMA (71 FR 788, January 5, 2006), the issuance of a general NPDES permit by EPA is considered a "Federal agency activity" covered by CZMA Section 307(c)(1), and CZMA regulations at 15 CFR Subpart C. The regulations at 15 CFR 930.31(e) further clarify the modification of a general permit which could affect any coastal use or resource is also subject to a consistency review under Subpart C.

Region 9 believes the proposed permit modification could affect coastal uses or resources of the State of California. Region 9 also believes the proposed permit modification would be consistent with the CMP. Region 9 recently submitted a consistency certification to the CCC for the proposed permit modification.

In accordance with 15 CFR 930.31(d), if the CCC concurs with the permit modification, the modification could become effective for all platforms without additional review of individual platforms by the CCC. However, if the CCC objects to the permit modification, the modification would not become effective for a given platform until an individual consistency certification had been submitted by the permittee and concurred upon by the CCC, or the Secretary of Commerce had overridden a CCC objection. The effective date for the proposed permit modification makes allowance for these regulatory requirements.

E. Permit Modification Appeal Procedures. Within 120 days following notice of EPA's final decision for the general permit modification under 40 CFR 124.15, any interested person may appeal the permit decision in the Federal Court of Appeals in accordance with Section 509(b)(1) of the Clean Water Act (CWA). Persons affected by a general permit may not challenge the conditions of a general permit as a right in further Agency proceedings. They may instead either challenge the general permit in court, or apply for an individual permit as specified at 40 CFR 122.21 (and authorized at 40 CFR 122.28), and then petition the Environmental Appeals Board to review any condition of the individual permit (40 CFR 124.19 as modified on May 15, 2000, 65 FR 30886).

F. Compliance with the Regulatory Flexibility Act for General Permits. The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The legal question of whether a general permit (including a general permit modification), as opposed to an individual permit qualifies as a "rule" or as an "adjudication" under the Administrative Procedure Act (APA) has been the subject of periodic

litigation. In a recent case, the court held that the CWA Section 404 Nationwide general permit before the court did qualify as a "rule" and therefore that the issuance of the general permit needed to comply with the applicable legal requirements for the issuance of a "rule." *National Ass'n of Home Builders v. US Army Corps of Engineers*, 417 F.3d 1272, 1284–85 (DC Cir.2005) (Army Corps general permits under Section 404 of the Clean Water Act are rules under the APA and the Regulatory Flexibility Act; "Each NWP [nationwide permit] easily fits within the APA's definition of a 'rule.' * * * As such, each NWP constitutes a rule * * *").

As EPA stated in 1998, "the Agency recognizes that the question of the applicability of the APA, and thus the RFA, to the issuance of a general permit is a difficult one, given the fact that a large number of dischargers may choose to use the general permit." 63 FR 36489, 36497 (July 6, 1998). At that time, EPA "reviewed its previous NPDES general permitting actions and related statements in the **Federal Register** or elsewhere," and stated that "[t]his review suggests that the Agency has generally treated NPDES general permits effectively as rules, though at times it has given contrary indications as to whether these actions are rules or permits." *Id.* at 36496. Based on EPA's further legal analysis of the issue, the Agency "concluded, as set forth in the proposal, that NPDES general permits are permits [*i.e.*, adjudications] under the APA and thus not subject to APA rulemaking requirements or the RFA." *Id.* Accordingly, the Agency stated that "the APA's rulemaking requirements are inapplicable to issuance of such permits," and thus "NPDES permitting is not subject to the requirement to publish a general notice of proposed rulemaking under the APA or any other law * * * [and] it is not subject to the RFA." *Id.* at 36497.

However, the Agency went on to explain that, even though EPA had concluded that it was not legally required to do so, the Agency would voluntarily perform the RFA's small-entity impact analysis. *Id.* EPA explained the strong public interest in the Agency following the RFA's requirements on a voluntary basis: "[The notice and comment] process also provides an opportunity for EPA to consider the potential impact of general permit terms on small entities and how to craft the permit to avoid any undue burden on small entities." *Id.* Accordingly, with respect to the NPDES permit that EPA was addressing in that **Federal Register** notice, EPA stated that

"the Agency has considered and addressed the potential impact of the general permit on small entities in a manner that would meet the requirements of the RFA if it applied." *Id.*

Subsequent to EPA's conclusion in 1998 that general permits are adjudications, rather than rules, as noted above, the DC Circuit recently held that Nationwide general permits under section 404 are "rules" rather than "adjudications." Thus, this legal question remains "a difficult one" (*supra*). However, EPA continues to believe that there is a strong public policy interest in EPA applying the RFA's framework and requirements to the Agency's evaluation and consideration of the nature and extent of any economic impacts that a CWA general permit could have on small entities (*e.g.*, small businesses). In this regard, EPA believes that the Agency's evaluation of the potential economic impact that a general permit would have on small entities, consistent with the RFA framework discussed below, is relevant to, and an essential component of, the Agency's assessment of whether a CWA general permit would place requirements on dischargers that are appropriate and reasonable. Furthermore, EPA believes that the RFA's framework and requirements provide the Agency with the best approach for the Agency's evaluation of the economic impact of general permits on small entities. While using the RFA framework to inform its assessment of whether permit requirements are appropriate and reasonable, EPA will also continue to ensure that all permits satisfy the requirements of the Clean Water Act.

Accordingly, EPA has committed that the Agency will operate in accordance with the RFA's framework and requirements during the Agency's issuance of CWA general permits (in other words, the Agency commits that it will apply the RFA in its issuance of general permits as if those permits do qualify as "rules" that are subject to the RFA). In satisfaction of this commitment, during the course of this general offshore oil and gas exploration, development and production operations permit proceeding, the Agency conducted the analysis and made the appropriate determinations that are called for by the RFA. In addition, and in satisfaction of the Agency's commitment, EPA will apply the RFA's framework and requirements in any future issuance of other NPDES general permits. EPA anticipates that for most general permits the Agency will be able to conclude that there is not a

significant economic impact on a substantial number of small entities. In such cases, the requirements of the RFA framework are fulfilled by including a statement to this effect in the permit fact sheet, along with a statement providing the factual basis for the conclusion. A quantitative analysis of impacts would only be required for permits that may affect a substantial number of small entities, consistent with EPA guidance regarding RFA certification.¹

G. Analysis of Economic Impacts of the General Permit for Offshore Oil and Gas Exploration, Development and Production Operations off Southern California. EPA determined, in consideration of the discussion in Section F above, the issuance of the general permit for offshore oil and gas exploration, development and production operations off Southern California would not have a significant economic impact on a substantial number of small entities. There are only 22 offshore platforms which could be affected by the proposed general permit modification. EPA concludes since this general permit affects less than 100 small entities, EPA believes it does not have a significant economic impact on a substantial number of small entities. Accordingly, EPA concludes a quantitative analysis of impacts is not required for this permit.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: March 12, 2009.

Alexis Strauss,

Director, Water Division, Region 9.

[FR Doc. E9-6840 Filed 4-2-09; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

March 30, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden

¹ EPA's current guidance, entitled Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement and Fairness Act, was issued in November 2006 and is available on EPA's Web site: <http://www.epa.gov/sbrefa/documents/rfafinalguidance06.pdf>. After considering the Guidance and the purpose of CWA general permits, EPA concludes that general permits affecting less than 100 small entities do not have a significant economic impact on a substantial number of small entities.

invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments June 2, 2009. 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, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), (202) 395–5887, or via fax at 202–395–5167, or via the Internet at Nicholas.A.Fraser@omb.eop.gov and to Judith-B.Herman@fcc.gov, Federal Communications Commission (FCC). To submit your comments by e-mail send them to: PRA@fcc.gov.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called “Currently Under Review”, (3) click the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information, send an e-mail to Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0690.

Title: Section 101.17, Performance Requirements for the 38.6–40.0 GHz Frequency Band.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; Federal Government; and State, local or tribal government.

Number of Respondents: 67 respondents; 975 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: Reporting requirement at the end of the 10-year license term.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these information collections are contained in 47 U.S.C. 4(i), 303(c), 303(g), 303(r), and 309(j) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,950 hours.

Total Annual Cost: \$260,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There may be a need for confidentiality. Applicants may request confidentiality and request confidential treatment in connection with their substantial service showings, pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting requirement) of this information collection. The Commission is reporting a change in the estimated number of respondents/responses, burden hours and annual costs. The Commission is adjusting the total annual burden estimate by +1,590 hours. This adjustment reflects the revised respondent and responses estimates based on updated licensing data and the increase number of licenses that will be due for renewal in the next three years. The Commission is also adjusting the estimated annual cost burden by an increase of \$208,000 which is due to an increase in the number of responses; and is also due to the estimated number of respondents (licensees) using outside consultants to discuss and prepare the information.

Section 101.17 requires that all 38.6–40.0 GHz band licensees demonstrate

substantial service at the time of license renewal (at the end of the ten year license term). A licensee's substantial service showing should include, but not limited to, the following information for each channel for which the hold a license, in each Economic Area (EA) or portion of the EA covered by their license, in order to qualify for renewal of that license. The information is used by Commission staff to satisfy requirements for licensees to demonstrate substantial service at the time of license renewal. Without this information, the Commission not be able to carry out its statutory responsibilities. Also the information is used by the Commission to determine whether the licensee is providing service which rises to the level of “substantial” requires the following information:

(1) A description of the 38.6–40.0 GHz band licensee's current service in terms of geographic coverage;

(2) A description of the licensee's current service in terms of population served, as well as any additional service provided during the license term; and

(3) A description of the licensee's investment in its system(s) (type of facilities constructed and their operational status is required).

Any licensees adjudged not to be providing substantial service will not have their license renewed.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. E9–7519 Filed 4–2–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

March 27, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid

control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 2, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395-5887, or via fax at 202-395-5167 or via Internet at

Nicholas A. Fraser@omb.eop.gov and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission, or an e-mail to *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman at 202-418-0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0931.

Title: Maritime Mobile Service Identity (MMSI).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; and Federal Government.

Number of Respondents: 40,000 respondents; 40,000 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. There is no statutory authority for this information collection. However, the Memorandum of Understanding (MOU) states that it is in accordance with Appendix 43 of the Radio Regulations.

Total Annual Burden: 10,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: Yes. The FCC has a System of Records Notice (SORN), FCC/WTB-1, "Wireless Services Licensing Records", to cover the personally identifiable information

affected by these information collection requirements. At this time, the Commission (FCC) is not required to complete a Privacy Impact Assessment.

Nature and Extent of Confidentiality: There is a need for confidentiality with respect to all owners of Marine VHF radios with Digital Selective Calling (DSC) capability in this collection. Pursuant to section 208(b) of the E-Government Act of 2002, 44 U.S.C. section 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. 552(a), the Wireless Telecommunications Bureau instructs licensees to use the FCC's Universal Licensing System (ULS), Antenna Structure Registration (ASR), Commission Registration System (CORES) and related systems and subsystems to submit information. CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call signs and ASR numbers associated with a FRN within the Bureau's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and the Bureau's Licensing Division staff. Upon the request of a FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature. Information on the marine VHF radios with DSC capability is maintained in the Commission's system of records, FCC/WTB-1, "Wireless Services Licensing Records." The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act. FRN numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records (FCC/WTB-1, "Wireless Services Licensing Records") and these and all other records may be disclosed pursuant to the routine uses as stated in the system of records notice.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting and/or third party disclosure requirements) of this information collection. The Commission is reporting a significant increase in the

estimated number of respondents/responses since this was last submitted to OMB in 2006. In 2006, the Commission reported 2,000 respondents/responses with 1,000 total annual burden hours. For this submission to the OMB, the number of respondents increased by 38,000 with an estimated annual burden of 10,000 burden hours.

The information collection is necessary to require owners of marine VHF radios with Digital Selective Calling (DSC) capability to register information such as the name, address, type of vessel with a private entity issuing marine mobile service identities (MMSI). The information would be used by search and rescue personnel to identify vessels in distress and to select the proper rescue units and search methods. The requirement to collect this information is not contained in a Commission rule or formal FCC order, but in the agreements the FCC executes with private sector entities that issue MMSI's.

The information is used by private entities to maintain a database used to provide information about the vessel owner in distress using marine VHF radios with DSC capability. If the collection were not conducted, the U.S. Coast Guard would not have access to this information which would increase the time and effort needed to complete a search and rescue operation.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

[FR Doc. E9-7523 Filed 4-2-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2884]

Petition for Reconsideration of Action in Rulemaking Proceeding

March 26, 2009.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to this petition must be filed by April 20, 2009. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed

within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04-344).

Number of Petitions Filed: 1.

William F. Caton,

Deputy Secretary.

[FR Doc. E9-7520 Filed 4-2-09; 8:45 am]

BILLING CODE 6712-01-P

GENERAL SERVICES ADMINISTRATION

Record of Decision for the Department of Homeland Security Headquarters Consolidation at St. Elizabeths in Southeast, Washington, DC

AGENCY: National Capital Region, U.S. General Services Administration (GSA).

ACTION: Notice; record of decision.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4347, the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), GSA Order PBS P 1095.1F (Environmental considerations in decision-making, dated October 19, 1999), and the GSA Public Buildings Service NEPA Desk Guide, dated October 1999, on December 16, 2008, GSA issued a Record of Decision on the *DHS Headquarters Consolidation at St. Elizabeths Final Environmental Impact Statement (EIS)* (GSA, November 2008) to implement Campus Redevelopment Alternative 5 as defined in the Final EIS. The complete Record of Decision (ROD) can be viewed on the project Web site: <http://www.stelizabethswestcampus.com>.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Decker, NEPA Lead, National Capital Region, General Services Administration, at (202) 538-5643.

SUPPLEMENTARY INFORMATION:

Decision:

It is the decision of the Acting Regional Administrator of GSA, National Capital Region to:

(1) Implement Campus Redevelopment Alternative 5, which requires part of the 4.5 million GSF of secure office space, plus parking, needed for the DHS consolidated headquarters to be located on the St. Elizabeths East Campus. Alternative 5 includes the construction of 3.8 million GSF of office and shared use space in both new and adaptively re-used buildings, together with 3,459 parking spaces for the consolidation of DHS Headquarters at the St. Elizabeths West

Campus in Southeast, Washington, DC. Alternative 5 also includes an additional 750,000 GSF of office and shared use space together with 775 parking spaces that will be located on the St. Elizabeths East Campus. The selection of Alternative 5 contemplates the use of the East Campus parcel for the project. However, the ROD does not authorize any ground disturbing activities on the East Campus. Implementation of ground disturbing activities on the East Campus will be considered in a separate EIS and, unless the no-build alternative is selected, implemented in a separate ROD. In accordance with the conditions set forth in the December 16, 2008 ROD, certain West Campus ground disturbing activities are authorized prior to completion of the contemplated East Campus ROD.

(2) Implement Martin Luther King, Jr. Avenue Traffic Improvement Alternative 2, as defined in Volume 2 of the FEIS. Alternative 2 accommodates left turning lanes into Gates 1 and 2 of the West Campus. Selection of this alternative is based on coordination with, and is subject to, subsequent final determinations of the District of Columbia Department of Transportation (DDOT). Alternative 2 may be implemented immediately after approval by DDOT.

(3) Implement, in cooperation with the Federal Highway Administration (FHWA), Interchange Alternative I-2, as described in Volume II of the Final EIS. Alternative I-2 provides for the construction of a new access road for St. Elizabeths West Campus, from Firth Sterling Avenue to Malcolm X Avenue and connecting to the Malcolm X interchange as outlined in Volume 2 of the Final EIS. Selection of this alternative is based on coordination with FHWA and is subject to its subsequent final determinations.

The ROD documents the specific components of GSA's decision and the rationale for the decision. This decision is based on information and analyses contained in the Draft EIS issued in September 2007; the Final EIS issued in November 2008; the comments of Federal and State agencies, stakeholder organizations, members of the public, and elected officials; and other information in the administrative record.

Issued December 16, 2008 by John F. Phelps, Acting Regional Administrator,

General Services Administration, National Capital Region.

Thomas James,

Deputy Assistant Regional Administrator, Public Buildings Service, National Capital Region.

[FR Doc. E9-7469 Filed 4-2-09; 8:45 am]

BILLING CODE 6820-23-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10175]

Agency Information Collection Activities: Submission for OMB Review; 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), Department of Health and Human Services, 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 function; (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:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Certification Statement for Electronic File Interchange Organizations (EFIOs) *Use:* Health care providers can currently obtain a National Provider Identifier (NPI) via a paper application or over the Internet through the National Plan and Provider Enumeration System (NPPES). These applications must be submitted individually, on a per-provider basis. The Electronic File Interchange (EFI) process allows provider-designated electronic file interchange organizations (EFIOs) to capture multiple providers' NPI application information on a single electronic file for submission to NPPES. This process is also referred to as "bulk enumeration." To ensure that the EFIO

has the authority to act on behalf of each provider and complies with other Federal requirements, an authorized official of the EFIO must sign a certification statement and mail it to the Centers for Medicare and Medicaid Services (CMS). *Form Number:* CMS-10175 (OMB# 0938-0984); *Frequency:* Once; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 300; *Total Annual Responses:* 300; *Total Annual Hours:* 300. (For policy questions regarding this collection contact Leslie Jones at 410-786-6599. 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

address 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.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *May 4, 2009*.

OMB, Office of Information and Regulatory Affairs.

Attention: CMS Desk Officer.

Fax Number: (202) 395-6974.

E-mail:

OIRA_submission@omb.eop.gov.

Dated: March 27, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9-7498 Filed 4-2-09; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[HHS-2009-ACF-ACYF-FVPS-0035]

Family Violence Prevention and Services/Grants for Domestic Violence Shelters and Related Assistance/ Grants to States

Program Office	Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB).
Funding Opportunity Number	HHS-2009-ACF-ACYF-FVPS-0035.
Announcement Title	Family Violence Prevention and Services/Grants for Domestic Violence Shelters and Related Assistance/Grants to States.
CFDA Number	93.671.
Due Date for Applications	May 4, 2009.

Executive Summary: This announcement governs the proposed award of mandatory grants under the Family Violence Prevention and Services Act (FVPSA) to States (including Territories and Insular Areas). The purpose of these grants is to assist States in establishing, maintaining, and expanding programs and projects to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents (42 U.S.C. 10401).

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in Fiscal Year (FY) 2009. Starting in FY 2009, applications should cover FYs 2009, 2010 and 2011 (see Section II, Funds Available, Length of Project Period).

I. Description

Legislative Authority: The Family Violence Prevention and Services Act, 42 U.S.C. 10401 through 10421, as extended by the Department of Health and Human Services Appropriations Act, 2009, Public Law 111-8.

Background

The purpose of this legislation is to assist States and Indian Tribes, Tribal organizations, and non-profit private organizations approved by an Indian Tribe in supporting the establishment, maintenance, and expansion of

programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents that meet the needs of all victims, including those in underserved communities (42 U.S.C. 10401).

During FY 2008, the Department of Health and Human Services (HHS) made 52 grants to States. 202 grants were made to Indian Tribes, Tribal organizations, and non-profit private organizations approved by Indian Tribes. The Department of Health and Human Services (HHS) also made 53 family violence prevention grant awards to non-profit State Domestic Violence Coalitions.

The National Domestic Violence Hotline (Hotline) is funded by FVPSA to ensure that everyone has access to information and emergency assistance wherever and whenever it is needed. The Hotline is a 24-hour, toll-free service that provides crisis assistance, counseling, and local shelter referrals for people across the country who need assistance. Hotline counselors also are available for non-English speaking persons and for people who are hearing-impaired. The Hotline number is 1-800-799-SAFE (7233); the TTY number for the hearing-impaired is 1-800-787-3224.

Annual State Administrators Grantee Meeting

The annual grantee meeting for the State FVPSA Administrators is a training and technical assistance activity that FVPSA State Administrators should expect to attend. Subsequent correspondence will advise the State FVPSA Administrators of the date, time and location of their grantee meeting.

Client Confidentiality

FVPSA programs must establish or implement policies and protocols for maintaining the safety and confidentiality of the adult victims of domestic violence and their children whom they serve. It is essential that the confidentiality of individuals receiving FVPSA services be protected. Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used by the State or other FVPSA grantees or subgrantees. The address or location of any FVPSA-supported shelter facility will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public and the confidentiality of records pertaining to any individual provided family violence prevention and treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

Confidentiality requirements have been strengthened and clarified with the passage of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162). In the interest of establishing a consistent Federal standard for domestic violence programs, HHS intends to follow the confidentiality provisions and definition of “personally identifying information” in sections 40002(b)(2) and 40002(a)(18) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2) and 42 U.S.C. 13925(a)(18)) as a more detailed guidance for grantees about how to comply with the FVPSA confidentiality obligations, and requires FVPSA-funded programs to comply with the VAWA confidentiality provisions.

In FY 2009 guidance, FYSB requires that grantees only collect unduplicated data for each program, and that information not be unduplicated across programs or statewide. No client-level data may be shared with a third party, regardless of encryption, hashing or other data security measures, without a written, time-limited release as described in section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)).

The Importance of Coordinated and Accessible Services

The impacts of family violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children living with a parent or caretaker who is either experiencing or perpetrating family violence, increased fear, reduced mobility, damaged credit, unemployment, financial instability, homelessness, substance abuse, chronic illnesses and a host of other health and related mental health consequences.

Coordination and collaboration among victim services providers, community-based, culturally specific and faith-based service providers, housing providers and homeless services providers, the police, prosecutors, the courts, child welfare services, employers and business, medical and mental health service providers, and Federal, State, and local public official and agencies is needed to provide more responsive and effective services to victims of domestic violence and their families. It is essential that community service providers, including those serving or representing underserved communities, are involved in the design and improvement of intervention and prevention activities.

To help bring about a more effective response to the problem of family

violence, HHS urges the designated State agencies receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for the prevention of family violence and related issues.

To serve victims most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406). The HHS Office for Civil Rights provides guidance to grantees in complying with these requirements. Please see <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html> for HHS Office of Civil Rights guidance on serving immigrant victims.

The FVPSA specifically makes Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) applicable to all programs and activities conducted with any FVPSA funds. Section 504 bars organizations and employers from excluding or denying individuals with disabilities or denying such individuals an equal opportunity to receive program benefits and services. Organizations may not establish eligibility criteria for receipt of services or participation in programs or activities that screen out or tend to screen out individuals with disabilities, unless such criteria are necessary to meet the objectives of the program. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

Please see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html> for HHS Office of Civil Rights guidance on the Americans with Disabilities Act and the Rehabilitation Act of 1973. Services must also be provided on a voluntary basis; receipt of shelter or housing must not be conditioned on participation in supportive services.

National Data Collection and Outcomes Measurement

In collaboration with partners at State FVPSA programs, State Domestic Violence Coalitions (Coalitions), Tribes and Tribal organizations, the National Resource Center on Domestic Violence, and experts on both data collection and domestic violence prevention and

intervention issues, FYSB continues to develop informative, succinct, and non-burdensome reporting formats that safely measure quantifiable outputs and outcomes. During FY 2007, FYSB revised and defined the program services reporting components for recipients of FVPSA State Formula Grant funds. Throughout FY 2008, grantee workshops, teleconferences, and information memoranda provided further guidance on performance reporting requirements for these grantees. In FY 2009, FYSB is requiring States and their subgrantees, and Tribal grantees to use standardized reporting forms to facilitate the collection of uniform, aggregate data on FVPSA-supported program services and client outcomes, as described in Section VI.

Definitions

States should use the following definitions in carrying out their programs. The definitions are found in 42 U.S.C. 10421.

Family Violence: Any act or threatened act of violence, including any forceful detention of an individual, which: (a) Results or threatens to result in physical injury; and (b) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

Shelter: The provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

Related Assistance: The provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance includes:

(1) Prevention services such as outreach and prevention services for victims and their children, assistance for children who witness domestic violence, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including services promoting nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence

prevention programs for school-age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(2) Counseling with respect to family violence, counseling or other supportive services provided by peers individually or in groups, and referral to community social services;

(3) Transportation and technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(4) Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(5) Children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims, and children who witness domestic violence.

II. Funds Available

In FY 2009, FY 2010, and FY 2011, HHS will make available for grants to

the State-designated, Statewide, Domestic Violence Coalitions the funds described in this announcement. These grant awards are subject to the availability of Federal appropriations, and as authorized by the Family Violence Prevention and Services Act, 42 U.S.C. sections 10401 through 10421, (extended by the Department of Health and Human Services Appropriations Act, 2009, Pub. L. 111-8, and/or any subsequent pertinent legal authorities).

State Allocation

FVPSA grants to the States, the District of Columbia, and the Commonwealth of Puerto Rico are based on a population formula. Each State grant shall be \$600,000 with the remaining funds allotted to each State on the same ratio as the population of the State to the population of all States (42 U.S.C. 10403(a)(2)). State populations are determined on the basis of the most recent census data available to the Secretary of HHS, and the Secretary shall use for such purpose, if available, the annual current interim census data produced by the Secretary of Commerce pursuant to 13 U.S.C. 181 (42 U.S.C. 10403(b)).

For the purpose of computing allotments, the statute provides that

Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands will each receive grants of not less than one-eighth of one percent of the amounts appropriated (42 U.S.C. 10403(a)(1)).

Length of Project Periods

States now apply for three years of grant funds in this one application. The project period under this program announcement continues to be 24 months for each award. FYSB will continue to disperse funds annually. States will not be required to submit additional applications for the years FY 2010 through FY 2011 unless there are material changes made to the program. Therefore, States must address their anticipated activities not only for the FY 2009 project period; *i.e.*, October 2008 through September 2010, but also for the project periods covered by FYs 2010 through 2011; *i.e.*, October 2009 through September 2012. States will have the opportunity to amend their applications for each of the fiscal years FY 2010 and FY 2011 if their anticipated activities materially change. This change does not affect the amount of the grant award or the timing of the grant award, only the application process.

Award year (federal fiscal year)	Project period (24 months)	Application requirements
FYSB will continue to disperse funds annually. The Federal FY is a one-year period from September through October. FY 2009	States will continue to have two years to spend the funds. 10/01/08-9/30/10	This change does not affect the amount of the grant award or the timing of the grant award, only the application process. States apply for three years of grant funds in this one application. States must address their anticipated activities for the FY 2009 project period, and also for the project periods covered by FYs 2010 and 2011.
FY 2010	10/01/09-9/30/11	States will not be required to submit an additional application for FY 2010 unless there are material changes made to the program.
FY 2011	10/01/10-9/30/12	States will not be required to submit an additional application for FY 2011 unless there are material changes made to the program.

Expenditure Period

FVPSA funds may be used for expenditures on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year; *i.e.*, FY 2009 funds may be used for expenditures from October 1, 2008, through September 30, 2010.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-allotment. FY 2009 grant funds that are made available to the States through re-allotment, under 42 U.S.C. 10403(d), must be expended by the State no later than September 30, 2010. FY 2010 grant

funds that are made available to the States through re-allotment, under 42 U.S.C. 10403(d), must be expended by the State no later than September 30, 2011. FY 2011 grant funds that are made available to the States through re-allotment, under 42 U.S.C. 10403(d), must be expended by the State no later than September 30, 2012.

III. Eligibility

“States” as defined in section 320 of FVPSA are eligible to apply for funds. The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

In the past, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands and American Samoa have applied for funds as a part of their consolidated grant under the Social Services Block grant. These jurisdictions need not submit an application under this program announcement if they choose to have their allotment included as part of a consolidated grant application.

Additional Information on Eligibility

D-U-N-S Requirement

All applicants must have a D&B Data Universal Numbering System (D-U-N-S) number. On June 27, 2003, the Office of Management and Budget (OMB) published in the **Federal Register** a new

Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a D-U-N-S number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The D-U-N-S number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal, <http://www.Grants.gov>. A D-U-N-S number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs, submitted on or after October 1, 2003.

Please ensure that the applicant's organization has a D-U-N-S number. To acquire a D-U-N-S number at no cost, call the dedicated toll-free D-U-N-S number request line at 1-866-705-5711 or request a number online at <http://www.dnb.com>.

IV. Application Requirements

The project description is approved under the Office of Management and Budget (OMB) control number 0970-0280, which expires on December 31, 2011.

Content of Application Submission

The State's application must be submitted by the Chief Executive of the State and signed by the Chief Executive Officer or the Chief Program Official designated as responsible for the administration of FVPSA.

Each application must contain the following information or documentation:

(1) The name of the State agency, the name and contact information for the Chief Program Official designated as responsible for the administration of funds under FVPSA and coordination of related programs within the State, and the name and contact information for a contact person if different from the Chief Program Official (42 U.S.C. 10402(a)(2)(D)).

(2) A plan describing in detail how the needs of underserved populations will be met (42 U.S.C. 10402(a)(2)(C)). "Underserved populations" include populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, immigration status, or age), and any other population determined to be underserved by the State planning process or the Secretary of HHS (42 U.S.C. 13925(a)(32)).

(a) Identify which populations in the State are underserved, describe those

that are being targeted for outreach and services, and provide a brief explanation of why those populations were selected to receive outreach and services.

(b) Describe the outreach plan, including the domestic violence training to be provided, the means for providing technical assistance and support, and the leadership role played by those representing and serving the underserved populations in question.

(c) Describe the specific services to be provided or enhanced, such as new shelters or services, improved access to shelters or services, or new services for underserved populations such as victims from communities of color, immigrant victims, or victims with disabilities, etc.

(d) Describe the public information component of the State's outreach program: The elements of your program that are used to explain domestic violence, the most effective and safe ways to seek help, tools to identify available resources, etc.

(3) Provide a complete description of the process and procedures used to involve the State Domestic Violence Coalition, knowledgeable individuals, and interested organizations, including those serving or representing underserved communities, in the State planning process, and provide assurances that the State grantee is in compliance with the requirements of 42 U.S.C. 10402(a)(2)(C).

(4) Provide complete documentation of consultation with and participation of the State Domestic Violence Coalition in the administration and distribution of FVPSA grants and grant funds awarded to the State as required by 42 U.S.C. 10410(a)(5) and 42 U.S.C. 10402(a)(2)(C)).

(5) Provide complete documentation of policies, procedures and protocols that ensure individual identifiers of client records will not be used when providing statistical data on program activities and program services, that the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any FVPSA-supported program will be strictly maintained, and the address or location of any FVPSA-supported shelter will not be made public without the written authorization of the person or persons responsible for the operation of such shelter (42 U.S.C. 10402(a)(2)(E)).

(6) Describe the plan to assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State (42 U.S.C. 10402(a)(2)(C)).

(7) Include a description of how the State plans to use the grant funds; a

description of the target populations; the number of shelters to be funded; the number of non-residential programs to be funded; the services the State will provide; and the expected results from the use of the grant funds (42 U.S.C. 10402(a)(2)).

(8) Provide a copy of the law or procedures, such as a process for obtaining an order of protection, that the State has implemented for the eviction of an abusive spouse from a shared household (42 U.S.C. 10402(a)(2)(F)).

Note: As required by the Paperwork Reduction Act of 1995, Public Law 104-13, the public reporting burden for the project description is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Project Description information collection is approved under OMB control number 0970-0280, which expires on 12/31/2011. 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.

Assurances

Each application must provide the assurances in Appendix A.

Certifications

All applications must submit or comply with the required certifications found in the Appendices as follows:

Anti-Lobbying Certification and Disclosure Form (See Appendix B)

Applicants must furnish prior to award an executed copy of the Standard Form (SF) LLL, *Certification Regarding Lobbying*, when applying for an award in excess of \$100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their applications (approved by OMB under control number 0348-0046). Applicants should sign and return the certification with their application.

Certification Regarding Environmental Tobacco Smoke (See Appendix C)

Applicants and subgrantees must understand they will be held accountable for the smoking prohibition included within Public Law 103-227, Title XII Environmental Tobacco Smoke (also known as the Pro Children Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

Certification Regarding Drug-Free Workplace Requirements (*See Appendix D*)

The signature on the application by the chief program official attests to the applicant's intent to comply with the Drug-Free Workplace requirements and compliance with the Debarment Certification. By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

These certifications can also be found at <http://www.acf.hhs.gov/programs/ofs/forms.htm>.

Notification Under Executive Order 12372

For States, this program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," for State plan consolidation and implication only—45 Code of Federal Regulations (CFR) 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply.

Applications should be sent to:
Family Violence Prevention and Services Program,
Family and Youth Services Bureau,
Administration on Children, Youth and Families,
Administration for Children and Families,
Attention: Edna James or Shannon R. Gaskins, 1250 Maryland Avenue, SW., Suite 8214, Washington, DC 20024.

V. Approval/Disapproval of a State Application

The Secretary of HHS will approve any application that meets the requirements of FVPSA and this announcement and will not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove has been provided to the applicant and after a six-month period providing an opportunity for the applicant to correct any deficiencies. The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

VI. Reporting Requirements

Performance Reports

Beginning with FY 2009 awards, ACF grantees will begin submitting Performance Progress Reports using a standardized format, the SF-PPR. The SF-PPR is the standard government-wide performance progress reporting format used by Federal agencies to collect performance information from recipients. A version of the SF-PPR has been tailored for grantees under this

announcement as the ACYF-FYSB-FVPS-SF-PPR. A Program Performance Report must be filed with HHS describing the activities carried out, and including an assessment of the effectiveness of those activities in achieving the purposes of the grant. A section of this performance report must be completed by each grantee or sub-grantee that performed the direct services contemplated in the application certifying performance of such services. A copy of the ACYF-FYSB-FVPS-SF-PPR will be available in the Web page publication of this announcement at <http://www.acf.hhs.gov/programs/fysb/content/familyviolence/index.html> approximately 10 business days after the publication of this announcement in the **Federal Register**.

The performance report must include the following data elements and narrative examples of the services that were provided:

Funding—The total amount of the FVPSA grant funds awarded. Total amount of State administrative cost. Total number of subgrants awarded. Total domestic violence program budget for programs that received FVPSA subgrants. The number of domestic violence programs with residential facilities funded. The number of non-residential programs funded.

Volunteers—The total number of volunteers working in FVPSA-supported programs; total volunteer hours.

Narrative Questions—For services or activities in the State supported in whole or in part by FVPSA funding, provide examples or summaries that describe:

- Stories concerning individual clients, services, or community or Statewide initiatives;
- Activities that the FVPSA grant allows grantees to do that they wouldn't be able to do without this funding.
- Efforts to identify and meet the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, or language diversity or geographic isolation. Include the ongoing challenges in addressing these needs.
- Significant prevention activities conducted during the program year.
- Any additional information that the grantee would like to share about the State's FVPSA-supported domestic violence programs and their effectiveness, the unmet needs of victims in the State and what would be required to meet those needs, or service trends that are emerging in their communities.

People Served—

- An unduplicated count (unduplicated by program but not across State) of non-residential clients who are women, men, children, and youth who are intimate partner violence victims.

- An unduplicated count (unduplicated by program but not across State) of residential clients, including the number of shelter nights, for women, men, children, and youth who are intimate partner violence victims.

Demographics—For Unduplicated Clients, include the following demographic categories:

- **Race/Ethnicity:** Black or African American; American Indian/Alaska Native; Asian; Hispanic or Latino; Native Hawaiian/Other Pacific Islander; White; Unknown/Other.

- **Gender:** Female; Male; or Not Specified.

- **Age:** 0–17; 18–24; 25–59; 60+; Unknown.

Residential Services—

- Total Shelter Nights.
- Number of Unmet Requests for Shelter.

Related Services and Assistance—List the related services and assistance provided to victims and their family members by indicating the number of hours and or number of service contacts in each of the following categories:

- Crisis/Hotline Calls (Number of Calls).
- **Supportive Counseling and Advocacy:** Individual and group.
- Children's Services.

—**Supportive Counseling and Advocacy:** Individual and group.

—**Children's Activities:** Individual and group.

- **Batterer Intervention Services (if Funded through FVPSA):** Individual and group.

Community Education and Public Awareness—Report the number of presentations and participants that attended presentations/training for:

- Adults/General Population.
- Youth Targeted.
- Community Awareness Activities (Number of Events Only).

Outcome Data—Report results from FVPSA outcome surveys:

- Total number of domestic violence survivors who have more strategies for enhancing their safety, and total number completing safety outcome survey; and,
- Total number of domestic violence survivors who have more knowledge about community resources, and total number completing resource outcome survey.

Performance Reports for the States are due on an annual basis at the end of the calendar year (December 29).

Performance Reports should be sent to:

Family Violence Prevention and Services Program,
Family and Youth Services Bureau,
Administration on Children, Youth and Families,
Administration for Children and Families,

Attention: Edna James or Shannon R. Gaskins, 1250 Maryland Avenue, SW., Suite 8214, Washington, DC 20024.

Please note that section 42 U.S.C. 10402(a)(4) of FVPSA requires HHS to suspend funding for an approved application if any State applicant fails to submit an annual Performance Report or if the funds are expended for purposes other than those set forth under this announcement.

Financial Status Reports

Grantees must submit annual Financial Status Reports. The first SF-269A for FY 2009 grant awards is due December 29, 2009. The final SF-269A for FY 2009 is due December 29, 2010. The first SF-296A for FY 2010 grant awards is due December 29, 2010. The final SF-269A for FY 2010 is due December 29, 2011. The first SF-269A for FY 2011 grant awards is due December 29, 2011. The final SF-269A for FY 2011 is due December 29, 2012. SF-269A can be found at http://www.whitehouse.gov/omb/grants/grants_forms.html.

Completed reports may be mailed to: Frederick Griefer, Division of Mandatory Grants, Office of Grants Management, Administration for Children and Families, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

Grantees have the option of submitting their reports online through the Online Data Collection (OLDC) system at the following address: <https://extranet.acf.hhs.gov/ssi>.

Failure to submit reports on time may be a basis for withholding grant funds, suspension or termination of the grant. All funds reported as unobligated after the obligation period will be recouped.

VII. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded

under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS Web site at <http://www.hhs.gov/fbci/waisgate21.pdf>.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Faith-based and community organizations may reference the "Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government" at <http://www.whitehouse.gov/government/fbci/guidance/index.html>.

VIII. Other Information

FOR FURTHER INFORMATION CONTACT:

Edna James at (202) 205-7750 or e-mail at Edna.James@acf.hhs.gov, or Shannon R. Gaskins at (202) 205-7891 or e-mail at Shannon.Gaskins@acf.hhs.gov.

Dated: March 27, 2009.

Maiso L. Bryant,

Acting Commissioner, Administration on Children, Youth and Families.

Appendices—Required Assurances and Certifications

- A. Assurances.
- B. Anti-Lobbying and Disclosure.
- C. Environmental Tobacco Smoke.
- D. Drug-Free Workplace Requirements.

Appendix A

Assurances of Compliance With Grant Requirements

The undersigned certifies that:

(1) Grant funds under FVPSA will be distributed to local public agencies and non-profit private organizations (including religious and charitable organizations and voluntary associations) for programs and projects within the State to prevent incidents

of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents (42 U.S.C. 10402(a)(2)(A)).

(2) Not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance, as defined in 42 U.S.C. 10421(4) and (5), to victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provide related assistance as defined in 42 U.S.C. 10421(5) (42 U.S.C. 10402(g)).

(3) Not more than five percent of the funds will be used for State administrative costs (42 U.S.C. 10402(a)(2)(B)(i)).

(4) In distributing the funds, the States will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit, private organizations, particularly for those projects where the primary purpose is to operate shelters for victims of family violence and their dependents and those which provide counseling, advocacy, and self-help services to victims and their children (42 U.S.C. 10402(a)(2)(B)(ii)).

(5) The State grantee is in compliance with the requirements of 42 U.S.C. 10402(a)(2)(C), as described in this program announcement (Program Announcement Number HHS-2009-ACF-ACYF-FVPS-0035) under Section IV, Application Requirements, Content of Application Submission, paragraphs (2), (3), (4), and (6).

(6) Grants funded by the States will meet the matching requirements in 42 U.S.C. 10402(f); *i.e.*, not less than 20 percent of the total funds provided for a project under 42 U.S.C. 110 with respect to an existing program, and with respect to an entity intending to operate a new program under 42 U.S.C. 110, not less than 35 percent. The local share will be cash or in-kind, and the local share will not include any Federal funds provided under any authority other than this chapter (42 U.S.C. 10402(f)).

(7) Grant funds made available under this program by the State will not be used as direct payment to any victim or dependent of a victim of family violence (42 U.S.C. 10402(d)).

(8) No income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated to carry out FVPSA (42 U.S.C. 10402(e)).

(9) The address or location of any shelter or facility assisted under FVPSA will not be made public, except with the written authorization of the person or persons responsible for the operations of such shelter (42 U.S.C. 10402(a)(2)(E)).

(10) The applicant will comply with FVPSA confidentiality requirements and has established policies, procedures and protocols that ensure individual identifiers of client records will not be used when providing statistical data on program activities and program services and that the confidentiality of records pertaining to any individual provided domestic violence prevention or treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

(11) All grants, programs or other activities funded by the State in whole or in part with funds made available under FVPSA will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406).

(12) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State and local public funds expended to provide services and activities that promote the purposes of the FVPSA (42 U.S.C. 10402 (a)(4)).

Signature _____

Title _____

Organization _____

Appendix B—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated 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 a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her 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 insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature _____

Title _____

Organization _____

Appendix C—Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Appendix D—Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR part 76, subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for State-wide and State agency-wide certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point

is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW., Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

(1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For grantees other than individuals, Alternate I applies.

(4) For grantees who are individuals, Alternate II applies.

(5) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

(6) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

(7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

(8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform employees about—

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each employee to be engaged in the performance

of the grant be given a copy of the statement required by paragraph (a);

(4) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(5) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the

performance of work done in connection with the specific grant:

Place of Performance (Street Address, City, County, State, Zip Code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. E9-7504 Filed 4-2-09; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[HHS-2009-ACF-ACYF-FVPS-0032]

Family Violence Prevention and Services/Grants for Domestic Violence Shelters/Grants to Native American Tribes (Including Alaska Native Villages) and Tribal Organizations

Program Office	Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB).
Funding Opportunity Number	HHS-2009-ACF-ACYF-FVPS-0032.
Announcement Title	Family Violence Prevention and Services/Grants for Domestic Violence Shelters/Grants to Native American Tribes (including Alaska Native Villages) and Tribal Organizations.
CFDA Number	93.671.
Due Date for Applications	May 4, 2009.

Executive Summary: This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to Native American Tribes (including Alaska Native Villages) and Tribal organizations. The purpose of these grants is to assist Tribes in establishing, maintaining, and expanding programs and projects to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents (42 U.S.C. 10401).

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in Fiscal Year (FY) 2009. Grantees are to be mindful that although the expenditure period for grants is a two-year period, an application is required every year to provide continuity in the provision of services. (See *Section II. Award Information, Expenditure Periods.*)

I. Description

Legislative Authority: The Family Violence Prevention and Services Act,

42 U.S.C. 10401 through 10421, as extended by the Department of Health and Human Services Appropriations Act, 2009, Public Law 111-8.

Background

The purpose of this legislation is to assist Tribes Tribal organizations, nonprofit private organizations approved by Tribes and States in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related

assistance for victims of family violence and their dependents.

Tribes face unique circumstances and obstacles when responding to family violence. The particular legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian victims of family violence.

During FY 2008, the Department of Health and Human Services (HHS) made 257 grants to States and Tribes or Tribal organizations. HHS also made 53 family violence grant awards to non-profit State Domestic Violence Coalitions. In addition, HHS supports the Sacred Circle, National Resource Center to End Violence Against Native Women.

General Grant Program Requirements for Tribes or Tribal Organizations

Client Confidentiality

FVPSA programs must establish or implement policies and protocols for maintaining the safety and confidentiality of the adult victims of domestic violence and their children whom they serve. It is essential that the confidentiality of individuals receiving FVPSA services be protected. Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used by Tribes, Tribal organizations, the State, or other FVPSA grantees or subgrantees. The address or location of any FVPSA-funded shelter facility will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public and the confidentiality of records pertaining to any individual provided family violence prevention and treatment services by any FVPSA-funded program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

Confidentiality requirements have been strengthened and clarified with the passage of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162). In the interest of establishing a consistent Federal standard for domestic violence programs, HHS follows the confidentiality provisions and definition of "personally identifying information" in sections 40002(b)(2) and 40002(a)(18) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2) and 42 U.S.C. 13925(a)(18)) as a more detailed guidance for grantees about how to comply with the FVPSA confidentiality obligations, and requires FVPSA-funded

programs to comply with the VAWA confidentiality provisions.

In FY 2009 guidance, FYSB requires that grantees only collect unduplicated data for each program, and that information not be unduplicated across programs or statewide. No client-level data may be shared with a third party, regardless of encryption, hashing or other data security measures, without a written, time-limited release as described in section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)).

The Importance of Coordinated, Accessible Services

The impacts of family violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children living with a parent or caretaker who is either experiencing or perpetrating family violence, increased fear, reduced mobility, damaged credit, employment and financial instability, homelessness, substance abuse, chronic illnesses, and a host of other health and related mental health consequences. The physical and cultural obstacles existing in much of Indian country compound the basic dynamics of family violence. Barriers such as the isolation of vast rural areas, the concern for safety in isolated settings, lack of housing and shelter options, and the transportation requirements over long distances heighten the need for the coordination of the services through an often limited delivery system.

To help bring about a more effective response to the problem of family violence, HHS urges Tribes and Tribal organizations receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for the prevention of family violence and related issues.

To serve victims most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406). The HHS Office for Civil Rights provides guidance to grantees in complying with these requirements. Services must also be provided on a voluntary basis; receipt of shelter or housing must not be conditioned on participation in supportive services.

National Data Collection and Outcomes Measurement

In collaboration with partners at the State FVPSA programs, State Domestic Violence Coalitions (Coalitions), Tribes

and Tribal organizations, Sacred Circle, the National Resource Center on Domestic Violence, and experts on both data collection and domestic violence issues, FYSB continues to develop informative, succinct, and non-burdensome reporting formats that safely measure quantifiable outputs and outcomes. During FY 2007, FYSB revised and defined the program services reporting components for recipients of FVPSA State Formula Grant funds. In FY 2008, FYSB worked with Tribal representatives to assess the applicability of the proposed program reporting procedures and outcome measures for FVPSA Tribal grantees. In FY 2009, FYSB is requiring Tribal grantees and States to use standardized reporting forms to facilitate the collection of uniform, aggregate data on FVPSA-supported program services, as described in Section VI.

Annual Tribal Grantee Meeting

FVPSA grant administrators should expect to attend the annual Tribal Grantee Meeting. Subsequent correspondence will advise the Tribal FVPSA Administrators of the date, time, and location of the grantee meeting.

Definitions

Tribes and Tribal organizations should use the following definitions in carrying out their programs. The definitions are found in 42 U.S.C. 10421.

Family Violence: Any act, or threatened act, of violence, including any forceful detention of an individual, which (a) results or threatens to result in physical injury and (b) is committed by a person against another individual (including an elderly person) to whom such person is, or was, related by blood or marriage, or otherwise legally related, or with whom such person is, or was, lawfully residing.

Indian Tribe: "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b(e)).

Tribal Organization: "Tribal Organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community

to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. In any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant (25 U.S.C. 450b(l)).

Shelter: The provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

Related assistance: The provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance includes:

(1) Prevention services such as outreach and prevention services for victims and their children, assistance to children who witness domestic violence, employment training, parenting, and other educational services for victims and their children, preventive health services within domestic violence programs (including services promoting nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school-age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(2) Counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

(3) Transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for

appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(4) Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(5) Children's counseling and support services, child care services for children who are victims of family violence or the dependents of such victims, and children who witness domestic violence.

II. Funds Available

Subject to the availability of Federal appropriations and as authorized by law, in FY 2009, HHS will make available to Tribes and Tribal organizations grant funds as described in this announcement. In separate announcements, HHS will make available funds to States for providing immediate shelter and related assistance to victims of family violence and their dependents and funds for State Domestic Violence Coalitions to continue their work within the domestic violence community by providing technical assistance and training, advocacy services, and other activities. The FVPSA expired on September 30, 2008. Its reauthorization could introduce new statutory or administrative requirements impacting grantees within the next few years.

Tribal Allocations

In computing Tribal allocations, FYSB will use the latest available population figures from the Census Bureau. To view the Census' latest populations go to their Web site at <http://www.census.gov>. Where Census Bureau data are unavailable, FYSB will use figures from the Bureau of Indian Affairs' (BIA's) Indian Population and Labor Force Report.

The funding formula for the allocation of family violence funds is based upon the Tribe's population. The formula has two parts, the tribal population *base allocation* and a *population category allocation*.

The base allocations are determined by a tribe's population and a funds allocation schedule. Tribes with populations between 1,500 to 50,000 people receive a \$2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a tribe's base allocation is increased \$1,000. Tribes with populations between 50,001 to 100,000 people receive base allocations of \$125,000 and Tribes with a population of 100,001 to 150,000 receive a base allocation of \$175,000.

Once the minimum amounts have been distributed to the Tribes that have applied for FVPSA funding, the ratio of the Tribal population category to the total of all base allocations is then considered in allocating the remainder of the funds. By establishing base amounts with distribution of proportional amounts for larger Tribes, the FVPSA Program is balancing the need for basic services for all Tribes with the greater demand for services among Tribes with larger populations. In FY 2008, actual grant awards ranged from \$26,541 to \$2,219,962.

Tribes are encouraged to apply for FVPSA funding as a consortium. Tribal consortia consist of groups of Tribes who agree to apply for and administer a single FVPSA grant with one Tribe or Tribal organization responsible for grant administration. In a Tribal consortium, the population of the Tribal Trust Land for all of the Tribes involved will be used to calculate the award amount. The allocations for each of the Tribes included in the consortium will be combined to determine the total grant for the consortium.

Expenditure Periods

The project period under this program announcement is 24 months. The FVPSA funds may be used for expenditures on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year; i.e., FY 2009 funds may be used for expenditures from October 1, 2008 through September 30, 2010. For example:

Award year (Federal Fiscal Year (FY))	Project period (24 months)	Application requirements and expenditure periods
FY 2009	10/01/08–9/30/10	Apply for one year of grant funds in this application. Regardless of the date the award is received, you may begin obligating these funds on October 1, 2008. The funds may be expended through September 30, 2010.
FY 2010	10/01/09–9/30/11	Apply for one year of grant funds in this application. Regardless of the date the award is received, you may begin obligating these funds on October 1, 2009. The funds may be expended through September 30, 2011.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-allotment. FY 2009 grant funds that are made available to Tribes and Tribal organizations through re-allotment must be expended by the grantee no later than September 30, 2010.

III. Eligibility

Tribes and Tribal organizations are eligible for funding under this program if they meet the definition of "Indian Tribe" or "Tribal organization" set forth in section 450B of Title 25 and if they are able to demonstrate their capacity to carry out a family violence prevention and services program. Any Tribe or Tribal organization that believes it meets the eligibility criteria and should be included in the list of eligible Tribes should provide supportive documentation and a request for inclusion in its application. (See Application Content Requirements below.) Tribes may apply singularly or as a consortium. In addition, a non-profit private organization or Tribal organization, approved by a Tribe for the operation of a family violence shelter or program on a reservation is eligible for funding.

Additional Information on Eligibility

D-U-N-S Requirement

All applicants must have a D&B Data Universal Numbering System (D-U-N-S) number. On June 27, 2003, the Office of Management and Budget (OMB) published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a D-U-N-S number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The D-U-N-S number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal, www.Grants.gov. A D-U-N-S number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a D-U-N-S number. You may acquire a D-U-N-S number at no cost by calling the dedicated toll-free D-U-N-S number request line at 1-866-705-5711 or you may request a number on-line at <http://www.dnb.com>.

IV. Application Requirements for Tribes and Tribal Organizations

Content of Application Submission

The application from the Tribe or Tribal organization must be signed by the Chief Executive Officer or Tribal Chairperson of the applicant organization.

The cover letter of the application should include the following information:

(1) The name of the Tribe or Tribal organization applying for the FVPSA grant and the mailing address.

(2) The name of the Chief Program Official designated as responsible for administering funds under FVPSA, and the telephone number, fax number, and if available, an e-mail address.

(3) The name of the program person designated to administer coordination of the related programs, and the telephone number, fax number, and if available, an e-mail address.

(4) The Employee Identification Number (EIN) of the applicant organization submitting the application.

(5) The D-U-N-S number of the applicant organization submitting the application. See preceding D-U-N-S Requirement section for additional information.

The content of the application should include the following:

(1) A copy of a current resolution stating that the designated organization or agency has the authority to submit an application on behalf of the individuals in the Tribe(s) and to administer programs and activities funded under this program (42 U.S.C. 10402(b)(2)).

Please Note: New applicants and Consortia applicants must submit new resolutions. Ongoing applicants must submit a copy of active resolutions covering FY 2009.

(2) A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under FVPSA (42 U.S.C. 10402(b)(2)). For example, knowledgeable individuals and interested organizations may include: Tribal officials or social services staff involved in child abuse or family violence prevention, Tribal law enforcement officials, representatives of State Domestic Violence Coalitions, and operators of domestic violence shelters and service programs.

(3) A description of the applicant's operation of and/or capacity to carry out a family violence prevention and services program. This might be demonstrated in ways such as the following:

(a) The current operation of a shelter, safe house, or family violence prevention program;

(b) The establishment of joint or collaborative service agreements with a local public agency or a private non-profit agency for the operation of family violence prevention activities or services; or

(c) The operation of social services programs as evidenced by receipt of "638" contracts with BIA; Title II Indian Child Welfare grants from BIA; Child Welfare Services grants under Title IV-B of the Social Security Act; or Family Preservation and Family Support grants under Title IV-B of the Social Security Act.

(4) A description of the services to be provided, how the applicant organization plans to use the grant funds to provide the direct services, to whom the services will be provided, and the expected results of the services.

(5) Documentation of the policies and procedures developed and implemented, including copies of the policies and procedures to ensure that individual identifiers of client records will not be used when providing statistical data on program activities and program services and that the confidentiality of records pertaining to any individual provided domestic violence prevention or treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

(6) Documentation of the law or procedure which has been implemented for the eviction of an abusing spouse from a shared household (42 U.S.C. 10402(a)(F)).

(Note: As required by the Paperwork Reduction Act of 1995, Public Law 104-13, the public reporting burden for the project description is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Project Description information collection is approved under OMB control number 0970-0280, which expires on 12/31/2011. 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.)

Assurances (See Appendix A): Each application must provide the assurances in Appendix A.

Certifications

All applications must submit or comply with the required certifications found in Appendices B-D as follows:

Anti-Lobbying Certification and Disclosure Form (*See Appendix B*): Applicants should sign and return the certification with their application.

Certification Regarding Environmental Tobacco Smoke (*See Appendix C*): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

Certification Regarding Drug-Free Workplace Requirements (*See Appendix D*): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

These certifications can also be found at <http://www.acf.hhs.gov/programs/ofs/forms.htm>.

Notification Under Executive Order 12372

The review and comment provisions of the Executive Order (E.O.) and Part 100 do not apply. Federally recognized Tribes are exempt from all provisions and requirements of E.O. 12372.

Applications should be sent to:

Family Violence Prevention and Services Program,
Family and Youth Services Bureau,
Administration on Children, Youth and Families,
Administration for Children and Families,
Attention: Shena Williams, 1250 Maryland Avenue, SW., Suite 8213, Washington, DC 20024.

V. Approval/Disapproval of a Tribal or Tribal Organization Application

The Secretary of HHS will approve any application that meets the requirements of FVPSA and this announcement. The Secretary will not disapprove an application except after reasonable notice of the Secretary's intention to disapprove has been provided to the applicant and after a six-month period providing an opportunity for applicant to correct any deficiencies. The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

VI. Reporting Requirements

Performance Reports

Beginning with FY 2009 awards, ACF grantees will begin submitting Performance Progress Reports using a standardized format, the SF-PPR. The SF-PPR is the standard government-wide performance progress reporting format used by Federal agencies to collect performance information from recipients. A version of the SF-PPR has been tailored for grantees under this announcement as the ACYF-FYSB-FVPS-SF-PPR. A Program Performance Report must be filed with HHS describing the activities carried out, and

including an assessment of the effectiveness of those activities in achieving the purposes of the grant. A section of this performance report must be completed by each grantee or sub-grantee that performed the direct services contemplated in the application certifying performance of such services. Consortia grantees should compile performance reports into a comprehensive report for submission. A copy of the ACYF-FYSB-FVPS-SF-PPR will be available in the webpage publication of this announcement at <http://www.acf.hhs.gov/programs/fysb/content/familyviolence/index.html> approximately 10 business days after the publication of this announcement in the **Federal Register**.

Performance Report must include the following data elements:

Funding—The total amount of the FVPSA grant award. Total domestic violence program budgets for programs that received FVPSA grants or subgrants. The number of domestic violence programs with residential facilities funded. The number of non-residential programs funded.

Volunteers—The total number of volunteers working in FVPSA-supported programs, total volunteer hours.

Narrative Questions—For services or activities supported in whole or in part by FVPSA funding, provide examples or summaries that describe:

- Stories concerning individual clients, services, or community initiatives;
- Activities that the FVPSA grant allows grantees to do what they wouldn't be able to do without this funding;
- Describe, if applicable, any efforts supported in whole or in part by the FVPSA grant to meet the unique needs of the community and any on-going challenges in meeting these needs, e.g., Tribal shelters not available; accessibility of non-Native shelters; transportation; teen services; etc.
- Describe significant prevention and outreach activities supported in whole or in part by your FVPSA grant during the program year.
- Any additional information that the grantees would like to share about their FVPSA-supported domestic violence programs and their effectiveness, the unmet needs of victims in the community and what would be required to meet those needs, or service trends that are emerging in their communities.

People Served—

- An unduplicated count (unduplicated by program) of non-residential clients who are women, men,

children, and youth who are intimate partner violence victims.

- An unduplicated count (unduplicated by program) of residential clients who are women, men, children and youth, and youth who are intimate partner violence victims.

Demographics—For Unduplicated Clients, include the following demographic categories:

- Race/Ethnicity: Black or African American; American Indian/Alaska Native; Asian; Hispanic or Latino; Native Hawaiian/Other Pacific Islander; White; Unknown/Other.
- Gender: Female; Male; or Not Specified.
- Age: 0–17; 18–24; 25–59; 60+; Unknown.

Residential Services—

- The number of shelter nights.
- Number of unmet requests for shelter.

Related services and assistance—List the related services and assistance provided to victims and their family members by indicating the number of hours and or number of service contacts in each of the following categories:

- Crisis/hotline calls (number of calls).
- Supportive Counseling and Advocacy: Individual and Group.
- Children's Services.
 - Supportive Counseling and Advocacy: Individual and Group.
 - Children's Activities: Individual and Group.
- Batterer Intervention Services (if funded through FVPSA): Individual and Group.

Community Education and Public Awareness—Report the number of presentations and participants that attended presentations/training for:

- Adults/General Population.
- Youth Targeted.
- Community Awareness Activities (Number of events only).

Performance reports for Tribes and Tribal organizations are due on an annual basis at the end of the calendar year (December 29). Performance reports should be sent to:

Family Violence Prevention and Services Program,
Family and Youth Services Bureau,
Administration on Children, Youth and Families,
Administration for Children and Families,
Attn: Shena Williams, 1250 Maryland Avenue, SW., Room 8213, Washington, DC 20024.

Financial Status Reports

Grantees must submit annual Financial Status Reports. The first SF-269A for funding under this

announcement, which is due December 29, 2009, is based on the Federal FY and will cover October 1, 2008 through September 30, 2009. The final SF-269A for funding under this announcement, which is due December 29, 2010, will cover October 1, 2009 through September 30, 2010. The SF-269A can be found at <http://www.whitehouse.gov/omb/grants/grantsforms.html>.

Completed reports may be mailed to: Frederick Grier, Division of Mandatory Grants, Office of Grants Management, Administration for Children and Families, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

Grantees are encouraged to submit their reports online through the Online Data Collection (OLDC) system at the following address: <https://extranet.acf.hhs.gov/oldc/>.

Failure to submit reports on time may be a basis for withholding grant funds, suspension, or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

VII. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS Web site at <http://www.hhs.gov/fbci/waisgate21.pdf>.

VIII. Other Information

For Further Information Contact: Shena Williams at (202) 205-5932 or e-mail at shena.williams@acf.hhs.gov.

Dated: March 27, 2009.

Maiso L. Bryant,

Acting Commissioner, Administration on Children, Youth and Families.

Appendices: Required Assurances, Certifications, and Forms

- Assurances
- Certification Regarding Lobbying
- Certification Regarding Environmental Tobacco Smoke
- Drug-Free Workplace Requirements

Appendix A—Assurances of Compliance With Grant Requirements

The grantee certifies that it will comply with the following:

(1) Not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance, as defined in 42 U.S.C. 10421(4) and (5), to victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provide related assistance as defined in 42 U.S.C. 10421(5) (42 U.S.C. 10402(g)).

(2) Grant funds made available under FVPSA will not be used as direct payment to any victim or dependent of a victim of family violence (42 U.S.C. 10402(d)).

(3) No income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated to carry out FVPSA (42 U.S.C. 10402(e)).

(4) The address or location of any shelter or facility assisted under FVPSA will not be made public, except with the written authorization of the person or persons responsible for the operations of such shelter (42 U.S.C. 10402(a)(2)(E)).

(5) The applicant will comply with FVPSA confidentiality requirements and must provide assurances that individual identifiers of client records will not be used when providing statistical data on program activities and program services and that the confidentiality of records pertaining to any individual provided domestic violence prevention or treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

(6) That a law or procedure, such as a process for obtaining an order of protection, has been implemented for the eviction of an abusing spouse from a shared household (42 U.S.C. 10402(a)(2)(F)).

(7) That all grants, programs or other activities funded by the State in whole or in part with funds made available under FVPSA will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406).

(8) That the applicant will comply with the applicable Departmental recordkeeping and reporting requirements and general requirements for the administration of grants under 45 CFR Part 92.

Chief Program Official

Title

Organization

Appendix B—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of

Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her 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 insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Appendix C—Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of

any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Appendix D—Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for state-wide and state agency-wide certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW., Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

(1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For grantees other than individuals, Alternate I applies.

(4) For grantees who are individuals, Alternate II applies.

(5) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for

Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

(6) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

(7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

(8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform employees about—

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(4) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(5) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the

Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. E9-7503 Filed 4-2-09; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Family Violence Prevention and Services/Grants to State Domestic Violence Coalitions

Program Office: Administration on Children, Youth, and Families (ACYF), Family and Youth Services Bureau (FYSB).

Funding Opportunity Title: HHS-2009 ACF-ACYF-SDVC-0030.

Announcement Title: Family Violence Prevention and Services/Grants to State Domestic Violence Coalitions.

CFDA Number: 93.591.

Due Date for Applications: May 4, 2009.

Executive Summary: This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to private, non-profit State Domestic Violence Coalitions (Coalitions). The purpose of these grants is to assist in the conduct of activities to promote domestic violence intervention and prevention and to increase public awareness of family violence issues (42 U.S.C. 10410(a)).

This notice for family violence prevention and services grants to Coalitions serves four purposes: The first purpose is to confirm a Federal commitment to reducing domestic violence; the second is to urge States, localities, cities, and the private sector to become involved in State and local planning towards an integrated service delivery approach that meets the needs of all victims, including those in underserved communities; the third is to provide for technical assistance and training relating to domestic violence programs; and the fourth is to increase public awareness about and prevention of domestic violence and increase the quality and availability of immediate shelter and related assistance for victims of domestic violence and their dependents (42 U.S.C. 10401). Starting in Fiscal Year (FY) 2009, applications should cover FYs 2009, 2010 and 2011 (see Section II, Funds Available, Length of Project Period).

I. Description

Legislative Authority: The Family Violence Prevention and Services Act, 42 U.S.C. 10401 through 10421, as extended by the Department of Health and Human Services Appropriations Act, 2009, Public Law 111-8.

Background

The Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) authorizes the Department of Health and Human Services (HHS) Secretary to award grants to statewide, private, non-profit Coalitions to conduct activities to promote domestic violence intervention and prevention and to increase public awareness of domestic violence issues.

Annual State Domestic Violence Coalition Grantee Meeting

Coalitions should plan to send one or more representatives to the annual grantee meeting. Subsequent correspondence will advise Coalitions of the date, time, and location of their grantee meeting.

Role of State Coalitions

FVPSA directs Coalitions to work with local domestic violence programs to encourage appropriate responses to domestic violence within the States, specifically including training and technical assistance for local programs (42 U.S.C. 10410(a)(1) and (a)(1)(A)). Coalitions must also participate in planning and monitoring the distribution of FVPSA grants awarded to their States (42 U.S.C. 10410(a)(5)). Coalitions thus play an important role in helping local programs develop and continue practices consistent with FVPSA guidance. Coalitions are urged to include activities intended to ensure that local programs maintain confidentiality, to provide widely accessible services consistent with best practices in the field and applicable Federal, State, Tribal and local requirements, and to help local programs comply with the new FVPSA data collection and outcome measurement requirements. Each of these issues is further discussed below.

a. Client Confidentiality

FVPSA directs Coalitions to work with local domestic violence programs to encourage appropriate responses to domestic violence within the States, specifically including training and technical assistance for local programs (42 U.S.C. 10410(a)(1)(A)). Coalitions must also participate in planning and monitoring the distribution of FVPSA grants awarded to their States (42 U.S.C. 10410(a)(5)). Coalitions thus play an important role in helping local programs

develop and continue practices consistent with FVPSA guidance. Local domestic violence programs funded by FVPSA under 42 U.S.C. 10402 must establish or implement policies and protocols for maintaining the safety and confidentiality of the adult victims of domestic violence and their children whom they serve. See 42 U.S.C. 10402(a)(2)(E). Because it is essential that the confidentiality of individuals receiving FVPSA services be protected, Coalitions are urged to include activities intended to ensure that local programs maintain confidentiality consistent with best practices in the field and applicable Federal, State, Tribal and local requirements.

The FVPSA statute requires that local domestic violence programs maintain confidentiality of records pertaining to any individual provided family violence prevention and treatment services (42 U.S.C. 10402(a)(2)(E)). As a result, individual identifiers of client records may not be used when providing statistical data on program activities and program services. Confidentiality requirements have been strengthened and clarified with the passage of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162). In the interest of establishing a consistent Federal standard for domestic violence programs, HHS intends to follow the confidentiality provisions and definition of "personally identifying information" in sections 40002(b)(2) and 40002(a)(18) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2) and 42 U.S.C. 13925(a)(18)) as a more detailed guidance about how States, Tribes and their subgrantees funded under 42 U.S.C. 10402 should comply with the FVPSA confidentiality obligations, and requires such programs to comply with the VAWA confidentiality provisions. In the FY 2009 Performance Progress Report (SF-PPR), States, Tribes and their subgrantees must collect unduplicated data for each program rather than unduplicated across programs or statewide. No client-level data should be shared with a third party, regardless of encryption, hashing or other data security measures, without a written, time-limited release as described in section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)).

b. Coordinated, Accessible Services

The impacts of domestic violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children

living with a parent or caretaker who is either experiencing or perpetrating domestic violence, increased fear, reduced mobility, damaged credit, unemployment, financial instability, homelessness, substance abuse, chronic illnesses and a host of other health and related mental health consequences.

Coordination and collaboration among victim services providers, community-based, culturally specific, and faith-based service providers, housing providers and homeless services providers, the police, prosecutors, the courts, child welfare services, employers and businesses, medical and mental health service providers, and Federal, State, and local public officials and agencies is needed to provide more responsive and effective services to victims of domestic violence and their families. It is essential that community service providers, including those serving or representing underserved communities, are involved in the design and improvements of intervention and prevention activities.

To help bring about a more effective response to the problem of domestic violence, HHS urges the designated Coalitions receiving funds under this grant announcement to continue to coordinate activities funded under this grant with other new and existing resources for the prevention of domestic violence and related issues.

To serve victims most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406). HHS Services Office for Civil Rights provides guidance to grantees in complying with these requirements. Please see <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html>

for HHS Office of Civil Rights guidance on serving immigrant victims and <http://www.hhs.gov/ocr/civilrights/resources/factsheets/504ada.pdf> for guidance on the Americans with Disabilities Act and the Rehabilitation Act of 1973. Services must also be provided on a voluntary basis; receipt of shelter or housing must not be conditioned on participation in supportive services.

c. National Data Collection and Outcomes Measurement

In collaboration with partners at the State FVPSA programs, Coalitions, Tribes and Tribal organizations, the National Resource Center on Domestic Violence, and experts on both data collection and domestic violence issues, FYSB continues to develop informative, succinct, and non-burdensome reporting formats that safely measure quantifiable outputs and outcomes. During FY 2007, FYSB revised and defined the program services reporting components for recipients of FVPSA State Formula Grant funds. Throughout FY 2008, grantee workshops, teleconferences, and information memoranda provided further guidance on performance reporting requirements for these grantees. In FY 2009, FYSB is requiring States and their subgrantees, and Tribal grantees to use standardized reporting forms to facilitate the collection of uniform, aggregate data on FVPSA-supported program services and client outcomes, as described in Section V.

II. Funds Available

In FY 2009, FY 2010, and FY 2011, HHS will make available for grants to the States-designated, Statewide, Domestic Violence Coalitions the funds described in this announcement. These grant awards are subject to the availability of Federal appropriations, and as authorized by the Family

Violence Prevention and Services Act, 42 U.S.C. sections 10401 through 10421, (extended by the Department of Health and Human Services Appropriations Act, 2009, Public Law 111-8, and/or any subsequent pertinent legal authorities). Each year, one grant each will be available for each of the Coalitions in the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. The Coalitions of the U.S. Territories (Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and Trust Territory of the Pacific Islands) are also eligible for grant awards under this announcement. The FVPSA (42 U.S.C. 10401 *et seq.*) expired on September 30, 2008. Reauthorization of the FVPSA could include new statutory or administrative requirements impacting grantees within the next few years.

Length of Project Periods

Coalitions now apply for three years of grant funds in this one application. The project period under this program announcement continues to be 24 months for each award. FYSB will continue to disperse funds annually. Coalitions will not be required to submit additional applications for the years FY 2010 through FY 2011 unless there are material changes made to the program. Therefore, Coalitions must address their anticipated activities not only for the FY 2009 project period; *i.e.*, October 2008 through September 2010, but also for the project periods covered by FYs 2010 through 2011; *i.e.*, October 2009 through September 2012. Coalitions will have the opportunity to amend their applications for each of the fiscal years FY 2010 and FY 2011 if their anticipated activities materially change. This change does not affect the amount of the grant award or the timing of the grant award, only the application process.

Award year (federal fiscal year)	Project period (24 months)	Application requirements
FYSB will continue to disperse funds annually. The Federal FY is a one-year period from September through October.	Coalitions will continue to have two years to spend the funds.	This change does not affect the amount of the grant award or the timing of the grant award, only the application process.
FY 2009	10/01/08-9/30/10	Coalitions apply for three years of grant funds in this one application. Coalitions must address their anticipated activities for the FY 2009 project period, and also for the project periods covered by FYs 2010 and 2011.
FY 2010	10/01/09-9/30/11	Coalitions will not be required to submit an additional application for FY 2010 unless there are material changes made to the program.
FY 2011	10/01/10-9/30/12	Coalitions will not be required to submit an additional application for FY 2011 unless there are material changes made to the program.

Expenditure Period

The FVPSA funds may be used for expenditures on or after October 1 of each fiscal year for which they are granted and will be available for expenditure through September 30 of the following fiscal year; i.e., FY 2009 funds may be used for expenditures from October 1, 2008, through September 30, 2010.

III. Eligibility

In accordance with 42 U.S.C. 10410(b), to be eligible for grants under this program announcement an organization shall be designated as a statewide, private, non-profit domestic violence coalition meeting the following criteria:

(1) The membership of the Coalition includes representatives from a majority of the programs for victims of domestic violence operating within the State (a Coalition may include representatives of Indian Tribes and Tribal organizations as defined in the Indian Self-Determination and Education Assistance Act);

(2) The Board membership of the Coalition is representative of such programs;

(3) The purpose of the Coalition is to provide services, community education, and technical assistance to domestic violence programs in order to establish and maintain shelter and related services for victims of domestic violence and their children; and

(4) In the application submitted by the Coalition for the grant, the Coalition provides assurances satisfactory to the Secretary that the Coalition has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application and will actively seek and encourage the participation of such entities in the activities carried out with the grant.

Additional Information on Eligibility

D-U-N-S Requirement

All applicants must have a D&B Data Universal Numbering System (D-U-N-S) number. On June 27, 2003, the Office of Management and Budget (OMB) published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a D-U-N-S number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The D-U-N-S number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal, <http://www.Grants.gov>. A D-U-N-S

number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs, submitted on or after October 1, 2003.

Applicants must ensure that their organization has a D-U-N-S number. Applicants may acquire a D-U-N-S number at no cost by calling the dedicated toll-free D-U-N-S number request line at 1-866-705-5711 or you may request a number on-line at <http://www.dnb.com>.

Survey for Private Non-Profit Grant Applicants

Private, non-profit organizations are encouraged to submit with their applications the survey located under "Grant Related Documents and Forms," "Survey for Private, Non-Profit Grant Applicants," titled, "Survey on Ensuring Equal Opportunity for Applicants," at: <http://www.acf.hhs.gov/programs/ofs/forms.htm>.

IV. Application Requirements for State Domestic Violence Coalition (Coalitions) Applications

This section includes application requirements for FVPSA grants for Coalitions, as follows:

Content of Application Submission

The Coalition application must be signed by the Executive Director of the Coalition or the official designated as responsible for the administration of the grant. The application must contain the following information:

(Each requirement is cited to the specific section of the law.)

(1) A description of the process and anticipated outcomes of utilizing these Federal funds to work with local domestic violence programs and providers of direct services to victims of domestic violence and their families to encourage appropriate responses to domestic violence within the State, including (42 U.S.C. 10410(a)(1))—

(a) Training and technical assistance for local programs and professionals, including those representing underserved communities, working with victims of domestic violence and their families;

(b) Planning and conducting State needs assessments and planning for comprehensive services, including the needs of and services for underserved communities;

(c) Serving as an information clearinghouse and resource center for the State; and

(d) Collaborating with other governmental systems that affect victims of domestic violence.

(2) A description of the public education campaign regarding domestic violence to be conducted by the Coalition through the use of public service announcements and informative materials that are designed for print media; billboards; public transit advertising; electronic broadcast media; and other forms of information dissemination that inform the public about domestic violence, including information aimed at underserved racial, ethnic or language-minority populations (42 U.S.C. 10410(a)(4)).

(3) The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with judicial and law enforcement agencies concerning appropriate responses to domestic violence cases and an examination of related issues set forth in 42 U.S.C. 10402(a)(2).

(4) The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with Family Law Judges, Criminal Court Judges, Child Protective Services agencies, Child Welfare agencies, Family Preservation and Support Service agencies, and children's advocates to develop appropriate responses (including the responses set forth in 42 U.S.C. 10410(a)(3)) to child custody and visitation issues in domestic violence cases and in cases where domestic violence and child abuse are both present (42 U.S.C. 10410(a)(3)).

(5) The anticipated outcomes and a description of other activities in support of the general purpose of furthering domestic violence intervention and prevention (42 U.S.C. 10410(a)).

(6) Documentation in the form of support letters, memoranda of agreement, or jointly signed statements, that the Coalition has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial organizations in the preparation of the grant application (42 U.S.C. 10410(b)(4)(A)), and will actively seek and encourage the participation of such organizations in grant funded activities (42 U.S.C. 10410(b)(4)(B)).

(7) The following documentation that certifies the status of the Coalition and must be included in the grant application:

(a) A description of the procedures developed between the State domestic violence agency and the Coalition that provide for the required implementation of the following cooperative activities:

(i) The participation of the Coalition in the planning and monitoring of the distribution of grants and grant funds provided in the State (42 U.S.C. 10410(a)(5)); and

(ii) The participation of the Coalition in compliance activities regarding the State's family violence prevention and services program grantees 42 U.S.C. 10402(a)(2)(C) and (a)(3) (42 U.S.C. 10410(a)(5)).

(b) Unless already on file at HHS, a copy of a currently valid 501(c)(3) certification letter from the IRS stating private, non-profit status; or a copy of the applicant's listing in the IRS' most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code; or a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled;

(c) To demonstrate compliance with 42 U.S.C. 10410(b)(1) and (b)(2):

(i) A current list of the organizations operating programs for victims of domestic violence in the State and the applicant Coalition's current membership list by organization (see *Section III, Eligibility*);

(ii) A list of the applicant Coalition's current Board of Directors, with each individual's organizational affiliation and the Chairperson identified (see *Section III, Eligibility*);

(d) A list of any Coalition or contractual positions to be supported by funds from this grant; and

(e) A budget narrative that clearly describes the planned expenditure of funds under this grant.

(8) Required Assurances (included in the application as Attachment A):

(a) The applicant Coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive Order or similar legal document by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress, or any State, or local legislative body, or State proposals by initiative petition, except where representatives of the Coalition are testifying, or making other appropriate communications, either when formally requested to do so by a legislative body, a committee, or a member of such organization (42 U.S.C. 10410(d)(1)); or in connection with legislation or appropriations directly affecting the activities of the Coalition or any member of the Coalition (42 U.S.C. 10410(d)(2)).

(b) The applicant Coalition will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion, as described in 42 U.S.C. 10406.

(Note: As required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, the public reporting burden for the project description is estimated to average 10 hours per response, including the time for

reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Project Description information collection is approved under OMB control number 0970-0280, which expires on 12/31/2011. 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.)

Certifications

All applicants must submit or comply with the required certifications found in the Attachments, as follows:

Anti-Lobbying Certification and Disclosure Form must be signed and submitted with the application (See *Attachment B*): Applicants must furnish prior to award an executed copy of the Standard Form (SF) LLL, *Certification Regarding Lobbying*, when applying for an award in excess of \$100,000.

Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their applications (approved by OMB under control number 0348-0046). Applicants should sign and return the certification with their application.

Certification Regarding Environmental Tobacco Smoke (See *Attachment C*): Applicants must also understand they will be held accountable for the smoking prohibition included within Public Law 103-227, Title XII Environmental Tobacco Smoke (also known as the PRO-Children Act of 1994). A copy of the **Federal Register** notice that implements the smoking prohibition is included with forms. By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

Certification Regarding Drug-Free Workplace Requirements (See *Attachment D*): The signature on the application by the program official attests to the applicants' intent to comply with the Drug-Free Workplace requirements and compliance with the Debarment Certification. By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

These certifications can also be found at <http://www.acf.hhs.gov/programs/ofsf/forms.htm>.

Notification Under Executive Order 12372

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" for State plan consolidation

and simplification only—45 CFR 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply.

Applications should be sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Allison Randall, 1250 Maryland Avenue, SW., Room 8220, Washington, DC 20024.

V. Reporting Requirements

Performance Reports

Beginning with FY 2009 awards, ACF grantees will begin submitting Performance Progress Reports using a standardized format, the SF-PPR. The SF-PPR is the standard government-wide performance progress reporting format used by Federal agencies to collect performance information from recipients. A version of the SF-PPR has been tailored for grantees under this announcement as the ACYF-FYSB-FVPS-SF-PPR. A Program Performance Report must be filed with HHS describing the coordination, training and technical assistance, needs assessment, and comprehensive planning activities carried out. Additionally, the Coalition must report on the public information and education services provided; the activities conducted in conjunction with judicial and law enforcement agencies; the actions conducted in conjunction with other agencies such as the State child welfare agency; activities conducted in conjunction with community-based, culturally specific service providers or organizations serving or representing underserved communities; and any other activities undertaken under this grant award. The annual report also must provide an assessment of the effectiveness of the grant-supported activities. A copy of the ACYF-FYSB-FVPS-SF-PPR will be available in the webpage publication of this announcement at <http://www.acf.hhs.gov/programs/fysb/content/familyviolence/index.html> approximately 10 business days after the publication of this announcement in the **Federal Register**.

The annual report is due 90 days after the end of the fiscal year in which the grant is awarded; *i.e.*, December 29. Annual reports should be sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Allison Randall,

1250 Maryland Avenue, SW., Room 8220, Washington, DC 20024.

Please note that HHS may suspend funding for an approved application if any applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this announcement.

Financial Status Reports

Grantees must submit annual Financial Status Reports. The first SF-269A for FY 2009 grant awards is due December 29, 2009. The final SF-269A for FY 2009 is due December 29, 2010. The first SF-269A for FY 2010 grant awards is due December 29, 2010. The final SF-269A for FY 2010 is due December 29, 2011. The first SF-269A for FY 2011 grants awards is due December 29, 2011. The final SF-269A for FY 2011 is due December 29, 2012. SF-269A can be found at the following URL: http://www.whitehouse.gov/omb/grants/grants_forms.html.

Completed reports should be sent to: Frederick Griefer, Division of Mandatory Grants, Office of Grants Management, Office of Administration, Administration for Children and Families, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

Grantees have the option to submit their reports online through the Online Data Collection (OLDC) system at the following address: <https://extranet.acf.hhs.gov/ssi>. Failure to submit reports on time may be a basis for withholding grant funds, suspension or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

VI. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS Web site at <http://www.hhs.gov/fbci/waisgate21.pdf>.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local

governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Faith-based and community organizations may reference the "Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government" at <http://www.whitehouse.gov/government/fbci/guidance/index.html>.

VII. Other Information

FOR FURTHER INFORMATION CONTACT: Allison Randall at (202) 205-7889 or e-mail at allison.randall@acf.hhs.gov.

Dated: March 30, 2009.

Maiso L. Bryant,

Acting Commissioner, Administration on Children, Youth and Families.

Attachments: Required Assurances and Certifications:

- A. Assurances
- B. Anti-Lobbying and Disclosure
- C. Environmental Tobacco Smoke
- D. Drug-Free Workplace Requirements

Attachment A

Assurances of Compliance with Grant Requirements

The undersigned certifies that:

(1) The applicant Coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive Order or similar legal document by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress, or any State, or local legislative body, or State proposals by initiative petition, except where representatives of the Coalition are testifying, or making other appropriate communications, either when formally requested to do so by a legislative body, a committee, or a member of such organization (42 U.S.C. 10410(d)(1)); or in connection with legislation or appropriations directly

affecting the activities of the Coalition (42 U.S.C. 10410(d)(2)).

(2) The applicant Coalition will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion, as described in 42 U.S.C. 10406.

Signature

Title

Organization

Attachment B

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person

who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her 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 insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Attachment C

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will

comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Attachment D

Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW., Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

(1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For grantees other than individuals, Alternate I applies.

(4) For grantees who are individuals, Alternate II applies.

(5) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

(6) Workplace identifications must include the actual address of buildings

(or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

(7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

(8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful

manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform employees about—

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(4) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(5) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free

workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. E9-7502 Filed 4-2-09; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2008-N-0589]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Mental Models Study of Health Care Providers' Understanding of Prescription Drug Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 4, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written

comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910-NEW and title "Mental Models Study of Health Care Providers' Understanding of Prescription Drug Effectiveness." Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Berbakos, Office of Information Management (HFA-710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-796-3792.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Mental Models Study of Health Care Providers' Understanding of Prescription Drug Effectiveness

The Federal Food, Drug, and Cosmetic Act (the act) requires that manufacturers, packers, and distributors (sponsors) who advertise prescription human and animal drugs, including biological products for humans, disclose in advertisements certain information about the advertised product's uses and risks.¹ By its nature, the presentation of this risk information is likely to evoke active trade-offs by consumers and physicians, i.e., comparisons with the perceived risks of not taking a treatment, and comparisons with the perceived benefits of taking a treatment.² The FDA has an interest in fostering safe and proper use of prescription drugs, which is an activity that necessitates understanding of both risks and benefits. Thus, an indepth understanding of physicians' processing of this information, their thinking on relevant topics, and their informational needs are central to this regulatory task.

Under the act, FDA engages in a variety of communication activities to ensure that patients and health care providers have the information they need to make informed decisions about treatment options, including the use of prescription drugs. FDA regulations (21

¹ For prescription drugs and biologics, the act requires advertisements to contain "information in brief summary relating to side effects, contraindications, and effectiveness" (21 U.S.C. 352(n)).

² See Swartz, L., Woloshin, S., Black, W., and Welch, H.G., "The role of numeracy in understanding the benefit of screening mammography," *Annals of Internal Medicine*, 127(11), 966-72, 1997.

CFR 201.57) describe the content of required product labeling, and FDA reviewers ensure that labeling contains accurate and complete information about the known risks and benefits of each drug.

This proposed data collection will provide FDA with insight for evaluating and improving current communication procedures. It is designed to identify knowledge gaps for FDA to address, which would ultimately improve practitioner decisionmaking and hence the health outcomes of the affected patients. This new information collection uses "Mental Modeling," which is a qualitative research method that compares a model of the decisionmaking processes of a group or groups to a model of the same process developed from expert knowledge and experience. In this study, the decision models of health care providers concerning their understanding of drug product efficacy and how they communicate their understanding to their patients will be compared to a model derived from the knowledge and experience of experts who review product labeling for the purpose of ensuring that prescribers get the information they need to make optimal prescribing decisions. FDA will use telephone interviews to determine from the health care providers the factors that influence their understanding of drug product efficacy and how they communicate their understanding to their patients. Comparing expert and health care provider responses will allow for a richer understanding of decisions determining drug product efficacy from labeling and other sources and how this understanding is communicated to their patients.

FDA regulations require that prescription drug advertisements that make (promotional) claims about a product also include risk information in a "balanced" manner (21 CFR 202.1(e)(5)(ii)), both in terms of the content and presentation of the information. This balance applies to both the front display page of an advertisement and the brief summary page. However, beyond the "balance" requirement there is limited guidance and research to direct or encourage sponsors to present benefit claims that are informative, specific, and reflect clinical effectiveness data.

Research and guidance to sponsors on how to present benefit and efficacy information in prescription drug advertisements is limited. For example, "benefit claims," broadly defined, appearing in advertisements are often presented in general language that does not inform patients of the likelihood of

efficacy and are often simply variants of an "intended use" statement.³ In a study involving a content analysis of direct-to-consumer (DTC) advertising, the researchers classified the "promotional techniques" used in the advertisements. Emotional appeals were observed in 67 percent of the ads while vague and qualitative benefit terminology was found in 87 percent of the ads. Only 9 percent contained data. However, for risk information, half the advertisements used data to describe side-effects, typically with lists of side-effects that generally occurred infrequently.

Additional research is necessary to uncover important information about how consumers understand effectiveness information about prescription drug products from DTC advertisements. This particular understanding is crucial to the risk-benefit tradeoff that patients must make with the consultation of a health care professional in order to achieve the best health outcomes. The qualitative information in this Mental Models phase of the research will provide a preliminary framework and help FDA craft subsequent quantitative studies.

Overview. The proposed information collection will use "mental modeling," a qualitative research method wherein the decisionmaking processes of a group of physician respondents concerning the effectiveness of various prescription drug products are modeled and compared to a model based on expert labeling knowledge and clinical experience in drug effectiveness. The information will be collected by telephone interviews concerning the factors that influence perceptions and decisions related to drug effectiveness. This method will help identify physicians' beliefs, priorities, informational needs, visions and conceptualizations about how well particular drugs work. A comparison between expert and physician models based on the collected information may identify "consequential knowledge gaps" that can be redressed through labeling changes as well as helping FDA focus future quantitative research on the communication of drug benefit information. Thus, the information to be collected will be used by FDA to develop and strengthen research materials and design in future planned quantitative experiments.

The first step in the mental models process is to conduct background

³ Woloshin, S. and Schwartz, L., "Direct to consumer advertisements for prescription drugs: what are Americans being told," *Lancet*, 358, 1141-46, 2001.

research to develop a model based on both experts' current knowledge and extant literature on drug effectiveness. The resulting "simple expert model" is a mapping of decisionmaking factors, relationships and influences, and is used to develop an interview protocol for a day-long workshop with experts, hereafter referred to as the "expert elicitation."

The expert elicitation was conducted November 28, 2007. It included nine experts from a variety of medical fields, including those versed in drug labeling issues and others with extensive clinical experience, particularly involving two medical conditions (insomnia, a medical condition frequently treated by general practitioners, and rheumatoid arthritis, a condition likely treated by specialists). Six experts were internal to FDA, two experts were from the National Institutes of Health, and one expert was external to the Federal Government, from the Association of Medical Colleges. The expert elicitation process does not solicit advice, opinions, or recommendations from the group, but instead tries to determine how each expert perceives the factors related to consumer decisionmaking, from their particular expert field. Results from the expert elicitation were used to develop the expert model, which generally includes adding new concepts and supporting details to the existing simple expert model. The new draft expert model was validated during a subsequent teleconference with the research team about a month following the initial elicitation. Following the validation, the project team finalized the expert model.

The expert model informs the development of the physician interview guide for physician telephone interviews. Mental models research is typically conducted with cohorts of respondents who represent categories of people whose mental models are to be compared, both individually with the expert model and between cohorts, identifying the potential for significant differences among cohorts. Interviews will be conducted with 40 health care providers to develop a mental model describing how each of 2 cohorts learns about drug product efficacy and how their understanding about efficacy is communicated to their patients. The cohorts are as follows:

(1) *Primary care providers.* This cohort includes office-based practitioners in primary care (general practice, family practice, and internal medicine) with at least 3 years of experience and who engage in patient care at least 50 percent of the time.

(2) *Specialists*. This cohort includes office-based practitioners in rheumatology with at least 3 years of experience and who engage in patient care at least 50 percent of the time.

Cohorts will be identified and recruited to represent a reasonable range of age, gender, and ethnicity.

Within each cohort, 20 practitioners will be interviewed by trained interviewers in one-on-one in-depth telephone interviews. A sample size of 40 (approximately 20 primary care providers and 20 rheumatologists) is sufficiently large for the qualitative findings to capture a wide depth and range of people's thinking. The

interviews will take approximately 45 minutes. The health care provider interviews will be used to create a mental model of physician decisionmaking factors with respect to drug product effectiveness.

Potential physician participants will be randomly identified through a purchased list based on the American Medical Association's (AMA) Physician Masterfile. This list tracks all physicians, M.D. (doctor of medicine) and DO (doctor of osteopathic medicine), practicing in the United States, not only members of the AMA.

FDA intends this collection to be used as formative research. As with our focus

group research (OMB control number 0910-0360), the results of this formative research will provide direction toward potential areas of focus. Further research is necessary, and planned, to test concepts obtained from these results. This research will be useful in designing survey questions for the next phases of this research project (which will be submitted for approval at a later date).

In the **Federal Register** of November 24, 2008 (73 FR 71006), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
21 U.S.C. 393(b)(2)(c) Questionnaire, Pretesting	4	1	4	.75	3
21 U.S.C. 393(b)(2)(c) Questionnaire, Study	40	1	40	.75	30
Total					33

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 27, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9-7471 Filed 4-2-09; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2008-N-0653]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Filing Objections and Requests for a Hearing on a Regulation or Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 4, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to oir_submission@omb.eop.gov. All comments should be identified with the OMB control number 0910-0184. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA-710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-796-3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Filing Objections and Requests for a Hearing on a Regulation or Order—(OMB Control Number 0910-0184)—Extension

The regulations in 21 CFR 12.22, issued under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)(2)), set forth the instructions for filing objections and requests for a hearing on a regulation or

order under § 12.20(d) (21 CFR 12.20(d)). Objections and requests must be submitted within the time specified in § 12.20(e). Each objection, for which a hearing has been requested, must be separately numbered and specify the provision of the regulation or the proposed order. In addition, each objection must include a detailed description and analysis of the factual information and any other document, with some exceptions, supporting the objection. Failure to include this information constitutes a waiver of the right to a hearing on that objection. FDA uses the description and analysis to determine whether a hearing request is justified. The description and analysis may be used only for the purpose of determining whether a hearing has been justified under 21 CFR 12.24 and do not limit the evidence that may be presented if a hearing is granted.

Respondents to this information collection are those parties that may be adversely affected by an order or regulation.

In the **Federal Register** of January 14, 2009 (74 FR 2080), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
12.22	5	1	5	20	100

¹There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate for this collection of information is based on past filings. Agency personnel, responsible for processing the filing of objections and requests for a public hearing on a specific regulation or order, estimate approximately five requests are received by the agency annually, with each requiring approximately 20 hours of preparation time.

Dated: March 27, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9-7472 Filed 4-2-09; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the President's Cancer Panel, March 23, 2009, 12:30 p.m. to March 23, 2009, 3 p.m., National Institutes of Health, 6116 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on March 19, 2009, 74 FR 11741.

This meeting is being amended to reschedule the meeting to Tuesday, March 31, 2009, 10 a.m. to 12:30 p.m. as a telephone conference. The meeting is closed to the public.

Dated: March 25, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-7318 Filed 4-2-09; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Center for Complementary and Alternative Medicine Special Emphasis Panel, March 24, 2009, 8 a.m. to March 25,

2009, 5 p.m., National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on February 17, 2009, 74 FR 7452.

This meeting is being amended to reschedule the meeting to April 13-14, 2009 from 8 a.m. to 5 p.m. The meeting is closed to the public.

Dated: March 24, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-7263 Filed 4-2-09; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

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

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

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Special Emphasis Panel. AA3 Deferred Applications.

Date: April 22, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH/NIAAA, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Katrina L Foster, PhD, Scientific Review Officer, National Inst on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 2019, Rockville, MD 20852, 301-443-4032. katrina@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research

Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: March 25, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9-7319 Filed 4-2-09; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of a Conference Call of a Working Group of the NIH Blue Ribbon Panel

The purpose of this notice is to inform the public about a conference call of the NIH Blue Ribbon Panel to Advise on the Risk Assessment of the National Emerging Infectious Diseases Laboratories at Boston University Medical Center. This meeting is the first in a series of public meetings to review and discuss the ongoing supplementary risk assessment study.

The conference call will be held on Tuesday, April 7, 2009 from approximately 11 a.m. to 1 p.m. The toll-free number to participate in the call is 1-800-779-2616. Indicate to the conference operator that your participant passcode is "NIH."

The panel will review earlier National Research Council (NRC) recommendations regarding a supplementary risk assessment study, Blue Ribbon Panel recommendations regarding various aspects of the risk assessment study, and a new Statement of Task for the NRC.

Public comment will begin at approximately 12:45 p.m. In the event that time does not allow for all those interested to present oral comments, anyone may file written comments by sending them to the address below. Comments should include the name, address, telephone number and when applicable, the business or professional affiliation of the commenter.

A draft agenda and slides for the meeting may be obtained by connecting to <http://nihblueribbonpanel-bumc->

neidl.od.nih.gov. For additional information concerning this meeting, contact Ms. Laurie Lewallen, Advisory Committee Coordinator, Office of Biotechnology Activities, Office of Science Policy, Office of the Director, National Institutes of Health, 6705 Rockledge Drive, Room 750, Bethesda, MD 20892-7985; telephone 301-496-9838; e-mail lewallenl@od.nih.gov.

Dated: March 31, 2009.

Amy P. Patterson,

Acting Director, Office of Science Policy, National Institutes of Health.

[FR Doc. E9-7704 Filed 4-2-09; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5280-N-12]

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.

DATES: *Effective Date: April 3, 2009.*

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, 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 the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: March 26, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E9-7180 Filed 4-2-09; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R3-R-2008-N0323 ; 30136-1265-0000-S3]

Muscatatuck National Wildlife Refuge, Jackson, Jennings, and Monroe Counties, IN

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: Draft comprehensive conservation plan and environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (CCP) and draft environmental assessment (EA) for Muscatatuck National Wildlife Refuge (NWR) for public review and comment. In this draft CCP/EA, we describe how we propose to manage the refuge for the next 15 years.

DATES: To ensure consideration, we must receive your written comments by May 6, 2009. An open house style meeting will be held during the comment period to receive comments and provide information on the draft plan. Special mailings, newspaper articles, Internet postings, and other media announcements will inform people of the meetings and opportunities for written comments.

ADDRESSES: Send your comments or requests for more information by any of the following methods. You may also drop off comments in person at Muscatatuck NWR.

- *Agency Web Site:* View or download a copy of the document and comment at <http://www.fws.gov/midwest/planning/Muscatatuck>.
- *E-mail:* r3planning@fws.gov.

Include "Muscatatuck Draft CCP/EA" in the subject line of the message.

- *Fax:* 812-522-6826.
- *Mail:* Attention: Refuge Manager, Muscatatuck National Wildlife Refuge, 12985 East U.S. Highway 50, Seymour, IN 47274-8518.

FOR FURTHER INFORMATION CONTACT: Marc Webber, 812-522-4352.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Muscatatuck NWR, which was started with the notice of intent we published in 72 FR 27587-27588, May 16, 2007. For more about the initial process and the history of this refuge, see that notice.

Muscatatuck NWR was approved by the Migratory Bird Conservation

Commission and established in 1966 to provide duck breeding and migration habitat. The Refuge covers 7,802 acres, including the 78-acre 'Restle' unit donated to the FWS located 45 miles northwest of the refuge. Muscatatuck is also responsible for nine Farm Service Agency (FSA) conservation easements in surrounding counties, totaling 130.5 acres.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), requires us to develop a comprehensive conservation plan for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, plans identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

CCP Alternatives and Our Preferred Alternative

Priority Issues

During the public scoping process, we, other stakeholders and partners, and the public identified several priority issues, which include habitat management, invasive species control, and demand for additional recreation opportunities and visitor services. To address these issues, we developed and evaluated the following alternatives during the planning process.

Alternative A: Current Management Direction and Activities (No Action)

The current management direction of Muscatatuck NWR would be maintained under this alternative. For NEPA purposes, this is referred to as the "No Action" alternative, a misnomer as some changes will occur over the next 15 years. Management includes conservation, restoration, and preservation but occurs opportunistically as budgets allow. Natural processes would play a large role in the transition and succession of habitats, with little active management. Farming and water management would

continue in those areas where it currently exists. Some programs, especially environmental education and outreach, would see improvements only if budgets increase in the future.

Alternative B: Increased Restoration of Natural Processes; Maintain Focus on Priority General Public Uses

Under Alternative B, we will focus on natural processes and promote natural habitat succession on the refuge. Many of the constructed management areas (moist soil units, open waters, green-tree reservoirs, and agricultural areas) are restored to more natural or historic landscape conditions. Management will increase in the areas of forestry and invasive and pest species control, and the hunting seasons are expanded for most game animals. This alternative proposes a reduction in the number of trails and fishing areas to reduce disturbances to wildlife.

Alternative C: Balance Natural Processes and Constructed Management Units; Increased Focus on High Quality Priority General Public Uses (Preferred Alternative)

Under Alternative C, we will increase the Refuge's forest acreage and decrease the active management of some constructed management units. Former farmland areas are either forested or managed as open areas to increase the overall diversity of refuge habitat. Management will increase in the areas of forestry and invasive and pest species control, and hunting and fishing opportunities are expanded. The quality of wildlife observation, photography, and interpretation are all improved in this alternative.

Alternative D: Intensified Management of Constructed Management Units; Expanded Priority General Public Uses

Under Alternative D, we will increase both the Refuge's forest acreage and its active management of constructed management areas (moist soil units, open waters, green-tree reservoirs, and agricultural areas). Wildlife observation is enhanced by placing additional acreage in agricultural production and by maintaining open, non-forested areas. In this alternative, more active forest management and invasive and pest species control are proposed, hunting opportunities and seasons for most game animals are expanded, fishing opportunities are available at nearly all available waters, and the quality of wildlife observation, photography, and interpretation are all improved.

Public Meeting

We will give the public an opportunity to provide comments at a public meeting. You may obtain the schedule from the addresses listed in this notice (see **ADDRESSES**). You may also submit comments anytime during the comment period.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should know that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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 11, 2009.

Charles M. Wooley,

Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. E9-7482 Filed 4-2-09; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

National Park Service

Jackson Hole Airport Use Agreement Extension, Draft Environmental Impact Statement, Grand Teton National Park, WY

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the Jackson Hole Airport Use Agreement Extension, Grand Teton National Park.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of a Draft Environmental Impact Statement for the Jackson Hole Airport Use Agreement Extension for Grand Teton National Park, Wyoming. This effort addresses a request from the Jackson Hole Airport Board to amend the use agreement between the Department of the Interior and the Airport Board in order to ensure that the airport remains eligible for funding through the Federal Aviation Administration (FAA). The proposal would allow the agreement to be amended to provide two additional 10-year options that could be exercised by the Board, the first in 2013 and the second in 2023. By exercising these options, the Board would ensure that the airport remains eligible for Airport

Improvement Program grants from the FAA, upon which commercial airports are dependent. These grants provide funds for projects such as maintenance of the runway and taxiways, purchase of capital equipment such as snowplows and fire engines, and other projects necessary for the airport to retain its certification as a commercial airport. Without such funds, the airport would at some point be unable to retain its certification and all commercial air service would be terminated.

Alternatives considered in the EIS include *Alternative 1: No Action*—The airport would continue operations under the existing agreement which currently has an expiration date of April 27, 2033; and *Alternative 2: Extend Agreement*—Jackson Hole Airport Board proposal to extend the agreement for an additional two 10-year terms, bringing the expiration date to April 27, 2053. Alternative 2 is the Preferred Alternative.

The Jackson Hole Airport is located on 533 acres of land within Grand Teton National Park. The airport operates under the terms and conditions of a 1983 agreement between the Department of the Interior and the Jackson Hole Airport Board. The 1983 agreement was for a primary term of 30 years, with options for two 10-year extensions, both of which have been exercised. The agreement also includes a provision that further extensions, amendments, or modifications could be negotiated by the parties on mutually satisfactory terms, and that the parties agree that upon expiration of the agreement, a mutually satisfactory extension could be negotiated.

In November 2006, a scoping notice soliciting public comments was circulated describing the purpose and need for the project. Based on comments received and subsequent data gathered, the National Park Service determined the preparation of an EIS was warranted and a Draft EIS was prepared. The Notice of Intent to prepare an EIS was published in the **Federal Register** on August 9, 2007.

DATES: The National Park Service will accept comments on the Draft Environmental Impact Statement from the public for 60 days after the date the Environmental Protection Agency publishes a Notice of Availability. No public meetings are scheduled at this time.

ADDRESSES: Information will be available for public review and comment online at <http://parkplanning.nps.gov/GRTE>, in the office of the Superintendent, Mary Gibson Scott, Grand Teton National

Park, PO Drawer 170, Moose, Wyoming 83012-0170, (307) 739-3411 and at the Teton County Public Library, Jackson, Wyoming.

FOR FURTHER INFORMATION CONTACT: Gary Pollock, Grand Teton National Park, PO Drawer 170, Moose, Wyoming 83012-0170, (307) 739-3428.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to the office of the Superintendent, Grand Teton National Park, PO Drawer 170, Moose, Wyoming 83012-0170. You may also comment via the Internet at <http://parkplanning.nps.gov/GRTE>. Finally, you may hand-deliver comments to the office of the Superintendent, Grand Teton National Park, Administrative Offices Building, Moose, Wyoming 83012-0170. 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: January 26, 2009.

John T. Crowley,

Acting Regional Director, Intermountain Region, National Park Service.

[FR Doc. E9-7483 Filed 4-2-09; 8:45 am]

BILLING CODE 4312-CX-P

DEPARTMENT OF THE INTERIOR

National Park Service

Captain John Smith Chesapeake National Historic Trail Advisory Council

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, the National Park Service (NPS) is hereby giving notice that the Advisory Committee on the Captain John Smith Chesapeake National Historic Trail will hold a meeting. Designated through an amendment to the National Trails System Act (16 U.S.C. 1241), the new trail will consist of “a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and its tributaries in the States of Virginia, Maryland, Delaware, and in the District of Columbia,” tracing the 1607-1609 voyages of Captain John Smith to chart

the land and waterways of the Chesapeake Bay. This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should register via e-mail at

Christine_Lucero@nps.gov or telephone: (757) 898-2432. For those wishing to make comments, please provide a written summary of your comments prior to the meeting. The Designated Federal Official for the Advisory Council is John Maounis, Superintendent, Captain John Smith National Historic Trail, telephone: (410) 267-5778.

DATES: The Captain John Smith Chesapeake National Historic Trail Advisory Council will meet from 8:30 a.m. to 12 p.m. on Friday, May 22, 2009.

ADDRESSES: The meeting will be held at the Chesapeake Bay Maritime Museum (Steamboat Bldg.), 213 N. Talbot St., St. Michaels, MD 21663. For more information, please contact the NPS Chesapeake Bay Program Office, 410 Severn Avenue, Suite 109, Annapolis City Marina, Annapolis, MD 21403.

FOR FURTHER INFORMATION CONTACT: Christine Lucero, Partnership Coordinator for the Captain John Smith Chesapeake National Historic Trail, telephone: (757) 898-2432 or e-mail: *Christine_Lucero@nps.gov*.

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), this notice announces a meeting of the Captain John Smith Chesapeake National Historic Trail Advisory Council for the purpose of reviewing Comprehensive Management Plan alternatives and Trail resources.

The Committee meeting is open to the public. Members of the public who would like to make comments to the Committee should preregister via e-mail at *Christine_Lucero@nps.gov* or telephone: (757) 898-2432; a written summary of comments should be provided prior to the meeting. Comments will be taken for 30 minutes at the end of the meeting (from 11:30 a.m. to 12 p.m.). All comments will be made part of the public record and will be electronically distributed to all Committee members.

Dated: March 19, 2009.

John Maounis,

Superintendent, Captain John Smith National Historic Trail, National Park Service, Department of the Interior.

[FR Doc. E9-7378 Filed 4-2-09; 8:45 am]

BILLING CODE

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 21, 2009.

Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by April 20, 2009.

Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARIZONA

Maricopa County

Dowdy, George O., Rental Cottage, 6818 N. 60th Ave., Glendale, 09000246

CALIFORNIA

Alameda County

Women's Athletic Club of Alameda County, 525 Bellevue Ave., Oakland, 09000247

Merced County

Merced Theatre, 301 W. 17th St., Merced, 09000248

COLORADO

Clear Creek County

Mill City House, 247 Co. Rd. 308, Dumont, 09000250

El Paso County

Van Briggles Pottery Company, 1125 Glen Ave./231 W. Uintah St., Colorado Springs, 09000249

FLORIDA

Alachua County

Mission San Francisco de Potano, Address Restricted, Gainesville, 09000251

MASSACHUSETTS

Worcester County

Safety Fund National Bank, (Downtown Architecture of H.M. Francis, Fitchburg, MA) 470 Main St., Fitchburg, 09000252

MISSOURI

St. Louis Independent City

Bel Air Motel, 4630 Lindell, St. Louis, 09000253

NEW HAMPSHIRE**Hillsborough County**

Wilton Town Hall, 42 Main St., Wilton,
09000254

NEW YORK**Greene County**

Methodist Episcopal Church of Windham
Centre, 1843 NY 23, Windham, 09000255

Kings County

Congregation Beth Abraham, 203 E. 37th St.,
Brooklyn, 09000256

New York County

New York Telephone Company Building, 140
W. St., New York, 09000257
Park and Tilford Building, 310 Lenox Ave.,
New York, 09000258

Onondaga County

Temple Society of Concord, 910 Madison St.,
Syracuse, 09000259

Rockland County

Contempora House, 88 S. Mountain Rd., New
City, 09000260

NORTH CAROLINA**Buncombe County**

Baird, Zebulon H., House, 460 Weaverville
Rd., Weaverville, 09000261
Thomas Chapel A.M.E. Zion Church, 300
Cragmont Rd., Black Mountain, 09000262

Durham County

Holloway Street Historic District (Boundary
Increase), (Durham MRA) Roughly
bounded by Holloway, Elizabeth,
Primitive, and Queen Sts., and Mallard
Ave., Durham, 09000263

Robeson County

Asbury Methodist Church, SE. side US Hwy.
301 N., .10 mi. SW. of NC 1154, Raynham,
09000264

VERMONT**Windham County**

Westminster Terrace Historic District, Along
Westminster Terr. and Westminster St.,
Rockingham, 09000265

Request for REMOVAL has been made for
the following resource:

TENNESSEE**Washington County**

Taylor, Christopher, Cabin Main, St.,
Jonesboro, 71000839

[FR Doc. E9-7530 Filed 4-2-09; 8:45 am]

BILLING CODE 4312-51-P

DEPARTMENT OF THE INTERIOR**National Park Service****National Register of Historic Places;
Weekly Listing of Historic Properties**

Pursuant to (36 CFR 60.13(b,c)) and
(36 CFR 63.5), this notice, through
publication of the information included

herein, is to apprise the public as well
as governmental agencies, associations
and all other organizations and
individuals interested in historic
preservation, of the properties added to,
or determined eligible for listing in, the
National Register of Historic Places from
February 17 to February 20, 2009.

For further information, please
contact Edson Beall via: United States
Postal Service mail, at the National
Register of Historic Places, 2280,
National Park Service, 1849 C St., NW.,
Washington, DC 20240; in person (by
appointment), 1201 Eye St., NW., 8th
floor, Washington DC 20005; by fax,
202-371-2229; by phone, 202-354-
2255; or by e-mail,
Edson_Beall@nps.gov.

Dated: March 31, 2009.

J. Paul Loether,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

KEY: State, County, Property Name, Address/
Boundary, City, Vicinity, Reference Number,
Action, Date, Multiple Name

GEORGIA**Henry County**

Lawrenceville Street Historic District,
Lawrenceville St. roughly between the
Henry County Courthouse square and GA
20, McDonough, 09000054, LISTED,
2/20/09

ILLINOIS**Cook County**

Independence Park, 3945 N. Springfield
Ave., Chicago, 09000023, LISTED, 2/18/09
(Chicago Park District MPS)
Inland Steel Building, 30 W. Monroe St.,
Chicago, 09000024, LISTED, 2/18/09
Spiegel Office Building, 1038 W. 35th St.,
Chicago, 09000025, LISTED, 2/18/09

Hamilton County

Cloud, Chalon Guard and Emma Blades,
House, 300 S. Washington St.,
McLeansboro, 09000026, LISTED, 2/18/09

Kane County

Wing Park Golf Course, 1000 Wing St., Elgin,
09000027, LISTED, 2/18/09

La Salle County

Hegeler I, Julius W., House, 1306 Seventh St.,
LaSalle, 09000028, LISTED, 2/18/09

KANSAS**Kiowa County**

Robinett, S.D., Building, 148 S. Main,
Greensburg, 09000029, LISTED, 2/17/09

Meade County

Fowler Swimming Pool and Bathhouse, 308
E. 6th, Fowler, 09000030, LISTED, 2/17/09
(New Deal-Era Resources of Kansas MPS)

Riley County

Houston and Pierre Streets Residential
Historic District, Bounded by S. 5th St.,
Pierre St., S. 9th St., and Houston St.,

Manhattan, 09000031, LISTED, 2/18/09
(Late 19th and Early 20th Century
Residential Resources in Manhattan,
Kansas MPS)

MAINE**Aroostook County**

Duncan, Beecher H., Farm, 26 Shorey Rd.,
Westfield, 09000011, LISTED, 2/11/09

MASSACHUSETTS**Essex County**

L.H. Hamel Leather Company Historic
District, Bounded by Essex, Locke, Duncan,
and Winter Sts., and the former Boston and
Maine Railroad tracks, Haverhill,
09000032, LISTED, 2/18/09

Middlesex County

Merriam, M.H. and Company, 7-9 Oakland
St., Lexington, 09000033, LISTED, 2/18/09

MISSOURI**St. Louis Independent City**

Central Carondelet Historic District
(Boundary Increase II), Bounded by Iron
St., Minnesota, Pennsylvania, and Holly
Hills Aves., St. Louis, 09000034, LISTED,
2/18/09

Dreer, Dr. Herman S., House, 4335 Cote
Brilliant Ave., Saint Louis, 09000035,
LISTED, 2/20/09 (The Ville, St. Louis,
Missouri MPS)

Phillips, Homer G., House, 4524 Cottage
Ave., St. Louis, 09000036, LISTED, 2/20/09
(The Ville, St. Louis, Missouri MPS)

NEW YORK**Cattaraugus County**

House at 520 Hostageh Road, 520 Hostageh
Rd., Rock City, 09000038, LISTED, 2/20/09

Chautauqua County

Dunkirk Schooner Site, Address Restricted,
Dunkirk Vicinity, 65009967
*DETERMINED ELIGIBLE, 2/18/09

Erie County

Adam, J.N.—AM&A Historic District, Main
St., E. Eagle St., Washington St., Ellicott
St., Buffalo, 09000056, LISTED, 2/20/09

Suffolk County

Jamesport Meeting House, 1590 Main Rd.,
Jamesport, 09000039, LISTED, 2/20/09

Ulster County

Yeomans, Moses, House, 252-278 Delaware
Ave., Kingston, 09000041, LISTED, 2/20/09

NORTH CAROLINA**Avery County**

Crossnore School Historic District, Within
the campus of Crossnore School, N. side of
NC 1143, opposite junction with NC 1148,
Crossnore, 09000059, LISTED, 2/18/09

PUERTO RICO**Coamo Municipality**

Puente de las Calabazas, PR 14, km. 39.3,
Cuyon Ward, Coamo vicinity, 09000042,
LISTED, 2/17/09 (Historic Bridges of
Puerto Rico MPS)

SOUTH DAKOTA**Custer County**

Hermosa Masonic Lodge, W. side of 2nd St., between Folsom St. and Hwy 40, Hermosa, 09000043, LISTED, 2/17/09

Hutchinson County

Tucek-Sykora Farmstead, 28883 412th Ave., Tripp vicinity, 09000044, LISTED, 2/17/09 (Czech Folk Architecture in Southeastern South Dakota MRA)

VIRGINIA**Louisa County**

Baker-Strickler House, 10074 W. Gordon Rd., Gordonsville, 09000046, LISTED, 2/18/09

WISCONSIN**Columbia County**

Mills, Richard W. and Margaret, House, 104 Grand Ave., Lodi, 09000048, LISTED, 2/18/09

* Denotes: Federal determination of eligibility.

[FR Doc. E9-7526 Filed 4-2-09; 8:45 am]

BILLING CODE 4312-51-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-631]

In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of Commission Decision to Review-in-Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions Regarding Remedy, Bonding, and the Public Interest; and Extension of Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 in the above-captioned investigation, and to request written submissions regarding remedy, bonding, and the public interest. The Commission has also extended the target date for completion of the investigation by 30 days until May 27, 2009.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. 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 January 25, 2008, based on a complaint filed by Samsung Electronics Co., Ltd. ("Samsung") of Korea. 73 FR 4626-27. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 liquid crystal display ("LCD") devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,193,666 ("the '666 patent"); 6,771,344 ("the '344 patent"); 7,295,196; and 6,937,311 ("the '311 patent"). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named the following respondents: Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, New Jersey; and Sharp Electronics Manufacturing Company of America, Inc. of San Diego, California (collectively "Sharp").

On January 26, 2009, the ALJ issued his final ID finding a violation of section 337 by respondents. On February 9, 2009, Sharp and the Commission investigative attorney ("IA") filed petitions for review of the final ID. The IA and Samsung filed responses to the petitions on February 17, 2009. Also, on March 12, 2009, Sharp filed a motion to extend the target date for completion of the investigation to allow consideration of the final ID scheduled to issue in *Certain Liquid Crystal Display Modules, Products Containing Same, and Methods for Using the Same*, Inv. No. 337-TA-634, on June 12, 2009. On March 23, 2009, Samsung and the IA filed responses in opposition to Sharp's motion. On March 26, Sharp filed a motion for leave to file a reply to Samsung's and the IA's responses in opposition.

Upon considering the parties' filings, the Commission has determined to review-in-part the ID. Specifically, the Commission has determined to review: (1) The ALJ's construction of the claim term "domain dividers" relating to the '311 patent; (2) the ALJ's determination that Sharp's LCD devices infringe the '311 patent; (3) the ALJ's determination that the '311 patent is not unenforceable; and (4) the ALJ's determination that the asserted claims of the '344 patent are not invalid as anticipated by U.S. Patent No. 5,309,264 ("the '264 patent"). The Commission has determined not to review the remainder of the ID. Also, the Commission has extended the target date for completion of the investigation by 30 days until May 27, 2009, for procedural reasons. It has denied Sharp's motion to extend the target date to the extent necessary to allow consideration of the final ID to issue in Inv. No. 337-TA-634. Also, the Commission has denied Sharp's motion for leave to file a reply to Samsung's and the IA's responses in opposition to Sharp's motion to extend the target date.

On review, with respect to violation, the parties are requested to submit briefing limited to the following issues:

(1) Whether one of ordinary skill in the art would understand that the claim term "domain dividers" in claims 6 and 8 of the '311 patent includes protrusions, in light of the intrinsic evidence and the context of the claimed invention. Please discuss *Wang Labs, Inc. v. Am. Online*, 197 F.3d 1377 (Fed. Cir. 1999) in your response.

(2) Under the ID's construction for the claim term "domain dividers" which includes protrusions, whether claims 6 and 8 of the '311 patent are invalid under 35 U.S.C. 112, ¶ 1. Please discuss *ICU Med., Inc. v. Alaris Med. Sys.*, No. 2008-1077, 2009 U.S. App. LEXIS 5271 (Fed. Cir. Mar. 13, 2009) and *LizardTech, Inc. v. Earth Res. Mapping, Inc.*, 424 F.3d 1336 (Fed. Cir. 2005) in your response.

(3) Under the ID's construction of "aperture" in claims 7 and 8 of the '344 patent, (a) whether U.S. Patent No. 5,309,264 anticipates those claims; and (b) how the "orientation" of a multi-pronged aperture is determined. Assume the Commission finds that all other claim terms are met.

In addressing these issues, the parties are requested to make specific reference to the evidentiary record and to cite relevant authority.

In connection with the final disposition of this investigation, the Commission may issue an order that results in the exclusion of the subject articles from entry into the United

States. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

When the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, and such submissions should address the recommended determination by the ALJ on remedy and bonding. The complainant and the Commission investigative attorney are also requested to submit proposed

remedial orders for the Commission's consideration. Complainants are also requested to state the dates that the patents at issue expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on April 10, 2009. Reply submissions must be filed no later than the close of business on April 17. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 sections 210.42-46 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42-46.

Issued: March 30, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E9-7478 Filed 4-2-09; 8:45 am]

BILLING CODE

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 23, 2009, a proposed consent decree in *United States, et al., v. Petroleum Reclaiming Service, Inc.*, No. 09-cv-05157, was lodged with the United States District Court for the Western District of Washington.

In this action, the United States, State of Washington, Puyallup Tribe of Indians and Muckleshoot Indian Tribe

sought natural resource damages for releases of hazardous substances into Commencement Bay, Washington. Under the consent decree, defendant will pay \$638,391.06 in natural resource damages and reimburse \$111,608.94 in damage assessment costs.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *United States v. Petroleum Reclaiming Service, Inc.*, No. 09-cv-05157, D.J. Ref. No. 90-11-2-1049/14.

During the comment period, the Consent Decree may be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$6.25 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9-7474 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Student and Supervisor Training Validation Surveys.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will be submitting the following information collection

request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 17, page 4975 on January 28, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

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.

(2) *Title of the Form/Collection:* Student and Supervisor Training Validation Surveys.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the*

collection: Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. *Other:* None. *Abstract:* The information will help ATF determine whether the training programs are meeting objectives and impacting the performance of the individuals in their work place. Also, the information will provide performance measure data to OMB and meet Federal law enforcement training accreditation requirements.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 1,800 respondents who will complete an 18-minute survey.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 360 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: March 31, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9-7527 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Global Climate and Energy Project

Notice is hereby given that, on February 26, 2009, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Global Climate and Energy Project ("GCEP") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its nature and objective. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the members of GCEP have amended the agreement between them to extend the termination of the Project,

which currently will terminate August 31, 2011.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and GCEP intends to file additional written notifications disclosing all changes in membership.

On March 12, 2003, GCEP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2003 (68 FR 16552). The last notification was filed with the Department on January 23, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 25, 2008 (73 FR 10065).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E9-7367 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum Project No. 2007-05, Membrane Bioreactor Demonstration

Notice is hereby given that, on February 26, 2009, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act") Petroleum Environmental Research Forum Project No. 2007-05, Membrane Bioreactor Demonstration ("PERF Project No. 2007-05") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: ExxonMobil Research and Engineering Company, Fairfax, VA; BP Products North America Inc., Naperville, IL; Chevron Energy Technology Company, Richmond, CA; ConocoPhillips Company, Houston, TX; Repsol YPF S.A., Madrid, SPAIN; and Shell Global Solutions (US) Inc., Houston, TX. The general area of PERF Project No. 2007-05's planned activity is to, through cooperative research

efforts, evaluate membrane bioreactor (MBR) technology as a competitive alternate to conventional activated sludge system (aeration basin and clarifier). This will be done by conducting pilot scale testing of a MBR system to treat refinery wastewater alongside conventional biological treatment. This setup will allow a quality comparison to be conducted. Preferably, both normal conditions as well as various upset conditions will be evaluated. Simulated upset conditions to be considered may include oil & grease upsets and possibly pH swing, high organic or nitrogen loading, and excessive debris or other solids that could potentially foul membrane. Current plans are that effluent from the MER will be analyzed for potential recycle/reuse applications (e.g., cooling tower makeup). The project will attempt to determine if this wastewater treatment technology is comparable or superior in operability and effluent quality to conventional biological treatment. Information regarding participation in this venture may be obtained from: Mr. Ryan Couture; ExxonMobil Research and Engineering Company; 3225 Gallows Road; Fairfax, VA 22037.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E9-7366 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—NIST Tip Joint Venture on Cyber-Enabled Smart Infrastructure

Notice is hereby given that, on February 27, 2009, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), NIST TIP Joint Venture on Cyber-enabled Smart Infrastructure (“CSI”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: The Regents of the

University of Michigan, Ann Arbor, MI; SC Solutions, Sunnyvale, CA; Weidlinger Associates, Inc., New York, NY; Li, Fisher, Lepech & Associates, Ann Arbor, MI; Monarch Antenna, Inc., Ann Arbor, MI; and Prospect Solutions, LLC, Loudonville, NY. The general area of CSI’s planned activity is to conduct research to formulate and demonstrate a cost effective, cyber-enabled comprehensive structural monitoring system assembled from transformative sensor technologies to detect and analyze bridge health.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E9-7365 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125-0012]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: Request for recognition of a non-profit religious, charitable, social service, or similar organization (Form EOIR-31).

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 18, page 5184 on January 29, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments also may be

submitted to OMB via facsimile to (202) 395-5806. 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:* Reinstatement with change.

(2) *Title of the Form/Collection:* Request for recognition of a non-profit religious, charitable, social service, or similar organization.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Justice Sponsoring the Collection:* Form Number: EOIR-31. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected Public Who Will Be Asked or Required To Respond, as Well as a Brief Abstract:* Primary: Non-profit organizations seeking to be recognized as legal service providers by the Board of Immigration Appeals (Board) of the Executive Office for Immigration Review (EOIR). Other: None. Abstract: This information collection is necessary to determine whether the organization meets the regulatory and relevant case law requirements for recognition by the Board as a legal service provider, which then would allow its designated representative or representatives to seek full or partial accreditation to practice before the EOIR and/or the Department of Homeland Security.

(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 110

respondents will complete the form annually with an average of 2 hours per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* There are an estimated 220 total burden hours associated with this collection annually.

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: March 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9-7486 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125-0009]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Revised Application for Suspension of Deportation (40).

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 18, page 5183 on January 29, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Additionally, comments also may be submitted to OMB via facsimile to (202) 395-5806. 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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Suspension of Deportation (40).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: EOIR-40, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be removable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens, who have been determined to be deportable from the United States, for suspension of their deportation, pursuant to former section 244 of the Immigration and Nationality Act and 8 CFR 1240.56 (2005), as well as to provide information relevant to a favorable exercise of discretion.

(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 form

annually with an average of 5 hours, 45 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,150 total annual burden hours associated with this collection annually.

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: March 30, 2009.

Lynn Bryant,

Department Clearance Officer, United States Department of Justice.

[FR Doc. E9-7487 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125-0006]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: Notice of entry of appearance as attorney or representative before the Immigration Court (Form EOIR-28).

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 74, page 5184-5184 on January 29, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Additionally, comments also may be submitted to OMB via facsimile to (202) 395-5806. 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 agency's functions, 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:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Notice of entry of appearance as attorney or representative before the Immigration Court.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Justice Sponsoring the Collection:* Form Number: EOIR-28. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected Public Who Will Be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Attorneys or qualified representatives notifying the Immigration Court that they are representing an alien in immigration proceedings. Other: None. Abstract: This information collection is necessary to allow an attorney or qualified representative to notify the Immigration Court that he or she is representing an alien before the Immigration Court.

(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 91,700 respondents will complete the form annually with an average of six minutes per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* There are an estimated 9,170 total burden hours associated with this collection annually.

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: March 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9-7488 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125-0005]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 19, page 5677-5678, on January 30, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments also may be submitted to OMB via facsimile to (202)

395-5806. 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 agency's functions, 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:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Justice Sponsoring the Collection:* Form Number: EOIR-27. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected Public Who Will Be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Attorneys or qualified representatives notifying the Board of Immigration Appeals (Board) that they are representing an alien in immigration proceedings. Other: None. Abstract: This information collection is necessary to allow an attorney or qualified representative to notify the Board that he or she is representing an alien before the Board.

(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 33,980 respondents will complete the form annually with an average of six minutes per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* There are an estimated 3,398

total burden hours associated with this collection annually.

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: March 30, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9-7489 Filed 4-2-09; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 31, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Mary Beth Smith-Toomey on 202-693-4223 (this is not a toll-free number)/e-mail: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers)/e-mail: OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Foreign Labor Certification Quarterly Activity Report.

OMB Control Number: 1205-0457.

Agency Form Numbers: ETA 9127.

Affected Public: State Governments.

Total Estimated Number of Respondents: 54.

Total Estimated Annual Burden Hours: 432.

Total Estimated Annual Costs Burden (excludes hourly wage costs): \$0.

Description: This reporting form is used to collect information from State Workforce Agencies on the activities they perform under the Foreign (Alien) Labor Certification reimbursable grant and provides a sound basis for program management, including budget, workload management, and monitoring for compliance with the grant. For additional information, see related notice published at Volume 74 FR 317 on January 5, 2009.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9-7510 Filed 4-2-09; 8:45 am]

BILLING CODE 4510-FP-P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Homeless Veterans' Reintegration Program (HVRP)

AGENCY: Veterans' Employment and Training Service, U.S. Department of Labor.

Announcement Type: New Notice of Availability of Funds and Solicitation for Grant Applications. The full announcement is posted on www.grants.gov.

Funding Opportunity Number: SGA 09-01.

DATES: *Key Dates:* The closing date for receipt of applications is May 4, 2009.

Funding Opportunity Description

The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) announces a grant competition under 38 U.S.C. Section 2021, as added by Section 5 of Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001 (HVCAA). The authorization was extended through Fiscal Year 2009 by Section 301, Public Law 109-233, the Veterans Housing and Employment Improvement Act of 2005. Section 2021 indicates: "The Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration of homeless veterans into the labor force."

HVRP grants are intended to address two objectives: (1) to provide services to assist in reintegrating homeless veterans into meaningful employment within the labor force, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans.

The full Solicitation for Grant Application is posted on <http://www.grants.gov> under U.S. Department of Labor/VETS. Applications submitted through <http://www.grants.gov> or hard copy will be accepted. If you need to speak to a person concerning these grants, or if you have issues regarding access to the <http://www.grants.gov> Web site, you may telephone Cassandra Mitchell at 202-693-4570 (not a toll-free number).

Signed at Washington, DC this 31st day of March, 2009.

Cassandra R. Mitchell,

Grant Officer.

[FR Doc. E9-7508 Filed 4-2-09; 8:45 am]

BILLING CODE 4510-79-P

LEGAL SERVICES CORPORATION

Notice of Availability of Calendar Year 2010 Competitive Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Solicitation for Proposals for the Provision of Civil Legal Services.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people.

LSC hereby announces the availability of competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The exact amount of congressionally appropriated funds and the date, terms, and conditions of their availability for calendar year 2010 have not been determined.

DATES: See **SUPPLEMENTARY INFORMATION** section for grants competition dates.

ADDRESSES: Legal Services Corporation—Competitive Grants, 3333 K Street, NW., Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Office of Program Performance by e-mail at competition@lsc.gov, or visit the grants competition Web site at <http://www.grants.lsc.gov>.

SUPPLEMENTARY INFORMATION: The Request for Proposals (RFP) will be available April 10, 2009. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. Applicants must file the NIC by May 15, 2009, 5 p.m. E.D.T. The due date for filing grant proposals is June 5, 2009, 5 p.m. E.D.T.

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The RFP, containing the NIC and grant application, guidelines, proposal content requirements, service area descriptions, and specific selection criteria, will be available from <http://www.grants.lsc.gov> April 10, 2009. LSC will not fax the RFP to interested parties.

Below are the service areas for which LSC is requesting grant proposals. Service area descriptions will be available from Appendix A of the RFP. Interested parties are asked to visit <http://www.grants.lsc.gov> regularly for updates on the LSC competitive grants process. LSC will post updates, corrections, and/or changes to this notice at <http://www.grants.lsc.gov>.

State	Service area
American Samoa.	AS–1
California	CA–2, CA–19, CA–26, CA–29, CA–30, CA–31, MCA
Colorado	CO–6, MCO, NCO–1
Florida	FL–5, FL–13, FL–14, FL–15, FL–16, FL–17, FL–18, MFL
Georgia	GA–1, GA–2, MGA
Hawaii	HI–1, NHI–1
Illinois	IL–6, MIL
Indiana	IN–5, MIN
Kentucky	MKY
Louisiana	LA–10, LA–11, MLA
Massachusetts ..	MA–4, MA–10, MA–12
Minnesota	NMN–1
Mississippi	MS–9, MMS, NMS–1
Montana	MT–1, MMT, NMT–1
Nevada	NV–1, MNV, NNV–1
New York	NY–7, NY–20, NY–21, NY–22, NY–23, NY–24, MNY
North Carolina ..	NC–5, MNC, NNC–1
Ohio	OH–5, OH–17
Oklahoma	OK–3, MOK
Pennsylvania	PA–1, PA–5, PA–8, PA–11, PA–23, PA–26, MPA
Puerto Rico	PR–1, MPR
South Carolina ..	SC–8, MSC
Tennessee	MTN
Texas	MTX
Virginia	VA–20
Wisconsin	WI–2, NWI–1

Dated: March 6, 2009.

Janet LaBella,

Director, Office of Program Performance, Legal Services Corporation.

[FR Doc. E9–5467 Filed 4–2–09; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (09–033)]

Notice of Information Collection Under OMB Review

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection under OMB review.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Jasmeet Seehra, Desk Officer for NASA; Office of Information and Regulatory Affairs; Room 10236; New Executive Office Building; Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, NASA Headquarters, 300 E Street, SW., JF000, Washington, DC 20546, (202) 358–1350, Walter.Kit-1@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA needs information pertaining to experiences of program beneficiaries in programs and activities receiving NASA financial assistance, such as student experiences in science, technology, engineering, and mathematics (STEM) programs, in order to more effectively conduct civil rights compliance reviews of programs receiving federal financial assistance from NASA. Such reviews are required by NASA regulations under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Section 619 of the NASA Authorization Act of 2005 (requiring NASA to conduct at least two Title IX reviews annually of NASA grant recipient institutions).

II. Method of Collection

NASA will utilize several on-line survey tools that will allow students at institutions on which NASA is conducting Title IX compliance reviews to provide responses by e-mail.

III. Data

Title: External Program: Civil Rights Survey.

OMB Number: 2700–XXXX.

Type of review: New Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Response: 0.25 hour.

Estimated Total Annual Burden Hours: 125 hours.

Estimated Total Annual Cost: \$0.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance

State	Service area
Alabama	AL–4, MAL
Arkansas	MAR

of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9-7542 Filed 4-2-09; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE (09-034)]

Notice of Information Collection Under OMB Review

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection under OMB review.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Jasmeet Seehra, Desk Officer for NASA; Office of Information and Regulatory Affairs; Room 10236; New Executive Office Building; Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, NASA Headquarters, 300 E Street, SW., JF000, Washington, DC 20546, (202) 358-1350, *Walter.Kit-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The subject information collection involves the collection of data to support the operation of the Lewis' Educational and Research Collaborative Internship Program (LERCIP). The purpose of this undergraduate and graduate scholarship program is to develop the future STEM (Science, Technology, Engineering and Mathematics) workforce in the United States. LERCIP is a NASA Center unique program that provides paid 10-week internships to graduating high school students through PhD candidates.

II. Method of Collection

Respondents will complete an online application form hosted on an LERCIP Web site. Applicants will be asked to establish a unique login and password on their initial visit to the Web site. The applicants may use the login and password to return to the Web site and complete their application in multiple sessions, if needed. All applicant data will be collected online using database technologies.

III. Data

Title: LERCIP Student Application.

OMB Number: 2700-XXXX.

Type of review: New Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 300.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Response: 0.67 hour.

Estimated Total Annual Burden Hours: 201 hours.

Estimated Annual Cost for Respondents: \$0.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9-7543 Filed 4-2-09; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before May 4, 2009 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-837-1694 or fax number 301-713-7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on January 28, 2009 (74 FR 4982 and 4983). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Online Reproduction Orders for National Archives Records.

OMB Number: 3095-0064.

Agency Form Number: N/A.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 45,524.

Estimated Time per Response: 10 minutes.

Frequency of Response: On occasion.

Estimated Total Annual Burden

Hours: 7,587 hours.

Abstract: NARA's Internet-based ordering system (Order Online!), has made accessible Online certain reproduction order forms (replicas of the NATF Series 80 Forms and the NATF 36). Also available are custom orders for the remaining types of reproduction services, to allow researchers to submit reproduction orders and remit payment electronically.

The information that NARA collects for quoted reproduction orders includes the descriptive information (information necessary to search for the records), payment information (e.g., credit card type, credit card number, and expiration date), customer name, shipping and billing address, and phone number. NARA offers customers the option of submitting their e-mail address as a means of facilitating communication such as order confirmation, status updates, and issue handling.

Dated: March 30, 2009.

Martha Morphy,

Assistant Archivist for Information Services.

[FR Doc. E9-7555 Filed 4-2-09; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on the Electronic Records Archives

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the National Archives and Records Administration (NARA) announces a

meeting of the Advisory Committee on the Electronic Records Archives (ACERA). The committee serves as a deliberative body to advise the Archivist of the United States, on technical, mission, and service issues related to the Electronic Records Archives (ERA). This includes, but is not limited to, advising and making recommendations to the Archivist on issues related to the development, implementation and use of the ERA system.

Date of Meeting: April 29-30, 2009.

Time of Meeting: 9 a.m.-4 p.m.

Place of Meeting: 700 Pennsylvania Avenue, NW., Washington, DC 20408-0001.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Electronic Records Archives Program at era.program@nara.gov.

SUPPLEMENTARY INFORMATION:

Agenda

- Opening Remarks.
- Approval of Minutes.
- Committee Updates.
- Activities Reports.
- Adjournment.

FOR FURTHER INFORMATION CONTACT:

Martha Morphy, Assistant Archivist for Information Services, (301) 837-1992.

Dated: March 31, 2009.

Mary Ann Hadyka,

Committee Management Office.

[FR Doc. E9-7553 Filed 4-2-09; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-29462; NRC-2009-0024]

Notice of Consideration of Amendment Request for Decommissioning of The Department of the Navy, Hypervelocity Gun Facility, Naval Research Laboratory, Chesapeake Beach, MD and Opportunity To Request a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amendment request and opportunity to request a hearing.

DATES: A request for a hearing must be filed by June 2, 2009.

FOR FURTHER INFORMATION CONTACT:

Orysia Masnyk Bailey, Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, U.S. Nuclear Regulatory Commission, King of Prussia, PA 19406. Telephone: (864)

427-1032; fax number: (610) 680-3497; or e-mail:

Orysia.MasnykBailey@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Materials License No. 45-23645-01NA. This license is held by the Department of the Navy (Navy or Licensee). This is a Master Materials License and covers many sites around the country. The proposed action pertains to The Hypervelocity Gun Facility at the Naval Research Laboratory in Chesapeake Beach, Maryland (the Facility). The amendment would authorize the decommissioning of the Facility under the Licensee's Decommissioning Plan.

An NRC administrative review found the Decommissioning Plan acceptable to begin a technical review. If the NRC approves the Decommissioning Plan, the approval will be documented in an amendment to NRC License No. 45-23645-01NA. However, before approving the proposed amendment, the NRC will need to make the safety findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report. The NRC's evaluation of environmental issues will be documented in a separate report. Following completion of decommissioning activities and verification by the NRC that the radiological criteria for license termination have been met, the NRC will amend the license to authorize release of the Facility for unrestricted use.

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment regarding the decommissioning of the Facility. Any person whose interest may be affected by this proceeding and who desires to participate as a party must file a request for a hearing and a specification of the contentions, which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule (promulgated in August 28, 2007; 72 FR 49139). The E-Filing rule requires participants to submit and serve documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

In order to comply with the procedural requirements of E-Filing, at

least ten days prior to the filing deadline, the petitioner/requester must contact the Office of the Secretary by e-mail at HEARINGDOCKET@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/requester (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requester will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange, 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/requester has obtained a digital ID certificate, had an electronic docket created, and downloaded the Electronic Information Exchange viewer, the individual can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format 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 the Electronic Information Exchange. To be timely, an electronic filing must be submitted to the Electronic Information Exchange system no later than 11:59 p.m. Eastern Standard 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 Electronic Information Exchange 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 does not need to 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, excluding government holidays. The help 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, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). In order to be considered timely, filings must be submitted no later than 11:59 p.m. Eastern Standard Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket, which is available to the public at http://ehd.nrc.gov/ehd_proceeding/home.asp unless excluded pursuant to an Order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include Social Security 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 submission.

The formal requirements for documents contained in 10 CFR 2.304(c)-(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by June 2, 2009.

In addition to meeting other applicable requirements of 10 CFR 2.309, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;

2. The nature of the requester's right under the Act to be made a party to the proceeding;

3. The nature and extent of the requester's property, financial, or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions that support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a

joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so, in accordance with the E-Filing rule, within ten days of the date that the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

III. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers:

1. Hypervelocity Gun Facility Decommissioning Assessment, ADAMS Accession No. ML070330468 and
2. Hypervelocity Gun Facility Decommissioning Plan, ADAMS Accession No. ML081640631.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The Public Document Room reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia, PA, this 27th day of March, 2009.

For the Nuclear Regulatory Commission.

Randolph H. Ragland, Jr.,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E9-7491 Filed 4-2-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1257; NRC-2009-0147]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for AREVA NP, Inc., Richland, WA

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT:

Gloria Kulesa, Senior Environmental Project Manager, Environmental Review Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Telephone: (301) 415-5308; fax number: (301) 415-5369; e-mail: Gloria.Kulesa@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering the renewal of Special Nuclear Material License SNM-1227 for the continued operation of the AREVA NP, Inc. Fuel Fabrication Facility located in Richland, Washington. This renewal authorizes the licensee to receive and possess nuclear materials at the Richland facility to fabricate and assemble nuclear fuel components under the provisions of 10 CFR part 70, Domestic Licensing of Special Nuclear Material. If NRC approves the renewal of the license, the term would cover 40 years. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. If approved, NRC will issue the renewed license following the publication of this notice.

II. EA Summary

The licensee requests approval to renew SNM-1227 for an additional 40 years at the Richland, Washington facility. Specifically, this would allow AREVA NP to continue manufacturing and assembling nuclear fuel components for use in commercial light-water-cooled nuclear reactors. On October 24, 2006, AREVA NP requested that NRC approve the proposed amendment. AREVA NP's request for the proposed change was previously noticed in the **Federal Register** on March 15, 2007 (72 FR 12202), with a

Notice of an Opportunity to Request a Hearing.

The staff has prepared the EA in support of the proposed license renewal. Staff considered 12 environmental impacts in their evaluation, including: Land use; transportation; socioeconomic; air quality; water quality; geology and soils; ecology; noise; historic and cultural; scenic and visual; public and occupational health; and waste management. All of the environmental impacts were small, with the exception of transportation. NRC staff considered the transportation long-term and cumulative impacts as small-to-moderate based on projected population growth estimates and anticipated development of residential communities and commercial lands. The regional government and industry collaboratively plan the area's future transportation system to minimize traffic impacts. NRC considers that the proactive planning efforts will keep the impact small. A brief summary of the other environmental resources follows. The license renewal request does not require altering the site footprint nor does it change the operating processes of the existing facility, therefore there are no anticipated impacts in land use, noise, historic and cultural, scenic and visual, and site ecology resources. The proposed action will not adversely affect federal or state-listed threatened or endangered species nor flora and fauna in the site vicinity. AREVA NP is a major business that contributes a positive benefit towards the region's socioeconomic. Airborne and liquid effluent monitoring indicates readings below regulatory 10 CFR part 20 limits for non-radiological and radiological contaminants. Public and occupational exposures are below the limit established in 10 CFR part 20. AREVA NP maintains acceptable waste management practices and procedures. The staff concluded that the proposed 40 year renewal of license SNM-1227 will not result in a significant impact to the environment.

NRC staff consulted with other agencies regarding the proposed action, including the U.S. Fish and Wildlife Service (USFWS), the Washington Department of Ecology, Washington Department of Archaeology and Historic Preservation [i.e. the State Historic Preservation Office], the Confederated Tribes and Bands of the Yakama Nation [i.e., one of the two local Tribal Historic Preservation Offices], and the Confederated Tribes of the Umatilla Indian Reservation. The consultations ensured that the requirements of Section 7 of the Endangered Species Act and

Section 106 of the National Historic Preservation Act were met and provided the designated state liaison agency the opportunity to comment on the proposed action.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the

proposed amendment and has determined not to prepare an Environmental Impact Statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic

Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

Document	ADAMS Accession No.
License Renewal—Letter	ML063110083
—Application	ML063110089
—Environmental Report	ML063110087
NRC Letters to Confederate Tribes & Bands of Yakama Nation	ML073370055
	ML082470386
	ML090440136
NRC Letters to Confederated Tribes of the Umatilla Indian Reservation	ML080250134
	ML082610765
	ML090440128
NRC Letter to Washington State SHPO	ML073100238
	ML082470310
	ML090430370
NRC Letter to U.S. Fish and Wildlife Service	ML073100164
	ML082470214
Request for Additional Information (RAI) and Responses	ML080600457/
	ML080640145
	ML081300403
	ML082330600
Tribal letters to NRC	ML080790549
	ML081620577
State Historic Preservation Office, letter to NRC	ML080560066
	ML082880314
Washington Department of Ecology letter to NRC	ML083040124
USFWS correspondence with NRC	ML090720616
	ML090720623
	ML090720581
Environmental Assessment	ML090700258

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdrc@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 27th day of March 2009.

For the Nuclear Regulatory Commission.

Andrea Kock,

Chief, Environmental Review Branch, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E9-7492 Filed 4-2-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on May 7-8, 2009. A sample of agenda items to be discussed during the public session includes: (1) Summary of the enforcement process and enforcement actions against medical licensees; (2) regulatory responsibilities of the U.S. Food and Drug Administration; (3) ACMUI subcommittee report on byproduct material events; (4) ACMUI subcommittee report on training and experience for yttrium-90 microspheres users; (5) National Academy of Science report on the production of medical isotopes using highly enriched uranium and low enriched uranium; (6) briefing on the Veterans Affairs medical events;

(7) infiltrations of therapeutic radiopharmaceuticals as medical events; (8) National Council on Radiation Protection & Measurements Report 160 "Ionizing Radiation Exposure of the Population of the United States" and its implications for NRC programs; (9) ACMUI subcommittee report on training and experience for American Board of Radiology certification; (10) medical event reporting to the International Nuclear Event Scale; and (11) potential changes to 10 CFR Part 35. A copy of the agenda will be available at <http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda> or by e-mailing Ms. Ashley Cockerham at the contact information below.

Purpose: Discuss issues related to 10 CFR Part 35 Medical Use of Byproduct Material.

Date and Time for Closed Session: May 7, 2009, from 3:15 p.m. to 5:30 p.m. This session will be closed so that ACMUI can complete self-evaluations, discuss internal Committee business, and prepare for a meeting with the Commission.

Date and Time for Open Sessions: May 7, 2009, from 8 a.m. to 3:15 p.m. and May 8, 2009, from 8 a.m. to 4:30 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Auditorium, 11545 Rockville Pike, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting should contact Ms. Cockerham using the information below.

Contact Information: Ashley M. Cockerham, e-mail: ashley.cockerham@nrc.gov, telephone: (240) 888-7129.

Conduct of the Meeting: Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Cockerham at the contact information listed above. All submittals must be received by April 30, 2009, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript will be available on ACMUI's Web site (<http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/>) on or about June 8, 2009. A meeting summary will be available on ACMUI's Web site (<http://www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/>) on or about June 22, 2009.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Cockerham of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, Part 7.

Dated: March 30, 2009.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E9-7497 Filed 4-2-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

DATE: Week of March 30, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of March 30, 2009

Wednesday, April 1, 2009

1 p.m.

Affirmation Session (Public Meeting) (Tentative), AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station), Docket No. 50-219-LR, Citizens' Petition for Review of LBP-07-17 and Other Interlocutory Decisions in the Oyster Creek Proceeding (Tentative).

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292.

Contact person for more information: Rochelle Bavol, (301) 415-1651.

* * * * *

Additional Information

Affirmation of AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station), Docket No. 50-219-LR, Citizens' Petition for Review of LBP-07-17 and Other Interlocutory Decisions in the Oyster Creek Proceeding, previously tentatively scheduled on February 4, 2009, has been tentatively rescheduled on March 31, 2009.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at rohn.brown@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting

notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to darlene.wright@nrc.gov.

Dated: March 31, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9-7624 Filed 4-1-09; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0043]

Proposed Standard Review Plan Section 9.5.1.2 on Risk-Informed, Performance-Based Fire Protection Program, Correction

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment, correction of proposed comment date.

SUMMARY: This document amends a notice appearing in the **Federal Register** on February 5, 2009 (74 FR 6181), that announced the proposed Standard Review Plan Section 9.5.1.2 on "Risk-Informed, Performance-Based Fire Protection Program." This action is necessary to extend the originally proposed end date for comment from April 5, 2009 to May 22, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Alexander R. Klein, Chief, Fire Protection Branch, Division of Risk Assessment, Office of the Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-2822 or e-mail at Alex.Klein@nrc.gov.

SUPPLEMENTARY INFORMATION: On page 6181, in the third column, Date Information, second line, the proposed period for comment of 60 days from the date of publication is extended to May 22, 2009.

Dated at Rockville, Maryland, this 25th day of March 2009.

For the Nuclear Regulatory Commission.

William F. Burton,

Chief, Rulemaking and Guidance

Development Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E9-7495 Filed 4-2-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–282 and 50–306; NRC–2009–0146]

Northern States Power Company—Minnesota; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the request of Northern States Power Company—Minnesota (the licensee) to withdraw its July 11, 2008 application for proposed amendment to Facility Operating License Nos. DPR–42 and DPR–60 for the Prairie Island Nuclear Generating Plant, Units 1 and 2, located in Goodhue County, Minnesota.

The proposed amendment would have established Conditions, Required Actions, and Completion Times in the Technical Specifications (TSs) for the condition where one steam supply to the turbine-driven auxiliary feedwater (AFW) pump is inoperable concurrent with an inoperable motor-driven AFW train, using the Consolidated Line Item Improvement Process for TS Task Force Traveler (TSTF) 412, Revision 3.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 21, 2008 (73 FR 62568). However, by letter dated March 11, 2009, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 11, 2008, and the licensee's letter dated March 11, 2009, which withdrew the application for license amendment. 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. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm.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, or 301–415–4737 or by e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 20th day of March 2009.

For the Nuclear Regulatory Commission.
Thomas J. Wengert,
Senior Project Manager, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–7493 Filed 4–2–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. ACR2008]

Postal Service Oversight

AGENCY: Postal Regulatory Commission.

ACTION: Availability of report.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharman, General Counsel, at 202–789–6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: The Postal Regulatory Commission (Commission) has issued its Annual Compliance Determination addressing the United States Postal Service's financial and service performance in fiscal year 2008. The Commission's determination, dated March 30, 2009, responds to a directive in the Postal Accountability and Enhancement Act (PAEA) of 2006. See 39 U.S.C 3653. It was prepared after review of the Postal Service's 2008 Annual Compliance Report, public comments, and supplemental data and information provided in response to Commission requests.

The Commission's report, as well as related documents, can be accessed on the Commission's Web site, <http://www.prc.gov>.

Dated: March 31, 2009.

Steven W. Williams,
Secretary.

[FR Doc. E9–7529 Filed 4–2–09; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–28680]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

March 27, 2009.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of March 2009. A copy of each application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1520 (tel. 202–551–5850). An order granting each

application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 21, 2009, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT:

Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549–4041.

Kelmoore Strategic Trust [File No. 811–9165]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 26, 2008, applicant transferred its assets to Dunham Funds, based on net asset value. Expenses of \$315,500 incurred in connection with the reorganization were paid by applicant and Dunham & Associates Holdings, Inc., the parent company of the investment adviser to the acquiring fund.

Filing Dates: The application was filed on December 17, 2008, and amended on March 6, 2009.

Applicant's Address: Kelmoore Investment Company, Inc., 2465 E. Bayshore Rd., Suite 300, Palo Alto, CA 94303.

BTOP50 Managed Futures Fund [File No. 811–21368]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 17, 2008, and amended on February 27, 2009.

Applicant's Address: 800 Third Ave., New York, NY 10022.

Van Kampen Strategic Growth Fund
[File No. 811-2424]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 22, 2008, applicant transferred its assets to Van Kampen Capital Growth Fund, based on net asset value. Expenses of \$3,804,812 incurred in connection with the reorganization were paid by applicant.

Filing Dates: The application was filed on November 10, 2008, and amended on March 13, 2009.

Applicant's Address: 522 Fifth Ave., New York, NY 10036.

Accessor Funds, Inc. [File No. 811-6337]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 31, 2008, applicant transferred its assets to corresponding series of Forward Funds, based on net asset value. Expenses of \$223,169 incurred in connection with the reorganization were paid by Accessor Capital Management LP, applicant's investment adviser, and Forward Management LLC, the investment adviser to the Forward Funds.

Filing Dates: The application was filed on November 20, 2008, and amended on March 4, 2009.

Applicant's Address: 1420 Fifth Ave., Suite 3600, Seattle, WA 98101.

Builders Fixed Income Fund, Inc. [File No. 811-8273]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 29, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$80,816 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on December 9, 2008, and amended on March 2, 2009.

Applicant's Address: 218 Henry Rd., Manchester, MO 63011.

T. Rowe Price Developing Technologies Fund, Inc. [File No. 811-10003]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 17, 2008, applicant transferred its assets to T. Rowe Price Science & Technology Fund, Inc., based on net asset value. Expenses of \$26,930 incurred in connection with the reorganization were paid by T. Rowe Price Associates, applicant's investment adviser.

Filing Date: The application was filed on February 25, 2009.

Applicant's Address: 100 E. Pratt St., Baltimore, MD 21202.

RMR Funds Series Trust [File No. 811-22116]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 6, 2009, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$7,500 incurred in connection with the liquidation were paid by applicant, but such expenses were subject to reimbursement by RMR Advisors, Inc., applicant's investment adviser, pursuant to an expense limitation agreement. Applicant has retained cash in the amount of approximately \$34,173 to cover certain outstanding liabilities.

Filing Date: The application was filed on February 24, 2009.

Applicant's Address: 400 Centre St., Newton, MA 02458.

Cadre Institutional Investors Trust [File No. 811-9064]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 29, 2008, applicant transferred its assets to PFM Funds (formerly known as Commonwealth Cash Reserve Fund, Inc.), based on net asset value. Expenses of \$209,786 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Dates: The application was filed on March 4, 2009. Applicant has agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Applicant's Address: Airport Corporate Center, One Corporate Drive, Suite 101, Bohemia, NY 11716.

FFTW Funds, Inc. [File No. 811-5796]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 8, 2008, one of applicant's series made a liquidating distribution to its shareholders, based on net asset value. By November 21, 2008, applicant's remaining four series had transferred their assets to corresponding series of American Independence Funds Trust, based on net asset value. Expenses of approximately \$234,318 incurred in connection with the liquidation and reorganization were paid by applicant, Fischer Francis Trees & Watts, Inc., applicant's investment adviser, and American Independence Financial Services, LLC, the acquiring fund's investment adviser.

Filing Dates: The application was filed on March 5, 2009. Applicant has agreed to file an amendment during the

notice period, the substance of which is reflected in this notice.

Applicant's Address: 200 Park Ave., 46th Floor, New York, NY 10166.

Pax World Money Market Fund, Inc. [File No. 811-8591]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 3, 2008, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately \$104,133 incurred in connection with the liquidation were paid by Pax World Management Corp., applicant's investment adviser.

Filing Dates: The application was filed on January 22, 2009, and amended on March 24, 2009.

Applicant's Address: 600 Fifth Ave., New York, NY 10020.

Prudent Bear Funds, Inc. [File No. 811-9120]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 8, 2008, applicant transferred its assets to corresponding series of Federated Equity Funds and Federated Income Securities Trust, based on net asset value. Expenses of \$530,000 incurred in connection with the reorganization were paid by David W. Tice & Associates, LLC, applicant's investment adviser, and Federated Investors, Inc., investment adviser to the surviving funds.

Filing Dates: The application was filed on February 10, 2009. Applicant has agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Applicant's Address: 8140 Walnut Hill Lane, Suite 300, Dallas, TX 75231.

MONY Series Fund, Inc. [811-4209]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 4, 2004, applicant's Board of Directors approved the merger of applicant and EQ Advisors Trust. On July 8, 2004, applicant's shareholders approved the decision to engage in a merger. Applicant distributed its assets on July 9, 2004 pursuant to the merger. AXA Financial, Inc. and MONY Life Insurance Company each paid 60% and 40% respectively of the expenses incurred in connection with the merger.

Filing Dates: The application was filed on February 9, 2006, and amended on December 31, 2008, and March 6, 2009.

Applicant's Address: MONY Series Fund, Inc., 1740 Broadway, New York, NY 10019.

Washington National Insurance Company Separate Account B [File No. 811-2969]

Summary: Applicant, a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), seeks an order declaring that it has ceased to be an investment company. Washington National Insurance Company terminated the offering of applicant's variable annuity contracts ("Contracts") in 1988. Since 1988, the number of outstanding Contracts declined as a result of surrenders by owners of the Contracts and deaths of owners or annuitants. As a result, applicant currently has only 44 beneficial owners of such Contracts and will continue to operate as a separate account not registered under the Act in reliance on section 3(c)(1) of the Act. Applicant is not making and does not presently propose to make a public offering of its securities.

Filing Dates: The application was filed on November 5, 2007 and amended on March 18, 2009.

Applicant's Address: 11815 N. Pennsylvania St., Carmel, IN 46032-5424.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-7458 Filed 4-2-09; 8:45 am]

BILLING CODE

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Roundtable to examine oversight of credit rating agencies on Wednesday, April 15, 2009 beginning at 10 a.m.

The Roundtable will take place in the Auditorium of the Commission's headquarters at 100 F Street, NE., Washington, DC. The Roundtable will be open to the public with seating on a first-come, first-served basis. Doors will open at 9:30 a.m. Visitors will be subject to security checks.

The Roundtable will consist of an open discussion regarding the oversight of credit rating agencies and related issues, such as conflicts of interest, competition, and transparency. Roundtable participants will include leaders from credit rating agencies, investor organizations, financial services associations, and academia.

For Further Information, Please Contact: The Office of the Secretary at (202) 551-5400.

Dated: March 30, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9-7477 Filed 4-2-09; 8:45 am]

BILLING CODE

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

In the Matter of Continan Communications, Inc.; Order of Suspension of Trading

April 1, 2009.

It appears to the Securities and Exchange Commission that the public interest and the protection of investors require a suspension of trading in the securities of Continan Communications, Inc. ("Continan"). Questions have been raised about the accuracy and adequacy of publicly disseminated information concerning, among other things, the current liabilities of the company. Continan securities are quoted on the OTC Bulletin Board and the Pink Sheets operated by Pink OTC Markets Inc. under the trading symbol CNTN.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Continan is suspended for the period from 9:30 a.m. EDT on April 1, 2009, through 11:59 p.m. EDT on April 15, 2009.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9-7646 Filed 4-1-09; 4:15 pm]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a

notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before May 4, 2009. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83-1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer*, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205-7044.

SUPPLEMENTARY INFORMATION:

Title: Customer Satisfaction Survey.

SBA Form Number: 2313.

Frequency: On Occasion.

Description of Respondents: A team of Quality Assistance staff at the Disaster Assistance Customer Service Center (DACSC) would conduct a brief telephone survey of a representative sample of customers to measure their satisfaction with the service received from the DACSC and Field Operations Centers (FOC's).

Responses: 6,864.

Annual Burden: 2,014.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E9-7500 Filed 4-2-09; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11697]

Montana Disaster #MT-00043 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Montana, dated 03/26/2009.

Incident: Whitehall Fire and Explosion.

Incident Period: 03/06/2009.

Effective Date: 03/26/2009.

EIDL Loan Application Deadline Date: 12/28/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Jefferson.

Contiguous Counties: Montana.

Broadwater, Deer Lodge, Gallatin, Lewis and Clark, Madison, Powell, Silver Bow.

The Interest Rate is: 4.000.

The number assigned to this disaster for economic injury is 116970.

The States which received an EIDL Declaration # are Montana.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: March 26, 2009.

Darryl K. Hairston,

Acting Administrator.

[FR Doc. E9-7461 Filed 4-2-09; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11694 and #11695]

North Dakota Disaster #ND-00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA-1829-DR), dated 03/24/2009.

Incident: Severe storms and flooding.
Incident Period: 03/13/2009 and continuing.

Effective Date: 03/24/2009.

Physical Loan Application Deadline Date: 05/26/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 12/24/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/24/2009, private non-profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Adams, Barnes, Benson, Billings, Burleigh, Cass, Cavalier, Dickey, Dunn, Emmons, Foster, Grand Forks, Grant, Hettinger, Kidder, Lamoure, Logan, Mcintosh, Mckenzie, Mclean, Mercer, Morton, Nelson, Oliver, Pembina, Ramsey, Ransom, Richland, Sargent, Sioux, Stark, Stutsman, Walsh, Williams, and the Standing Rock and Spirit Lake Indian Reservations.

The Interest Rates are:

	Percent
<i>Other (Including Non-Profit Organizations) with Credit Available Elsewhere</i>	4.500
<i>Businesses and Non-Profit Organizations without Credit Available Elsewhere</i>	4.000

The number assigned to this disaster for physical damage is 116946 and for economic injury is 116956.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9-7462 Filed 4-2-09; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration.

ACTION: Notice of open Federal Advisory Committee Meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Advisory Committee on Veterans Business Affairs. The meeting will be open to the public.

DATES: Tuesday, April 21, 2009, from 9 a.m. to 5 p.m. and Wednesday, April 22, 2009, from 9 a.m. to 5 p.m., Eastern Standard Time.

ADDRESSES: U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The Advisory Committee on Veterans Business Affairs serves as an independent source of advice and policy recommendation to the Administrator of the U.S. Small Business Administration.

The purpose of the meeting is scheduled as a full committee meeting. The agenda will include: The purpose for this meeting is to study, research, and recommend Veterans Business Development topics to the SBA's Administrator, the Congress, and the President.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Advisory Committee on Veterans Business Affairs must contact Cheryl Simms, Program Liaison, by April 13, 2009, by fax or e-mail in order to be placed on the agenda. Cheryl Simms, Program Liaison, U.S. Small Business Administration, Office of Veterans Business Development, 409 3rd Street, SW., Washington, DC 20416, Telephone number: (202) 619-1697, Fax number: (202) 481-6085, e-mail address: cheryl.simms@sba.gov.

Additionally, if you need accommodations because of a disability or require additional information, please contact Cheryl Simms, Program Liaison at (202) 619-1697; e-mail address: cheryl.simms@sba.gov, SBA, Office of Veterans Business Development, 409 3rd Street, SW., Washington, DC 20416.

For more information, please visit our Web site at <http://www.sba.gov/vets>.

Dated: March 30, 2009.

Bridget E. Bean,

Acting SBA Committee Management Officer.

[FR Doc. E9-7468 Filed 4-2-09; 8:45 am]

BILLING CODE

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11696]

Montana Disaster #MT-00042 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Montana, dated 03/26/2009.

Incident: Bozeman Explosion.

Incident Period: 03/05/2009.

Effective Date: 03/26/2009.

EIDL Loan Application Deadline Date: 12/28/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Gallatin.

Contiguous Counties:

Montana:

Broadwater, Jefferson, Madison, Meagher, Park.

Idaho: Fremont.

Wyoming: Park, Teton.

The Interest Rate is: 4.000.

The number assigned to this disaster for economic injury is 116960.

The States which received an EIDL Declaration # are: Montana, Idaho, Wyoming.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: March 26, 2009.

Darryl K. Hairston,

Acting Administrator.

[FR Doc. E9-7467 Filed 4-2-09; 8:45 am]

BILLING CODE 8025-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Actions Taken at March 12, 2009, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of commission actions.

SUMMARY: At its regular business meeting on March 12, 2009, in Scranton, Pennsylvania, the Commission held a public hearing as part of its regular

business meeting. At the public hearing, the Commission: (1) Approved, modified, and tabled certain water resources projects; (2) rescinded approvals for three water resources projects; and (3) adopted a "Records Processing Fee Schedule." Details concerning these and other matters addressed at the public hearing and business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: March 12, 2009.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238-0423, ext. 304; fax: (717) 238-2436; e-mail: srichardson@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: In addition to the public hearing and its related action items identified below, the following items were also presented or acted on at the business meeting: (1) Recognition of Brig. Gen. Todd Semonite for his two and one half years of outstanding service as the United States Member of the Commission; (2) a special presentation by Mr. Bob Hainly, Asst. Director, USGS Pennsylvania Water Science Center, on obtaining real-time stream flow data using a stream velocity measurement method; (3) a report on the present hydrologic conditions of the basin indicating below normal precipitation and the development of dry conditions heading into Spring 2009; (4) adoption of an Annual Water Resources Program for 2009 implementing the recently revised comprehensive plan; (5) presentation of the William Jeanes Award to Robert Hughes, Director of the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR) in recognition of his dedicated involvement in numerous projects to restore abandoned mines and improve the water quality of abandoned mine drainage degraded streams; (6) approval/ratification of three grants related to water resources management; (7) adoption of a set of "By-Laws" governing the internal organization, operation, and procedures of the Commission; and (8) tabling of three agenda items, including an "Application Fee Policy for Mine Drainage Withdrawals," an "Access to Records Policy," and revision of the FY 2010 budget. The Commission also

heard counsel's report on legal matters affecting the Commission, during which the Commission authorized the execution of a proposed settlement agreement on a federal court appeal by East Hanover Township, Dauphin County, Pennsylvania, and tabled until the June 2009 meeting an administrative appeal by Mr. Mark Givler regarding Commission approval of a gas drilling project for Chief Oil & Gas, LLC.

The Commission also convened a public hearing and took the following actions:

Public Hearing—Projects Approved

1. Project Sponsor and Facility: ALTA Operating Company, LLC (Snake Creek), Liberty Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.099 mgd.

2. Project Sponsor and Facility: ALTA Operating Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Surface water withdrawal of up to 3.000 mgd.

3. Project Sponsor and Facility: Anadarko E&P Company LP (Pine Creek), Cummings Township, Lycoming County, Pa. Surface water withdrawal of up to 0.720 mgd.

4. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River-1), Chapman Township, Clinton County, Pa. Surface water withdrawal of up to 0.720 mgd.

5. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River-2), Renovo Borough, Clinton County, Pa. Surface water withdrawal of up to 0.720 mgd.

6. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River-3), Nippenose Township, Lycoming County, Pa. Surface water withdrawal of up to 0.720 mgd.

7. Project Sponsor and Facility: Cabot Oil & Gas Corporation (for operations in Susquehanna and Wyoming Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080904).

8. Project Sponsor: CAN DO, Inc. Project Facility: Corporate Center, Hazle Township, Luzerne County, Pa. Groundwater withdrawal of 0.547 mgd from Well 1.

9. Project Sponsor and Facility: Cherokee Pharmaceuticals, LLC, Riverside Borough, Northumberland County, Pa. Consumptive water use of up to 0.999 mgd.

10. Project Sponsor and Facility: Cherokee Pharmaceuticals, LLC, Riverside Borough, Northumberland County, Pa. Surface water withdrawal of

up to 34.392 mgd from the North Branch Susquehanna River.

11. Project Sponsor and Facility: Cherokee Pharmaceuticals, LLC, Riverside Borough, Northumberland County, Pa. Groundwater withdrawal of 0.600 mgd for treatment of groundwater contamination.

12. Project Sponsor and Facility: Chesapeake Appalachia, LLC (for operations in Chemung and Tioga Counties, N.Y., and Bradford, Susquehanna, and Wyoming Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080902).

13. Project Sponsor and Facility: Chief Oil & Gas LLC (for operations in Bradford County, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080911).

14. Project Sponsor and Facility: Chief Oil & Gas LLC (for operations in Lycoming County, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080934).

15. Project Sponsor and Facility: Chief Oil & Gas LLC (for operations in Clearfield County, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20081201).

16. Project Sponsor and Facility: Chief Oil & Gas LLC (Sugar Creek), West Burlington Township, Bradford County, Pa. Surface water withdrawal of up to 0.053 mgd.

17. Project Sponsor and Facility: Citrus Energy (for operations in Wyoming County, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20081204).

18. Project Sponsor and Facility: Delta Borough, Peach Bottom Township, York County, Pa. Groundwater withdrawal of 0.019 mgd from Well DR-2.

19. Project Sponsor and Facility: East Resources, Inc. (for operations in Elmira, N.Y., Area). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080603).

20. Project Sponsor and Facility: East Resources, Inc. (for operations in Mansfield, Pa., Area). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080608).

21. Project Sponsor and Facility: EOG Resources, Inc. (Bennett Branch-1, Sinnemahoning Creek), Jay Township, Elk County, Pa. Surface water withdrawal of up to 0.171 mgd.

22. Project Sponsor and Facility: EOG Resources, Inc. (Bennett Branch-2,

Sinnemahoning Creek), Jay Township, Elk County, Pa. Surface water withdrawal of up to 0.152 mgd.

23. Project Sponsor and Facility: EOG Resources, Inc. (Chemung River-2), Athens Township, Bradford County, Pa. Surface water withdrawal of up to 0.322 mgd.

24. Project Sponsor and Facility: EOG Resources, Inc. (Sugar Creek-1), Burlington Borough, Bradford County, Pa. Surface water withdrawal of up to 0.099 mgd.

25. Project Sponsor and Facility: EOG Resources, Inc. (Sugar Creek-2), North Towanda Town, Bradford County, Pa. Surface water withdrawal of up to 0.099 mgd.

26. Project Sponsor and Facility: EOG Resources, Inc. (Susquehanna River-1), Athens Borough, Bradford County, Pa. Surface water withdrawal of up to 0.322 mgd.

27. Project Sponsor and Facility: EOG Resources, Inc. (Susquehanna River-2), Ulster and Sheshequin Townships, Bradford County, Pa. Surface water withdrawal of up to 0.322 mgd.

28. Project Sponsor and Facility: EOG Resources, Inc. (West Creek), Benzinger Township, Elk County, Pa. Surface water withdrawal of up to 0.096 mgd.

29. Project Sponsor and Facility: Fortuna Energy Inc. (for operations in Southern Tier of N.Y., and Tioga and Bradford Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080601).

30. Project Sponsor and Facility: Fortuna Energy Inc. (Sugar Creek), West Burlington Township, Bradford County, Pa. Surface water withdrawal of up to 0.250 mgd.

31. Project Sponsor and Facility: Global Tungsten & Powders Corp., Towanda Borough, Bradford County, Pa. Consumptive water use of up to 0.170 mgd.

32. Project Sponsor: IBM Corp. Project Facility: Endicott, Village of Endicott, Broome County, N.Y. Groundwater withdrawal of 1.010 mgd for treatment of groundwater contamination.

33. Project Sponsor and Facility: J-W Operating Company (for operations in Cameron, Clearfield, and Elk Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20081211).

34. Project Sponsor and Facility: J-W Operating Company (Sterling Run), Lumber Township, Cameron County, Pa. Surface water withdrawal of up to 0.499 mgd.

35. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Ashcom Quarry, Snake Spring Valley

Township, Bedford County, Pa. Modification of consumptive water use, groundwater and surface water withdrawal approval (Docket No. 20031204).

36. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (for operations in Potter and McKean Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080921).

37. Project Sponsor and Facility: Range Resources—Appalachia, LLC (for operations in Bradford, Centre, Clinton, Lycoming, Sullivan, and Tioga Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080931).

38. Project Sponsor and Facility: Rex Energy Corporation (for operations in Centre and Clearfield Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20080941).

39. Project Sponsor and Facility: Turm Oil, Inc. (for operations in Susquehanna County, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20081223).

40. Project Sponsor and Facility: Ultra Resources (for operations in Tioga and Potter Counties, Pa.). Modification of consumptive water use to comport with new regulations effective on January 15, 2009 (Docket No. 20081228).

41. Project Sponsor and Facility: Ultra Resources (Pine Creek), Pike Township, Potter County, Pa. Surface water withdrawal of 0.430 mgd.

42. Project Sponsor and Facility: Water Treatment Solutions, LLC (West Branch Susquehanna River), Williamsport, Lycoming County, Pa. Surface water withdrawal of 0.100 mgd.

Public Hearing—Projects Tabled

1. Project Sponsor and Facility: ALTA Operating Company, LLC (DuBois Creek), Great Bend Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.010 mgd.

2. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River-4), Burnside Township, Centre County, Pa. Application for surface water withdrawal of up to 0.720 mgd.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.999 mgd.

4. Project Sponsor and Facility: EOG Resources, Inc. (Bennett Branch-3, Sinnemahoning Creek), Huston Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.290 mgd.

5. Project Sponsor and Facility: EOG Resources, Inc. (Chemung River-1), Chemung Town, Chemung County, N.Y. Application for surface water withdrawal of up to 0.322 mgd.

6. Project Sponsor and Facility: Schuylkill County Municipal Authority, Pottsville Public Water Supply System, Mount Laurel Subsystem, Butler Township, Schuylkill County, Pa. Application for a withdrawal of up to 0.432 mgd from the Gordon Well.

7. Project Sponsor and Facility: Schuylkill County Municipal Authority, Pottsville Public Water Supply System, Mount Laurel Subsystem, Butler Township, Schuylkill County, Pa. Applications for: (1) An out-of-basin diversion to the Delaware River Basin for water supply; (2) an existing into-basin diversion of wastewater of up to 1.100 mgd from the Delaware River Basin (existing water sources in the Delaware Basin are the Kaufman Reservoir that has an allocation of 0.500 mgd and the Mount Laurel Reservoir that has an allocation of 0.600 mgd); and (3) inclusion of the project in the SRBC Comprehensive Plan.

Public Hearing—Project Withdrawn

1. Project Sponsor and Facility: EOG Resources, Inc. (Kersey Run), Jay Township, Elk County, Pa. Application for surface water withdrawal of up to 0.070 mgd.

Public Hearing—Rescinded Project Approvals

1. Project Sponsor: Harristown Development Corporation. Project Facility: Strawberry Square (Docket No. 20030410), City of Harrisburg, Dauphin County, Pennsylvania.

2. Project Sponsor and Facility: Millennium Pipeline Company, L.L.C. (Docket No. 20080301), Broome, Tioga, and Chemung Counties, N.Y.

3. Project Sponsor and Facility: Millennium Pipeline Company, L.L.C. (Docket No. 20080302), Town of Windsor, Broome County, and Town of Horseheads, Chemung County, N.Y.

Public Hearing—Records Processing Fee Schedule

Following a brief hearing, the Commission adopted a "Records Processing Fee Schedule" to recover costs associated with meeting records requests.

Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR Parts 806, 807, and 808.

Dated: March 23, 2009.

Thomas W. Beauduy,

Deputy Director.

[FR Doc. E9-7517 Filed 4-2-09; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-21033]

Holland America Line Inc.— Acquisition—Royal Hyway Tours, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Holland America Line Inc. (Applicant), a noncarrier, has filed an application under 49 U.S.C. 14303 to acquire 100% control of the stock of Royal Hyway Tours, Inc. (RHT) (MC-143881), a motor passenger carrier (MC-182214). Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by May 15, 2009. Applicant may file a reply by June 1, 2009. If no comments are filed by May 15, 2009, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-21033 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, send one copy of comments to Applicant's representative: Jeremy Kahn, Esq., Kahn and Kahn, 1730 Rhode Island Ave., NW., Suite 810, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 245-0359. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: Applicant is a Washington corporation and controls five other Federal Motor Carrier Safety Administration registered motor passenger carriers: (1) Evergreen Trails, Inc., d/b/a Gray Line of Seattle (MC-107638); (2) Westours Motor Coaches, Inc. (MC-118832); (3) Westmark Hotels of Canada Ltd. (MC-405618); (4) Horizon Coach Lines, Ltd. (MC-144339); and (5) Discover Alaska Tours, Inc. (DAT) (MC-636105). RHT holds a minority non-controlling interest in DAT. Applicant states that the acquisition of control of RHT is part of an internal corporate restructuring

including Applicant and several noncarrier subsidiaries and affiliates. Applicant states that it is likely that DAT will be merged into RHT upon completion of the proposed transaction, with RHT being the surviving entity. Applicant states that the annual aggregate gross revenues of the 5 carriers that it controls exceed \$2 million.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction found to be consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Applicant states that the proposed transaction will improve the adequacy of transportation services available to the public, that the proposed transaction will not have an adverse effect on total fixed charges, and that the interests of employees of RHT, other than possibly a small number of administrative employees, will not be adversely impacted. Applicants also state that the charter/tour bus segment is competitive, that the transaction will not adversely impact competition, and that this agency's prior finding regarding low entry barriers in this segment continues to be accurate. Additional information, including a copy of the application, may be obtained from Applicant's representative. A copy of the application is also available on the Board's Web site at <http://www.stb.dot.gov>.

On the basis of the application, we find that the proposed acquisition is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective on May 15, 2009, unless timely opposing comments are filed.

5. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Decided: March 31, 2009.

By the Board, Chairman Mulvey, and Vice Chairman Nottingham.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. E9-7513 Filed 4-2-09; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 5) (2009-2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the second quarter 2009 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2009 RCAF (Unadjusted) is 0.850. The second quarter 2009 RCAF (Adjusted) is 0.387. The second quarter 2009 RCAF-5 is 0.367.

DATES: *Effective Date:* April 1, 2009.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245-0333. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0235. Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: March 31, 2009.

By the Board, Chairman Mulvey, and Vice Chairman Nottingham.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. E9-7512 Filed 4-2-09; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, "International Regulation—Part 28."

DATES: Comments must be received by May 4, 2009.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 2-3, Attention: 1557-0102, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-5274, or by electronic mail to regs.comments@occ.treas.gov. You can inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874-4700.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557-0102, by mail to U.S. Office of Management and Budget, 725 17th

Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: International Regulation—Part 28.

OMB Number: 1557-0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR Part 28 contains the following collections of information:

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement. A national bank shall notify the OCC when it:

- Files an application, notice, or report with the FRB to establish or open a foreign branch, or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization.

- Opens a foreign branch, and no application or notice is required by the FRB for such transaction.

In practice, the OCC has also required an application pursuant to section 28.3(c) from a national bank to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another Federal agency that covers the proposed action and contains substantially the same information required by the OCC. A national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.12(a) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Approval of a Federal branch or agency—Approval and Licensing Requirements. A foreign bank shall submit an application to, and obtain prior approval from the OCC before it establishes a Federal branch or agency, or exercises fiduciary powers at a Federal branch.

12 CFR 28.12(e)(2) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual)

Approval of a Federal branch or agency—Written Notice for Additional Intrastate Branches or Agencies. A foreign bank shall provide written notice to the OCC 30 days in advance of the establishment of an intrastate branch or agency.

12 CFR 28.12(h) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Approval of a Federal Branch or Agency—After-the-fact Notice for Eligible Foreign Banks. A foreign bank proposing to establish a Federal branch or agency through the acquisition of, or merger or consolidation with, a foreign bank that has an existing bank subsidiary, branch, or agency, may proceed with the transaction and provide after-the-fact notice within 14 days of the transaction to the OCC if (1) the resulting bank is an "eligible foreign bank" within the meaning of § 28.12(f) and (2) no Federal branch established by the transaction accepts deposits insured by the FDIC.

12 CFR 28.12(i) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Approval of a Federal Branch or Agency—Contraction of Operations. A foreign bank shall provide written notice to the OCC within 10 days after converting a Federal branch into a limited Federal branch or Federal agency.

12 CFR 28.14(c) Limitations Based upon Capital of a Foreign Bank—Aggregation. The foreign bank shall aggregate business transacted by all Federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one Federal branch or agency office in the United States to maintain consolidated information so that the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits. Deposit arrangements:

- A foreign bank should require its depository bank to segregate its capital equivalency deposits on the depository bank's books and records.
- The instruments making up the capital equivalency deposit that are placed in safekeeping at a depository bank to satisfy a foreign bank's capital equivalency deposit requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a written agreement entered into with the OCC.

- Each Federal branch or agency shall maintain a capital equivalency account and keep records of the amount of

liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC.

- A foreign bank's capital equivalency deposits may not be reduced in value below the minimum required for that branch or agency without the prior approval of the OCC, but in no event below the statutory minimum.

12 CFR 28.16(c) Deposit-taking by an Uninsured Federal branch—Application for an Exemption. A foreign bank may apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain deposit accounts that are not listed in paragraph (b) of this section. The request should describe:

- The types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption;
- How the exemption maintains and furthers the policies described in paragraph (a) of this section.

12 CFR 28.16(d) Deposit taking by an uninsured Federal branch—Aggregation of deposits. A foreign bank that has more than one Federal branch in the same state may aggregate deposits in all of its Federal branches in that state, but exclude deposits of other branches, agencies or wholly owned subsidiaries of the bank. The Federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with and including the last day of the calendar quarter, divided by 30. The Federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.17 Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Notice of Change in Activity or Operations. A Federal branch or agency shall notify the OCC if it changes its corporate title; changes its mailing address; converts to a state branch, state agency, or representative office; or the parent foreign bank changes the designation of its home state.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records. Each Federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The Federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the Federal branch or agency and its compliance with applicable laws and regulations.

28.20(a)(1) Maintenance of Assets—General Rule. The OCC may require a foreign bank to hold certain assets in the

state in which its Federal branch or agency is located.

*12 CFR 28.22 (b) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Voluntary Liquidation Notice to customers and creditors—*A foreign bank shall publish notice of the impending closure of each Federal branch or agency for a period of two months in every issue of a local newspaper where the Federal branch or agency is located. If only weekly publication is available, the notice must be published for nine consecutive weeks.

12 CFR 28.22(e) Reports of Examination. The Federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

12 CFR 28.25(a) Covered under Information Collection 1557-0014 (Comptroller's Licensing Manual) Change in Control—After-the-fact Notice. In cases where no other filing is required, a foreign bank that operates a Federal branch or agency shall inform the OCC in writing of the direct or indirect acquisition of control of the foreign bank by any person or entity, or group of persons or entities acting in concert, within 14 calendar days after the foreign bank becomes aware of a change in control.

12 CFR 28.52 Covered under Information Collection 1557-0081 (MA)-Reports of Condition and Income (Interagency Call Report), FFIEC 031, FFIEC 041 Allocated Transfer Risk Reserve. A banking institution shall establish an allocated transfer risk reserve for specified international assets when required by the OCC in accordance with the requirements of the section.

12 CFR 28.54 Covered under Information Collection 1557-0100 Country Exposure Report and Country Exposure Information Report (FFIEC 009, FFIEC 009a) Reporting and Disclosure of International Assets. A banking institution shall submit to the OCC, at least quarterly, information regarding the amounts and composition of its holdings of international assets. A banking institution shall submit to the OCC information regarding concentrations in its holdings of international assets that are material in relation to total assets and to capital of the institution.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; businesses or other for-profit.

Estimated Number of Respondents: 79.

Estimated Total Annual Responses: 117.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 3,661.5.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

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

(b) The accuracy of the agency's estimate of the burden of the collection of information;

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

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 30, 2009.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. E9-7496 Filed 4-2-09; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

IndyMac Federal Bank, FSB; Pasadena, CA; Notice of Appointment of Receiver

Notice is hereby given that, on March 19, 2009, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision (OTS) replaced the Federal Deposit Insurance Corporation (FDIC) as conservator for IndyMac Federal Bank, FSB, Pasadena, California (Association) with the FDIC as Receiver for the Association and OTS duly appointed the FDIC as sole receiver for the Association (OTS Order No. 2009-17).

Dated: March 27, 2009.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. E9-7369 Filed 4-2-09; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Pricing for the 2009 United States Mint Presidential \$1 Coin and First Spouse Medal Sets™

ACTION: Notice.

SUMMARY: The United States Mint is announcing the price for the 2009 Presidential \$1 Coin and First Spouse Medal Sets.

2009 Presidential \$1 Coin and First Spouse Medal Sets will be priced at \$8.95 each. This year, the United States Mint is releasing five Presidential \$1 Coin and First Spouse Medal Sets featuring the following Presidents and First Spouses: William Henry Harrison and Anna Harrison; John Tyler and Letitia Tyler; John Tyler and Julia Tyler; James K. Polk and Sarah Polk; and Zachary Taylor and Margaret Taylor.

The first set in the 2009 series, the William Henry Harrison Presidential \$1 Coin and First Spouse Set, will be available for sale in the spring of 2009.

FOR FURTHER INFORMATION CONTACT: B. B. Craig, Associate Director for Sales and Marketing; United States Mint; 801 9th Street, NW., Washington, DC 20220; or call 202-354-7500.

Authority: 31 U.S.C. 5111, 5112 & 9701.

Dated: March 31, 2009.

Andrew Brunhart,

Deputy Director, United States Mint.

[FR Doc. E9-7511 Filed 4-2-09; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Pricing for the United States Mint 2009 Presidential \$1 Coin Uncirculated Set™

ACTION: Notice.

SUMMARY: The United States Mint is announcing the price of the 2009 Presidential \$1 Coin Uncirculated Set. The 2009 Presidential \$1 Coin Uncirculated Set will be priced at \$15.95. This set contains eight Presidential \$1 Coins: four from the United States Mint at Philadelphia, and four from the United States Mint at Denver. The 2009 Presidential \$1 Coin Uncirculated Set will be offered for sale in the spring of 2009.

FOR FURTHER INFORMATION CONTACT: B. B. Craig, Associate Director for Sales and Marketing; United States Mint; 801 9th Street, NW.; Washington, DC 20220; or call 202-354-7500.

Authority: 31 U.S.C. 5111, 5112 & 9701.

Dated: March 30, 2009.

Andrew Brunhart,

Deputy Director, United States Mint.

[FR Doc. E9-7514 Filed 4-2-09; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-New (10-0466)]

Agency Information Collection Activities (VHA Mental Health Residential Rehabilitation and Treatment Programs) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 4, 2009.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-New (10-0466)" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-New (10-0466)."

SUPPLEMENTARY INFORMATION:

Title: VHA Mental Health Residential Rehabilitation and Treatment Programs (MHRRTTP) Veterans Satisfaction Survey, VA Form 10-0466.

OMB Control Number: 2900-New (10-0466).

Type of Review: New collection.

Abstract: VA Form 10-0466 will be used to collect data necessary to

improve VA's Mental Health Residential Rehabilitation and Treatment Programs. MHR RTP will use the data to assess their performance against other VA sites and evaluate the need for programmatic changes to improve the quality of rehabilitation service for veterans with disabilities.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 26, 2009 at page 4506.

Affected Public: Individuals or households.

Estimated Annual Burden: 567.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 34,000.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9-7463 Filed 4-2-09; 8:45 am]

BILLING CODE

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0701]

Agency Information Collection Activities (Bereaved Family Member Satisfaction Survey) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 4, 2009.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235,

Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0701" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0701."

SUPPLEMENTARY INFORMATION:

Title: Bereaved Family Member Satisfaction Survey, VA Form 10-21081(NR).

OMB Control Number: 2900-0701.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 10-21081(NR) will be used to survey family members of deceased veterans on their satisfaction with the quality care provided to their love one prior to his or her death at a VA facility.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 5, 2009 at pages 335-336.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,650 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 9,900.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9-7464 Filed 4-2-09; 8:45 am]

BILLING CODE

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0681]

Proposed Information Collection (IL Assessment) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the

Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to evaluate disabled veterans' independent living needs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 2, 2009.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0681" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461-9769 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Preliminary Independent Living (IL) Assessment, VA Form 28-0791.

OMB Control Number: 2900-0681.

Type of Review: Extension of a currently approved collection.

Abstract: VA case managers use VA Form 28-0791 while evaluating the independent living needs of veterans with severe disabilities. The data is used

to determine the scope of the veteran's independent living needs under the Vocational Rehabilitation and Employment program.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,500.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: One-time.

Estimated Number of Respondents: 2,500.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9-7465 Filed 4-2-09; 8:45 am]

BILLING CODE

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0265]

Agency Information Collection (Educational/Vocational Counseling Application) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995

(44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 4, 2009.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0265" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, FAX (202) 273-0443 or e-mail denise.mclamb@va.gov. Please refer to "OMB Control No. 2900-0265."

SUPPLEMENTARY INFORMATION:

Title: Educational/Vocational Counseling Application, VA Form 28-8832.

OMB Control Number: 2900-0265.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Form 28-8832 to apply for counseling services. VA provides personal counseling as well as counseling in training and career opportunities. The information collected will be used to determine the claimant's eligibility for counseling.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 5, 2009, at page 336.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,550 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 5,100.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9-7466 Filed 4-2-09; 8:45 am]

BILLING CODE



Federal Register

**Friday,
April 3, 2009**

Part II

Department of Homeland Security

Federal Emergency Management Agency

**44 CFR Chapter I
Technical, Organizational and Conforming
Amendments; Title 44 CFR Chapter I;
Final Rule**

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Chapter I

[Docket ID FEMA-2008-0013]

RIN-1660-AA57

Technical, Organizational and Conforming Amendments; Title 44 CFR Chapter I

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: By this final rule, the Federal Emergency Management Agency (FEMA) is making editorial and technical changes throughout chapter I of title 44 of the Code of Federal Regulations (CFR) to reflect the current organization and procedures of the agency. This rule updates organization names, removes the internal delegations of authority from part 2, and makes conforming amendments and technical corrections, and will have no substantive effect on the regulated public.

DATES: This final rule is effective April 3, 2009.

ADDRESSES: A copy of this rule is available electronically on the Federal eRulemaking Portal at www.regulations.gov. To the far right of that page is a section titled "More Search Options." Below that title, click on "Advanced Docket Search." On the next screen, in the box provided for Docket ID, type "FEMA-2008-0013". The next screen will provide a link to the docket. Once viewing the docket, all documents are provided in chronological order. The rule is also available for inspection at the Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Erin McMunigal, Assistant Chief Counsel for Regulation and Policy, Federal Emergency Management Agency, 500 C Street, SW., Washington DC 20472, (phone) (202) 646-4097, (facsimile) (202) 646-4596, or (e-mail) Erin.McMunigal@dhs.gov.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Federal Emergency Management Agency did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), FEMA finds that

this rule is exempt from notice and comment rulemaking requirements because its substance updates FEMA's regulations to conform to changes in FEMA's organization and practices. All of the changes in this rule are non-substantive. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), FEMA finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Discussion of the Rule

In 1979, by Executive Order 12127, President Carter created FEMA as an independent executive branch agency, and FEMA began issuing regulations in title 44 CFR, chapter I. Since then, the agency has undergone several reorganizations, both absorbed and shed responsibilities, and in 2003 became part of the Department of Homeland Security (DHS). Most recently, Congress passed, and the President signed into law, the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109-295), which on March 31, 2007, made many organizational changes to FEMA, including renaming the Director as an Administrator. Due to these many changes to its organization and structure throughout the years, many of FEMA's regulations do not reflect its current organization, nomenclature, procedures, and practices.

This rule corrects organization names and addresses, updates Information Collection Approval Numbers issued by the Office of Management and Budget (OMB), removes the text of an Executive Order that has been repealed, and makes other technical and editorial corrections throughout title 44. This rule does not change the substantive requirements of existing regulations. In the following paragraphs, FEMA describes revisions that are not self-explanatory. Self explanatory revisions include name, address, or spelling corrections, gender-neutral changes, or updates to references/cites.

Title Changes

FEMA has undergone a number of transitions, the largest of which was the Agency's move into DHS in March 2003. Although continuing to work under the FEMA name, the Homeland Security Act of 2002 (Pub. L. 107-296, § 503, 116 Stat. 2135, 2213 (2002)) transferred FEMA's functions to DHS's Directorate of Emergency Preparedness and Response.

Recently, the Post-Katrina Emergency Management Reform Act (PKEMRA) (Pub. L. 109-295, 120 Stat. 1355, (2006)) amended the Homeland Security Act of 2002 and reinforced critical elements of FEMA's emergency response capabilities. In part, PKEMRA removed FEMA from DHS's Emergency Preparedness and Response Directorate, and established it as a stand-alone, directorate-level component of DHS. PKEMRA also shifted many of the responsibilities of the DHS Preparedness Directorate into the new FEMA. FEMA now manages the United States Fire Administration, the Chemical Stockpile Emergency Preparedness program, the Radiological Emergency Preparedness program, the Office of National Capital Region Coordination, and the functions of what was formerly DHS' Office of Grants and Training. Finally, FEMA is now headed by an Administrator, who "is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States." (Pub. L. 109-295, § 611, 120 Stat. 1355, 1397 (2006)).

During the transitions described above, certain of FEMA's directorates were reorganized to comport with the overall structure of DHS, and to better serve the missions of both FEMA and DHS. As a result, some components and their subdivisions have been renamed. For example, the functions that were once performed by the Response and Recovery Directorate have been split amongst three new directorates, the Disaster Assistance Directorate, Disaster Operations Directorate, and the Logistics Management Directorate. The Response and Recovery Directorate no longer exists. Where the names of offices or directorates appear in the text of Title 44, they have been corrected to reflect designations current as of the date of this publication.

In addition, modifications have been made to FEMA leadership titles and roles. Where these terms appear in the text of Title 44, they have been corrected to reflect the proper terms that are now in use. For example, the former title of FEMA's "Director" has been replaced with the new title of "Administrator".

Update to Part 2 Subpart A, "Organizations, Functions, and Delegations of Authority"

FEMA's organizational structure and delegations of authority are not appropriate for the Code of Federal Regulations, and are not required to be published in the **Federal Register**. Pursuant to the Federal Register Act (44

U.S.C. 1505), only Presidential proclamations, Executive Orders, and those documents or classes of documents that either the President has determined to have general applicability and legal effect or by Act of Congress are required to be published in the **Federal Register**. FEMA has determined that it is in the interest of both the agency and the public to remove descriptions of its organization and functions from the regulations. This information, along with biographical information on FEMA's leadership, the agency's mission, office locations, and other useful organizational information, is available on the "About Us" link from FEMA's Web site at www.fema.gov. By issuing changes via its website, FEMA can more quickly and easily communicate to the public any changes made to its structure, either by legislation or internal procedural reforms.

Update to Part 2 Subpart B, "OMB Collection Numbers"

As part of the overall revision to title 44, FEMA is revising § 2.81 to reflect new or revised OMB control numbers assigned to FEMA's information collection requirements. As required by the Paperwork Reduction Act, qualifying requests for information from the public must be approved by OMB, and are not enforceable until the agency possesses an OMB control number. Information on all currently approved information collections is available online at <http://www.reginfo.gov/public/do/PRAMain>. Although FEMA has maintained current OMB approvals, all of FEMA's OMB control numbers were transferred from the 3067 series to 1660 when FEMA became a part of DHS.

Update to Part 5

FEMA is updating part 5, "Production or Disclosure of Information." Section 5.26, "Rules for public inspection and copying," provides the addresses where members of the public may contact FEMA Headquarters or its Regional Offices, to find materials available for public inspection and copying. These materials are required to be available by 5 U.S.C. 552(a), and include final opinions and orders made in the adjudication of cases; statements of policy and interpretation that have been adopted by FEMA and are not published in the **Federal Register**; and administrative staff manuals and instructions to staff that affect a member of the public, unless such materials are promptly published and copies offered for sale. This change will correct the addresses that are provided for regional offices.

FEMA is also correcting the address in § 5.41, "FEMA publications." This section provides the address from which members of the public may request FEMA publications. In addition, many FEMA publications and documents may be found on FEMA's Web site at www.fema.gov, which contains a Freedom of Information Act (FOIA) reading room as well as a library of policies, forms, brochures, and other useful information.

Update to Section 9.18

In § 9.18, we removed paragraphs (b)(2) and (3). These paragraphs reflected modifications that the Heads of FEMA Offices, Directorates, and Administrations were required to make to their procedures within 90 days of the date the regulation went into effect. The regulation went into effect in September 1980 and was amended in August 1984. Since the requirement expired over 20 years ago, it has been removed.

Update to Part 13

FEMA is updating part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." In particular, FEMA is updating § 13.26(a), "Non-Federal audit," to amend the list of authorities under which grantees and subgrantees are responsible for obtaining audits. The additional authorities are 31 U.S.C. 503, 1111; Executive Order 8248; and Executive Order 11541. This is not a substantive change, and is merely provided to assist grantees and subgrantees in locating other sources of audit requirements.

In § 13.26(b), FEMA is revising the threshold grant amount above which State or local governments must meet the audit requirements. The current regulations set the amount at "\$300,000 or more (or other amount as specified by OMB)". On June 27, 2003, OMB Circular A-133, Subpart D, section 400(d)(4) revised this amount to \$500,000 for fiscal years ending after December 31, 2003. Since the regulations said "or other amount as specified by OMB", this is not a substantive change, but updates the stated threshold amount to reflect the current OMB amount.

Removal of Part 14

FEMA is removing part 14, "Administration of Grants: Audits of State and Local Governments," as well as appendix A to part 14. Part 14 and its appendix implement OMB Circular A-128, "Audits of State and Local Governments". In 1997, OMB Circular A-128 was rescinded by revised OMB Circular A-133, "Audits of States, Local

Governments, and Non-Profit Organizations," which consolidated audit requirements. Revised OMB Circular A-133 established uniform audit requirements for non-Federal entities that administer Federal awards, and implemented the Single Audit Act Amendments of 1996 (Pub. L. 104-156). The provisions of the revised Circular A-133 were implemented by FEMA at part 13 (62 FR 45937, Aug. 29, 1997). Accordingly, this rule removes part 14, Appendix A to part 14, and any references to part 14 throughout title 44.

Statutory Requirements

Executive Order 12866, Regulatory Planning and Review

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. OMB has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of DHS. FEMA expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), FEMA has considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule does not require a Notice of Proposed Rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, FEMA has reviewed it for potential economic impact on small entities. This rule will have no substantive effect on the regulated public. Therefore, FEMA certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

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

Executive Order 13132, Federalism

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

Unfunded Mandates Reform Act of 1995

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

Executive Order 12630, Taking of Private Property

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

Executive Order 12988, Civil Justice Reform

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

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

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

National Environmental Policy Act

This rule makes administrative technical changes to FEMA's regulations to reflect changes in agency organization and authorities. It is not a major agency action, nor will it affect the quality of the environment. This final rule will not require the preparation of either an environmental assessment or an environmental impact statement as

defined by the National Environmental Policy Act.

Congressional Review of Agency Rulemaking

FEMA has sent this final rule to the Congress and to the Government Accountability Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801–808. The rule is not a “major rule” within the meaning of that Act and will not result in an annual effect on the economy of \$100,000,000 or more. Moreover, it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. FEMA does not expect that it will have “significant adverse effects” on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

List of Subjects*44 CFR Part 1*

Administrative practice and procedure.

44 CFR Part 2

Authority delegations (Government agencies), Organization and functions (Government agencies), Reporting and recordkeeping requirements.

44 CFR Part 4

Intergovernmental relations.

44 CFR Part 5

Courts, Freedom of information, Government employees.

44 CFR Part 6

Privacy.

44 CFR Part 7

Administrative practice and procedure, Aged, Civil rights, Reporting and recordkeeping requirements.

44 CFR Part 8

Classified information.

44 CFR Part 9

Flood plains, Reporting and recordkeeping requirements.

44 CFR Part 10

Environmental impact statements.

44 CFR Part 11

Claims, Government employees, Income taxes, Reporting and recordkeeping requirements, Wages.

44 CFR Part 12

Advisory committees.

44 CFR Part 13

Accounting, Grant programs, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

44 CFR Part 14

Accounting, Grant programs, Indians, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements.

44 CFR Part 15

Federal buildings and facilities, Penalties, Security measures.

44 CFR Part 16

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

44 CFR Part 17

Administrative practice and procedure, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

44 CFR Part 59

Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 60

Flood insurance, Flood plains, Reporting and recordkeeping requirements.

44 CFR Part 61

Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 62

Claims, Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 63

Flood insurance, Intergovernmental relations, Reporting and recordkeeping requirements.

44 CFR Part 64

Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 65

Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 66

Flood insurance, Intergovernmental relations, Reporting and recordkeeping requirements.

44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 68

Administrative practice and procedure, Flood insurance.

44 CFR Part 70

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 71

Coastal zone, Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 73

Flood insurance, Intergovernmental relations.

44 CFR Part 75

Flood insurance, Reporting and recordkeeping requirements.

44 CFR Part 78

Flood insurance, Grant programs.

44 CFR Part 150

Civil defense, Decorations, Medals, Awards, Firefighters, Law enforcement officers, Reporting and recordkeeping requirements.

44 CFR Part 151

Claims, Fire prevention, Government property, Reporting and recordkeeping requirements.

44 CFR Part 152

Fire prevention, Grant programs, Reporting and recordkeeping requirements.

44 CFR Part 201

Administrative practice and procedure, Disaster assistance, Grant programs, Reporting and recordkeeping requirements.

44 CFR Part 204

Administrative practice and procedure, Fire prevention, Grant programs, Reporting and recordkeeping requirements.

44 CFR Part 206

Administrative practice and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs—housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs—housing and community development, Natural resources, Penalties, Reporting and recordkeeping requirements.

44 CFR Part 208

Disaster assistance, Grant programs.

44 CFR Part 209

Administrative practice and procedure, Disaster assistance, Grant programs, Reporting and recordkeeping requirements.

44 CFR Part 295

Administrative practice and procedure, Claims, Disaster assistance, Federally affected areas, Indians—lands, Public lands, Reporting and recordkeeping requirements.

44 CFR Part 300

Disaster assistance, Grant programs—housing and community development, Technical assistance.

44 CFR Part 302

Civil defense, Grant programs—National defense, Reporting and recordkeeping requirements.

44 CFR Part 304

American Samoa, Civil defense, Grant programs—National defense, Guam, Northern Mariana Islands, Reporting and recordkeeping requirements, Virgin Islands.

44 CFR Part 312

Civil defense, Disaster assistance, Grant programs—National defense.

44 CFR Part 321

Business and industry, National defense.

44 CFR Part 327

Business and industry, Government property, National defense.

44 CFR Part 330

Authority delegations (Government agencies), Energy, National defense.

44 CFR Part 331

Government contracts, Government procurement, Manpower, National defense.

44 CFR Part 332

Business and industry, Freedom of information, National defense, Reporting and recordkeeping requirements.

44 CFR Part 334

Civil defense.

44 CFR Part 350

Administrative practice and procedure, Disaster assistance, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Technical assistance.

44 CFR Part 352

Administrative practice and procedure, Disaster assistance,

Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reporting and recordkeeping requirements, Technical assistance.

44 CFR Part 354

Disaster assistance, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Technical assistance.

44 CFR Part 360

Civil defense, Disaster assistance, Education, Grant programs—education, Intergovernmental relations, Reporting and recordkeeping requirements.

44 CFR Part 361

Disaster assistance, Grant programs—housing and community development, Reporting and recordkeeping requirements.

44 CFR Part 362

Disaster assistance.

■ For the reasons stated in the preamble, FEMA amends 44 CFR Chapter I as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

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

Authority: 5 U.S.C. 551, 552, 553; 5 U.S.C. 601, *et seq.*; E.O. 12291. Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148.

§ 1.2 [Amended]

■ 2. In § 1.2(c), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 1.3 [Amended]

■ 3. In § 1.3(b), remove the word “Director” and add, in its place, the word “Administrator”.

§ 1.4 [Amended]

■ 4. In § 1.4—
 ■ a. In paragraphs (d), (e) and (f), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and
 ■ b. In paragraph (h), remove the number “12291” and add, in its place, the number “12866”.

§ 1.5 [Amended]

■ 5. In § 1.5(a), remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”.

§ 1.10 [Amended]

■ 6. In § 1.10, remove the word “Director’s” and add, in its place, the word “Administrator’s”.

§ 1.13 [Amended]

■ 7. In § 1.13(a) and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 1.14 [Amended]

■ 8. In § 1.14, remove the word “Director” and add, in its place, the word “Administrator”.

§ 1.15 [Amended]

■ 9. In § 1.15(b), remove the word “Director” and add, in its place, the word “Administrator”.

§ 1.16 [Amended]

■ 10. In § 1.16(b) introductory text and (b)(4), remove the word “Director”

wherever it appears, and add, in its place, the word “Administrator”.

§ 1.18 [Amended]

■ 11. In § 1.18(a) introductory text and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

■ 12. Revise part 2 to read as follows:

PART 2—OMB CONTROL NUMBERS

Sec.

2.1 Purpose.

2.2 OMB control numbers assigned to information collections.

Authority: 5 U.S.C. 552; 42 U.S.C. 3507; Reorganization Plan No. 3 of 1978, 5 U.S.C. App. 1; E.O. 12127, 3 CFR, 1979 Comp., p.

376; E.O. 12148, as amended, 3 CFR, 1979 Comp., p. 412.

§ 2.1 Purpose.

This part collects and displays the control numbers assigned to information collection requirements of FEMA by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). FEMA intends that this part comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

§ 2.2 OMB control numbers assigned to information collections.

44 CFR part or section where identified or described	Current OMB Control No.
59	1660-0023
59.22	1660-0003, 1660-0004
59 subpart C	1660-0045
60.6, 60.3	1660-0033
61.13	1660-0006
62 subpart B	1660-0005, 1660-0095
62.23(l)	1660-0086
62.24	1660-0020, 1660-0038
65, 70 generally	1660-0037
71.4	1660-0010
72	1660-0015, 1660-0016
75.11	1660-0013
78	1660-0062, 1660-0072, 1660-0075
79.7(d)	1660-0104
80	1660-0103
151.11	1660-0014
152.4, 152.7	1660-0069
201	1660-0062, 1660-0072, 1660-0103
204	1660-0058
206 subpart B: 206.34, 206.35, 206.36, 206.46, 206.47	1660-0009
206 subpart D: 206.101(e), 202.110, 206.117, 206.119	1660-0002
206.112, 206.114, 206.115	1660-0061
206.171	1660-0085
206.202(f)(2), 206.203(c), 206.203(d)(i), 206.204(f)	1660-0017
206 subpart K	1660-0082, 1660-0083
206 subpart N	1660-0076
206.437	1660-0026
206.440	1660-0076
208	1660-0073
352	1660-0024

PART 4—INTERGOVERNMENTAL REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PROGRAMS AND ACTIVITIES

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

Authority: E.O. 12372, July 14, 1982 (47 FR 30959), as amended April 8, 1983 (48 FR 15887); sec. 401, Intergovernmental Cooperation Act of 1968, as amended (31 U.S.C. 6506); sec. 204, Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3334).

■ 14. In § 4.2, remove the definition of “Director” and add a new definition of

“Administrator” in alphabetical order to read as follows:

§ 4.2 What definitions apply to these regulations?

Administrator means the Administrator of FEMA or an official or employee of FEMA acting for the Administrator of FEMA under a delegation of authority.

* * * * *

§ 4.3 [Amended]

■ 15. In § 4.3, remove the word “Director” and add, in its place, the word “Administrator”.

§ 4.5 [Amended]

■ 16. In § 4.5—

■ a. In the section heading, remove the word “Director’s” and add, in its place, the word “Administrator’s”; and

■ b. In the regulatory text, remove the word “Director” and add, in its place, the word “Administrator”.

§ 4.6 [Amended]

■ 17. In § 4.6 paragraphs (b), (c) and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.7 [Amended]

■ 18. In § 4.7, in the section heading and paragraphs (a) introductory text and (b) introductory text, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.8 [Amended]

■ 19. In § 4.8, in the section heading and paragraph (a), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.9 [Amended]

■ 20. In § 4.9, in the section heading and paragraphs (a) introductory text, (d) and (e), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.10 [Amended]

■ 21. In § 4.10, in the section heading and paragraphs (a) introductory text, (a)(3), (b) introductory text and (b)(2), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.11 [Amended]

■ 22. In § 4.11—
 ■ a. In the section heading, remove the word “Director’s” and add, in its place, the word “Administrator’s”; and
 ■ b. In paragraphs (a) introductory text, (a)(4) and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.12 [Amended]

■ 23. In § 4.12(b) and (c), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 4.13 [Amended]

■ 24. In § 4.13, in the section heading and regulatory text, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

■ 25. The authority citation for part 5 continues to read as follows:

Authority: 5 U.S.C. 552 as amended by sections 1801–1804 of the Omnibus Anti-Drug Abuse Act of 1986 which contains the Freedom of Information Reform Act of 1986 (Pub. L. 99–570); 5 U.S.C. 301 (Pub. L. 85–619); Reorganization Plan No. 3 of 1978; E.O. 12127; and E.O. 12148.

§ 5.3 [Amended]

■ 26. In § 5.3(e), remove the words “Regional Director” and add, in their

place, the words “Regional Administrator”.

§ 5.8 [Amended]

■ 27. In § 5.8, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 5.22 [Amended]

■ 28. In § 5.22, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 5.26 [Amended]

■ 29. Revise § 5.26(a)(2) to read as follows:

§ 5.26 Rules for public inspection and copying.

(a) * * *

(2) Regional Offices

Region I: 99 High Street, 6th Floor, Boston, Massachusetts 02110.

Region II: 26 Federal Plaza, Suite 1337, New York, New York 10278.

Region III: 615 Chestnut Street, One Independence Mall, 6th Floor, Philadelphia, Pennsylvania 19106.

Region IV: 3003 Chamblee Tucker Road, Atlanta, Georgia 30341.

Region V: 536 South Clark Street, 6th Floor, Chicago, Illinois 60605.

Region VI: Federal Regional Center, 800 North Loop 288, Denton, Texas 76209.

Region VII: 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114.

Region VIII: Denver Federal Center, Building 710, Box 25267, Denver, Colorado 80255.

Region IX: 1111 Broadway, Suite 1200, Oakland, California 94607.

Region X: Federal Regional Center, 130 228th Street SW, Bothell, Washington 98021.

* * * * *

§ 5.27 [Amended]

■ 30. In § 5.27, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 5.41 [Amended]

■ 31. In § 5.41, remove the words “and from FEMA, P.O. Box 8181, Washington, DC 20024” and add, in their place, the words “, the FEMA Library at www.FEMA.gov, or from the FEMA Distribution Center at P.O. Box 2012, 8231 Stayton Drive, Jessup, Maryland 20794”.

§ 5.47 [Amended]

■ 32. In § 5.47, remove the words “Deputy Director” and add, in their place, the words “Deputy Administrator”.

■ 33. Revise § 5.54(a) to read as follows:

§ 5.54 Denial of request of records.

(a) Each of the following officials within FEMA, any official designated to act for the official, or any official redelegated authority by such officials shall have the authority to make initial denials of requests for disclosure of records in his or her custody, and shall, in accordance with 5 U.S.C. 552(a)(6)(C) be the responsible official for denial of records under this part.

(1) Deputy Administrator(s).

(2) [Reserved]

(3) Federal Insurance Administrator.

(4) Assistant Administrators.

(5) United States Fire Administrator.

(6) Chief of Staff.

(7) Office Directors.

(8) Chief Counsel.

(9) [Reserved]

(10) Chief Financial Officer.

(11) Regional Administrators.

* * * * *

§ 5.55 [Amended]

■ 34. In § 5.55—

■ a. In paragraph (a), remove the words “Regional Director” and add, in their place the words “Regional Administrator”;

■ b. In paragraph (d), remove the words “Deputy Director”, and add, in their place the words “Deputy Administrator”;

■ c. In paragraph (e), remove the words “Deputy Director” wherever they appear, and add, in their place the words “Deputy Administrator”; remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and remove the word “Deputy’s” and add, in its place, the words “Deputy Administrator’s”; and

■ d. In paragraph (h) introductory text, remove the words “Deputy Director” wherever they appear, and add, in their place the words “Deputy Administrator”.

§ 5.59 [Amended]

■ 35. In § 5.59, remove the words “Deputy Director” and add, in their place, the words “Deputy Administrator”.

§ 5.60 [Amended]

■ 36. In § 5.60, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 5.72 [Amended]

■ 37. In § 5.72, remove the word “Director” and add, in its place, the word “Administrator”.

§ 5.82 [Amended]

■ 38. In § 5.82(b), remove the word “Director” and add, in its place, the word “Administrator”.

§ 5.83 [Amended]

■ 39. In § 5.83, remove the words “Regional Director” and add, in their place the words “Regional Administrator”; remove the words “General Counsel, FEMA” and add, in their place, the words “Chief Counsel, FEMA, 500 C Street SW., Washington, DC 20472”; and remove the words “For records or testimony of the Office of Inspector General, the subpoena should be addressed to the Inspector General, FEMA, Washington, DC 20472.”.

§ 5.84 [Amended]

■ 40. In § 5.84—

■ a. In paragraph (a), remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel.”; and remove the words “or, as to records of the Office of the Inspector General, by the Inspector General”;

■ b. In paragraph (b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; remove the words “General Counsel” and add, in their place, the words “Chief Counsel; and remove the words “unless the subpoena or demand seeks the production of documents or materials maintained by the Office of Inspector General, in which case a copy of the demand shall be provided to the Inspector General.”

■ c. In paragraph (c), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”; and remove the words “(or Inspector General)”;

■ d. In paragraph (d), remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”; remove the words “(or Inspector General)” and remove the words “(or, where appropriate, the Inspector General)”;

■ e. In paragraph (e), remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”; remove the words “(or, as to documents maintained by Office of Inspector General, the Inspector General)”;

■ 41. Revise § 5.85 to read as follows:

§ 5.85 Authentication and attestation of copies.

The Administrator, Deputy Administrators, Regional Administrators, Assistant

Administrators, United States Fire Administrator, Federal Insurance Administrator, Chief Counsel, and their designees, and other heads of offices having possession of records are authorized in the name of the Administrator to authenticate and attest for copies or reproductions of records. Appropriate fees will be charged for such copies or reproductions based on the fee schedule set forth in section 5.46 of this part.

§ 5.87 [Amended]

■ 42. In § 5.87—

■ a. In paragraph (b), remove the words “other than an employee of the Office of Inspector General,”; remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”; remove the words “Employees of the Office of Inspector General shall notify the Inspector General of such demands.”; and remove the words “(or Inspector General through designated legal counsel)”;

■ b. In paragraph (c), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”; and remove the words “(or Inspector General)”.

§ 5.88 [Amended]

■ 43. In § 5.88(a), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 5.89 [Amended]

■ 44. In § 5.89, remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”; remove the words “(or, as to employees of the Office of Inspector General, the Inspector General)”;

■ 45. In § 5.89, remove the words “(or Inspector General)”;

■ 46. In § 5.89, remove the word “Director” and add, in its place, the word “Administrator”;

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

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

Authority: 5 U.S.C. 552a; Reorganization Plan No. 3 of 1978; and E.O. 12127.

§ 6.2 [Amended]

■ 46. In § 6.2—

■ a. In paragraph (m), remove the word “Director” and add, in its place, the words “Administrator of”; and

■ b. In paragraph (n), remove the words “Deputy Director” wherever they appear, and add, in their place, the words “Deputy Administrator”; and remove the word “Director” and add, in its place, the word “Administrator”.

§ 6.3 [Amended]

■ 47. In § 6.3(b), remove the words “Director, Office of Administrative Support” and add, in their place, the words “Director, Records Management Division, Office of Management”; and remove the words “Regional Directors” and add, in their place, the words “Regional Administrators”.

§ 6.20 [Amended]

■ 48. In § 6.20—

■ a. In paragraph (g), remove the word “Director” and add, in its place, the word “Administrator”; and

■ b. In paragraph (j), remove the words “General Accounting Office” and add, in their place, the words “Government Accountability Office”.

§ 6.21 [Amended]

■ 49. In § 6.21(b), remove the word “Director” and add, in its place, the word “Administrator”.

■ 50. In § 6.33—

■ a. In paragraph (d), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”; and

■ b. Revise paragraph (b) to read as follows:

§ 6.33 Denial of access.

* * * * *

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records he or she shall forward the request to the appropriate official listed below or to his or her delegate through normal supervisory channels.

- (1) Deputy Administrators.
- (2) [Reserved]
- (3) Federal Insurance Administrator.
- (4) Assistant Administrators.
- (5) United States Fire Administrator.
- (6) Chief of Staff.
- (7) Office Directors.
- (8) Chief Counsel.
- (9) [Reserved]
- (10) Chief Financial Officer.
- (11) Regional Administrators.

* * * * *

§ 6.34 [Amended]

■ 51. In § 6.34, remove the word “Director” and add, in its place, the word “Administrator”.

§ 6.50 [Amended]

■ 52. In § 6.50, remove the words “FEMA Director of Personnel” and add, in their place, the words “Director, Human Capital Division”.

§ 6.55 [Amended]

■ 53. In § 6.55—

■ a. In paragraph (c), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”;

- b. In paragraphs (d), (e) and (f) introductory text, remove the words “Deputy Director” wherever they appear, and add, in their place, the words “Deputy Administrator”; and
- c. In paragraph (h), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and remove the word “Director’s” and add, in its place, the word “Administrator’s”.

§ 6.70 [Amended]

- 54. In § 6.70(a) and (b), remove the word “Director”, and add, in its place, the word “Administrator”; and remove the word “Director’s” and add, in its place, the word “Administrator’s”.

§ 6.71 [Amended]

- 55. In § 6.71(b), remove the word “Director” and add, in its place, the word “Administrator”.

§ 6.86 [Amended]

- 56. In § 6.86(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 6.87 [Amended]

- 57. In § 6.87(a), (c) introductory text and (c)(2), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 7—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

- 58. The authority citation for part 7 continues to read as follows:

Authority: FEMA Reg. 5 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000 d–1; 42 U.S.C. 1855–1885g; 50 U.S.C. 404.

§ 7.2 [Amended]

- 59. In § 7.2(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 7.12 [Amended]

- 60. In § 7.12(c) and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 7.13 [Amended]

- 61. In § 7.13(e), remove the word “Director” and add, in its place, the word “Administrator”.

§ 7.14 [Amended]

- 62. In § 7.14(e) and (f), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 7.16 [Amended]

- 63. In § 7.16(c), remove the word “Director” and add, in its place, the word “Administrator”.

§ 7.913 [Amended]

- 64. In § 7.913, remove the definition of “Director”, and add a new definition of “Administrator” in alphabetical order to read as follows:

§ 7.913 Definition of terms used in this regulation.

* * * * *

Administrator means the Administrator of the Federal Emergency Management Agency.

* * * * *

§ 7.942 [Amended]

- 65. In § 7.942(a) introductory text, remove the word “Director” and add, in its place, the word “Administrator”.

§ 7.945 [Amended]

- 66. In § 7.945(c)(1) and (c)(2), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 7.948 [Amended]

- 67. In § 7.948(a) and (b) introductory text, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 7.949 [Amended]

- 68. In § 7.949(b)(3)(iii), remove the word “Director” and add, in its place, the word “Administrator”.

PART 8—NATIONAL SECURITY INFORMATION

- 69. The authority citation for part 8 continues to read as follows:

Authority: Reorganization Plan No. 3 of 1978, E.O. 12148 and E.O. 12356.

§ 8.2 [Amended]

- 70. In § 8.2—
- a. In paragraph (a) remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
- b. Redesignate paragraph (d) as new paragraph (e), and remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
- c. Designate the undesignated paragraph below paragraph (c)(2) as new paragraph (d); and
- d. Revise § 8.2(b) and (c) to read as follows:

§ 8.2 Original classification authority.

* * * * *

(b) In accordance with section 1.2(d)(2), E.O. 12356, the following positions have been delegated ORIGINAL TOP SECRET CLASSIFICATION AUTHORITY by the Administrator, FEMA:

(1) Deputy Administrator, FEMA
 (2) Deputy Administrator, National Preparedness Directorate
 (3) Director, Office of Security
 (c) The positions delegated original Top Secret Classification Authority in paragraph (b) of this section, are also delegated Original Secret and Confidential Classification Authority by virtue of this delegation. The following positions have been delegated Original Secret and Original Confidential Classification Authority:

- (1) Associate Director, State and Local Programs and Support.
- (2) Regional Administrators.

§ 8.3 [Amended]

- 71. In § 8.3, remove the words “Director of Security, FEMA” and add, in their place, the words “Director of the Security Division”.

§ 8.4 [Amended]

- 72. In § 8.4—
- a. In paragraphs (b) and (c), remove the words “Office of Security” wherever they appear, and add, in their place, the words “Security Division”;
- b. In paragraph (e), remove the words “Director of Security” and add, in their place, the words “Director of the Security Division”; remove the words “Office of Security” wherever they appear, and add, in their place, the words “Security Division”; and remove the word “Director” and add, in its place, the word “Administrator”;
- c. In paragraph (g)(1), remove the word “Director” and add, in its place, the word “Administrator”; remove the words “Director of Security” and add, in their place, the words “Director of the Security Division”; and remove the words “Office of General Counsel” and add, in their place, the words “Office of Chief Counsel”; and
- d. In paragraph (g)(3), remove the word “Director” and add, in its place, the word “Administrator”.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

- 73. The authority citation for part 9 continues to read as follows:

Authority: E.O. 11988 of May 24, 1977. 3 CFR, 1977 Comp., p. 117; E.O. 11990 of May 24 1977, 3 CFR, 1977 Comp. p. 121; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of March 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412, as amended.; E.O. 12127; E.O. 12148; 42 U.S.C. 5201.

§ 9.4 [Amended]

- 74. In § 9.4, remove the definitions for “Associate Director”, “Director”,

“Regional Director”, and “SLPS”; and add in alphabetical order definitions for “Administrator”, “Mitigation Directorate”, and “Regional Administrator”; and revise the definitions for “Flood Hazard Boundary Map (FHBM)” and “Flood Insurance Rate Map (FIRM)” to read as follows:

§ 9.4 Definitions.

* * * * *

Administrator means the Administrator of the Federal Emergency Management Agency.

* * * * *

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated as Zone A, M, or E.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. FIRMs are also available digitally, and are called Digital Flood Insurance Rate Maps (DFIRM).

* * * * *

Mitigation Directorate means the Mitigation Directorate of the Federal Emergency Management Agency.

* * * * *

Regional Administrator means the Regional Administrator of the Federal Emergency Management Agency for the Region in which FEMA is acting, or the Disaster Recovery Manager when one is designated.

* * * * *

§ 9.5 [Amended]

■ 75. In § 9.5—

■ a. In paragraph (c) introductory text, remove the words “Regional Directors” and add, in their place, the words “Regional Administrators”;

■ b. In paragraph (d) introductory text, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

■ c. In paragraph (f)(1), remove the word “SLPS,” wherever it appears, and add, in its place, the words “the Mitigation Directorate”;

■ d. In paragraph (f)(2), remove the words “Associate Director, SLPS” and add, in their place, the words “Assistant Administrator for Mitigation”;

■ e. In paragraph (g) introductory text, remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”.

§ 9.7 [Amended]

■ 76. In § 9.7(b) introductory text, (c)(1)(i), (c)(1)(ii), (c)(1)(iii), (c)(2), and (d)(4), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”.

§ 9.10 [Amended]

■ 77. In § 9.10(d) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 9.11 [Amended]

■ 78. In § 9.11—

■ a. In paragraphs (d)(2), (d)(3)(iv), and (d)(9), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (e)(2)(i), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 9.13 [Amended]

■ 79. In § 9.13—

■ a. In paragraphs (d)(3) introductory text and (d)(4) introductory text, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (e), remove the words “Associate Director for State and Local Programs and Support” and add, in their place the words “Assistant Administrator for Mitigation”;

and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 9.18 [Amended]

■ 80. In § 9.18—

■ a. In the heading to paragraph (a), in the introductory text to paragraph (a), and in paragraph (a)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

and remove the words “Regional Directors” wherever they appear, and add, in their place, the words “Regional Administrators”;

■ b. In paragraph (a)(2), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”;

■ c. Revise paragraph (b) to read as follows:

§ 9.18 Responsibilities.

* * * * *

(b) The Heads of the Offices, Directorates and Administrations of FEMA shall:

(1) Implement the requirements of the Orders and this regulation. When a decision of a Regional Administrator relating to disaster assistance is

appealed, the Assistant Administrator for Mitigation may make determinations under these regulations on behalf of the Agency.

(2) Prepare and submit to the Office of Chief Counsel reports to the Office of Management and Budget in accordance with section 2(b) of E.O. 11988 and section 3 of E.O. 11990. If a proposed action is to be located in a floodplain or wetland, any requests to the Office of Management and Budget for new authorizations or appropriations shall be accompanied by a report indicating whether the proposed action is in accord with the Orders and these regulations.

PART 10—ENVIRONMENTAL CONSIDERATIONS

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

Authority: 42 U.S.C. 4321 *et seq.*; E.O. 11514 of March 7, 1970, 35 FR 4247, as amended by E.O. 11991 of March 24, 1977, 3 CFR, 1977 Comp., p. 123; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of March 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412, as amended.

§ 10.3 [Amended]

■ 82. In § 10.3—

■ a. In paragraph (a), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

and

■ b. Revise paragraph (c) to read as follows:

§ 10.3 Definitions.

* * * * *

(c) Environmental Officer means the Director, Office of Environmental Planning and Historic Preservation, Mitigation Directorate, or his or her designee.

§ 10.5 [Amended]

■ 83. In § 10.5—

■ a. In the heading to paragraph (a), remove the words “Regional Directors” and add, in their place, the words “Regional Administrators”;

■ b. In paragraph (a)(1), remove the words “Office of General Counsel (OGC)” and add, in their place, the words “Office of Chief Counsel (OCC)”;

■ c. In paragraph (b)(8), remove the word “Director” and add, in its place, the word “Administrator”;

■ d. In the heading to paragraph (c), remove the words “The Heads of the Office and Administrations of FEMA” and add, in their place, the words “The Heads of the Offices, Directorates, and Administrations of FEMA”; and

■ e. In the heading to paragraph (d), remove the words “*Office of General Counsel*” and add, in their place, the words “*Office of Chief Counsel*”.

§ 10.6 [Amended]

■ 84. In § 10.6, remove the words “Regional Director” wherever they appear, and add, in their place the words “Regional Administrator”; and remove the word “Director” and add, in its place, the word “Administrator”.

§ 10.7 [Amended]

■ 85. In § 10.7(a), (c)(1)(ii), (c)(1)(iii), (c)(2)(i), (c)(2)(v), and (c)(2)(vi), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 10.8 [Amended]

■ 86. In § 10.8—

■ a. In paragraphs (a) introductory text, (b)(1), (b)(3), (d)(4), (d)(5), (e), (f), and (g), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (d)(6)(iii)(A), remove the words “General Counsel”, and add, in their place, the words “Chief Counsel”.

§ 10.9 [Amended]

■ 87. In § 10.9—

■ a. In paragraphs (a), (c) introductory text and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (e), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Office of General Counsel (OGC)” and add, in their place, the words “Office of Chief Counsel (OCC)”;

■ c. In paragraph (f), remove the word “OGC” and add, in its place, the word “OCC”; and remove the words

“Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ d. In paragraph (g), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 10.10 [Amended]

■ 88. In § 10.10—

■ a. In paragraphs (a), (b) and (c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (d), remove the word “OGC” and add, in its place, the word “OCC”; and remove the words

“Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 10.11 [Amended]

■ 89. In § 10.11, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 10.12 [Amended]

■ 90. In § 10.12(a) introductory text, (b), (c) and (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 10.13 [Amended]

■ 91. In § 10.13, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

PART 11—CLAIMS

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

Authority: 31 U.S.C. 3701 *et seq.*

§ 11.1 [Amended]

■ 93. In § 11.1, remove the words “General Accounting Office” and add, in their place, the words “Government Accountability Office”.

§ 11.2 [Amended]

■ 94. In § 11.2, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.11 [Amended]

■ 95. In § 11.11—

■ a. In paragraph (b), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”; and

■ b. In paragraph (c), remove the words “Director of the FEMA Regional Office” and add, in their place, the words “Administrator of the FEMA Regional Office”.

§ 11.15 [Amended]

■ 96. In § 11.15—

■ a. In paragraph (a), remove the words “General Counsel” wherever they appear, and add, in their place, the words “Chief Counsel”; and

■ b. In paragraph (b) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 11.16 [Amended]

■ 97. In § 11.16(b) introductory text, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.17 [Amended]

■ 98. In § 11.17, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.70 [Amended]

■ 99. In § 11.70(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 11.72 [Amended]

■ 100. In § 11.72(a), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.74 [Amended]

■ 101. In § 11.74(b)(13), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.75 [Amended]

■ 102. In § 11.75(d)(2) and (d)(3), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.76 [Amended]

■ 103. In § 11.76(a) introductory text, remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.77 [Amended]

■ 104. In § 11.77(a), (b), (c), (d) and (e), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 11.79 [Amended]

■ 105. At the end of § 11.79, remove the parenthetical which reads, “(Information collection approved by Office of Management and Budget under Control No. 3067–0167)”.

PART 12—ADVISORY COMMITTEES

■ 106. The authority citation for part 12 continues to read as follows:

Authority: Federal Advisory Committee Act, 5 U.S.C. app. 1; Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148; E.O. 12024.

§ 12.2 [Amended]

■ 107. In § 12.2, remove the definition of “Director”, and add a new definition for “Administrator” in alphabetical order to read as follows:

§ 12.2 Definitions.

* * * * *

Administrator means the Administrator of the Federal Emergency Management Agency.

* * * * *

§ 12.4 [Amended]

■ 108. In § 12.4, remove the word “Director” and add, in its place, the word “Administrator”; and remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 12.5 [Amended]

■ 109. Revise the introductory text of § 12.5(a) to read as follows:

§ 12.5 Advisory committee management officer.

(a) The Director, Records Management Division, Office of Management serves as FEMA’s advisory committee management officer and shall:

* * * * *

§ 12.6 [Amended]

■ 110. In § 12.6(a)(2), remove the word “Director” and add, in its place, the word “Administrator”.

§ 12.9 [Amended]

■ 111. In § 12.9—

■ a. In paragraphs (a), (b), (c), and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;

■ b. In paragraphs (c) and (d), remove the word “Director’s” wherever it appears, and add, in its place, the word “Administrator’s”; and

■ c. In paragraph (d), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 12.11 [Amended]

■ 112. In § 12.11(d), remove the words “Public Affairs” and add, in their place, the words “External Affairs”.

§ 12.18 [Amended]

■ 113. In § 12.18(a) and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 12.19 [Amended]

■ 114. In § 12.19(a), remove the words “Comptroller, FEMA” and add, in their place, the words “Chief Financial Officer”.

PART 13—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

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

Authority: Reorganization Plan No. 3 of 1978; 13 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412.

§ 13.26 [Amended]

■ 116. In § 13.26—

■ a. In paragraph (a) after the words “(31 U.S.C. 7501–7507)”, add the words “; 31 U.S.C. 503, 1111; Executive Order 8248; Executive Order 11541;”; and

■ b. In paragraph (b) introductory text, remove the number “\$300,000” and add, in its place, the number “\$500,000”.

PART 14—[REMOVED AND RESERVED]

■ 117. Remove and reserve part 14, consisting of §§ 14.1 and 14.2, and appendix A to part 14.

PART 15—CONDUCT AT THE MT. WEATHER EMERGENCY ASSISTANCE CENTER AND AT THE NATIONAL EMERGENCY TRAINING CENTER

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

Authority: Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 13239, 3 CFR, 1979 Comp., p. 412; Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 *et seq.*; delegation of authority from the Administrator of General Services, dated July 18, 1979; Pub. L. 80–566, approved June 1, 1948, 40 U.S.C. 318–318d; and the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 271 *et seq.*

§ 15.1 [Amended]

■ 119. In § 15.1, remove the words “Mt. Weather Emergency Assistance Center” and add, in their place, the words “Mt. Weather Emergency Operations Center”.

§ 15.2 [Amended]

■ 120. In § 15.2, remove the definitions for “Director” and “Senior Resident Manager”; and revise the definition for “Administrator” and “Mt. Weather”; and add new definitions for “Assistant Administrator”, and “Mt. Weather Executive Director” in alphabetical order to read as follows:

§ 15.2 Definitions.

* * * * *

Administrator means the Administrator of the Federal Emergency Management Agency.

Assistant Administrator means the Assistant Administrator, United States Fire Administration, FEMA.

* * * * *

Mt. Weather means the Mt. Weather Emergency Operations Center, Bluemont, Virginia.

Mt. Weather Executive Director means the Executive Director of the Mt. Weather Emergency Operations Center.

* * * * *

§ 15.3 [Amended]

■ 121. In § 15.3, remove the words “Director or the Senior Resident Manager” wherever they appear, and add, in their place, the words “Administrator or the Mt. Weather Executive Director”.

§ 15.9 [Amended]

■ 122. In § 15.9—

■ a. In paragraph (d), remove the word “Director” and add, in its place, the words “Assistant Administrator”; and remove the words “Senior Resident Manager” and add, in their place, the words “Mt. Weather Executive Director”;

■ b. In paragraph (e)(1), remove the word “Director” and add, in its place, the word “Administrator”; and remove the words “Senior Resident Manager” and add, in their place, the words “Mt. Weather Executive Director”; and

■ c. In paragraph (e)(2), remove the words “Student Center at the NETC” and add, in their place, the words “NETC Recreation Association”; remove the word “Director” and add, in its place, the words “Assistant Administrator for the United States Fire Administration”.

§ 15.10 [Amended]

■ 123. In § 15.10—

■ a. In paragraph (a), remove the words “Director for either facility” and add, in their place, the words “Assistant Administrator for the United States Fire Administration”; and remove the words “Senior Resident Manager” and add, in their place, the words “Mt. Weather Executive Director”; and

■ b. In paragraph (b)(1), remove the word “Director” and add, in its place, the word “Administrator”; remove the words “Senior Resident Manager” and add, in their place, the words “Mt. Weather Executive Director”; remove the words “Administrator for the NETC” and add, in their place, the words “Assistant Administrator for the United States Fire Administration”.

§ 15.11 [Amended]

■ 124. In § 15.11, remove the words “Senior Resident Manager” and add, in their place, the words “Mt. Weather Executive Director”; remove the word “Director” and add, in its place, the word “Administrator”; and remove the words “Administrator for the NETC” and add, in their place, the words “Deputy Assistant Administrator for the United States Fire Administration”.

§ 15.12 [Amended]

■ 125. In § 15.12—

■ a. In paragraph (a), remove the words “Director or the Senior Resident

Manager” and add, in their place, the words “Administrator or Mt. Weather Executive Director”; and

■ b. In paragraph (b)(2), remove the words “Assistant Administrator, Management Operations and Student Support, United States Fire Administration” and add, in their place, the words “Director of Management Operations and Systems Support, United States Fire Administration”.

§ 15.14 [Amended]

■ 126. In § 15.14(d), remove the words “Director or the Senior Resident Manager or the Administrator for the NETC” and add, in their place, the words “Administrator, Mt. Weather Executive Director, or the Assistant Administrator for the United States Fire Administration”.

§ 15.15 [Amended]

■ 127. In § 15.15(a), remove the words “Director or the Senior Resident Manager or the Administrator for the NETC” and add, in their place, the words “Administrator, Mt. Weather Executive Director, or the Assistant Administrator for the United States Fire Administration”.

PART 16—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

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

Authority: 29 U.S.C. 794.

§ 16.170 [Amended]

■ 129. In § 16.170(c), remove the words “Director of Personnel” wherever they appear, and add, in their place, the words “Director of the Office of Equal Rights”.

PART 17—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

■ 130. The authority citation for part 17 continues to read as follows:

Authority: 41 U.S.C. 701 *et seq.*; E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

■ 131. At the end of § 17.635, remove the parenthetical which reads, “(Approved by the Office of Management and Budget under control number 0991-0002)”.

PART 59—GENERAL PROVISIONS

■ 132. The authority citation for part 59 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

■ 133. In § 59.1, remove the definitions for “Director” and “General Counsel”; and revise the definitions of “Administrator”, “Chargeable Rates”, “Eligible Community or Participating Community”, “Flood Elevation Determination”, “Flood Hazard Boundary Map”, “Flood Insurance Rate Map”, “Risk Premium Rates”, “Standard Flood Insurance Policy”, “State Coordinating Agency”, “Subsidized Rates”; to read as follows:

§ 59.1 Definitions.

* * * * *

Administrator means the Administrator of the Federal Emergency Management Agency.

* * * * *

Chargeable rates mean the rates established by the Federal Insurance Administrator pursuant to section 1308 of the Act for first layer limits of flood insurance on existing structures.

* * * * *

Eligible community or participating community means a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

* * * * *

Flood elevation determination means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

* * * * *

Flood Hazard Boundary Map means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

* * * * *

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

* * * * *

Risk premium rates means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the Act and the accepted actuarial principles. “Risk premium rates” include provisions for operating costs and allowances.

* * * * *

Standard Flood Insurance Policy means the flood insurance policy issued by the Federal Insurance Administrator or an insurer pursuant to an arrangement with the Federal Insurance Administrator pursuant to Federal statutes and regulations.

* * * * *

State Coordinating Agency means the agency of the state government (or other office designated by the Governor of the state or by state statute) that, at the request of the Federal Insurance Administrator, assists in the implementation of the National Flood Insurance Program in that state.

* * * * *

Subsidized rates mean the rates established by the Federal Insurance Administrator involving in the aggregate a subsidization by the Federal Government.

* * * * *

§ 59.2 [Amended]

■ 134. In § 59.2(a) and (b), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator.”

§ 59.22 [Amended]

■ 135. In § 59.22, in paragraphs (a)(9)(i) and (b)(2), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 59.24 [Amended]

■ 136. In § 59.24, in paragraphs (a), (b), (c), (d), (e), (f) and (g), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 59.30 [Amended]

■ 137. In § 59.30—

■ a. In paragraphs (c)(1), (c)(2), and (c)(3) remove the words “Associate Director for Mitigation” wherever they appear;

■ b. In paragraph (c)(1) and (c)(2), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ c. At the end of the section, remove the parenthetical which reads,

“(Approved by the Office of Management and Budget under Control Number 3067–0275)”.

PART 60—CRITERIA FOR LAND MANAGEMENT AND USE

- 138. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*;
Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 60.1 [Amended]

- 139. In § 60.1(a) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.2 [Amended]

- 140. In § 60.2(a), (f) and (h), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.3 [Amended]

- 141. In § 60.3, in the introductory text and in paragraphs (a) introductory text, (b) introductory text, (c) introductory text, (d) introductory text, (d)(4), (e) and (f), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.4 [Amended]

- 142. In § 60.4, in the introductory text, the introductory text to paragraphs (a) and (b), and paragraph (b)(2), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.5 [Amended]

- 143. In § 60.5, in the introductory text, the introductory text to paragraphs (a) and (b), and paragraph (b)(2), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.6 [Amended]

- 144. In § 60.6, in the introductory text, and paragraphs (a) introductory text, (a)(6), (b)(1), (b)(2), and the introductory text to paragraph (c) remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.11 [Amended]

- 145. In § 60.11(a) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 60.13 [Amended]

- 146. In § 60.13, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 60.25 [Amended]

- 147. In § 60.25(b)(8), (c) and the introductory text to paragraph (d), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

PART 61—INSURANCE COVERAGE AND RATES

- 148. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*;
Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 61.1 [Amended]

- 149. In § 61.1, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 61.4 [Amended]

- 150. In § 61.4(b), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 61.7 [Amended]

- 151. In § 61.7(a) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 61.11 [Amended]

- 152. In § 61.11(f), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 61.12 [Amended]

- 153. In § 61.12—
 - a. In paragraphs (a), (b)(4), (c), (d), (e) and (f), and the introductory text to paragraph (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and
 - b. In paragraph (c), remove the words “Risk Studies Division, Office of Risk Assessment, Federal Insurance Administration” and add, in their place the words “Risk Analysis Division, Mitigation Directorate”.

§ 61.13 [Amended]

- 154. In § 61.13(d) and (e), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 61.14 [Amended]

- 155. In § 61.14(a) and (b), remove the word “Administrator” wherever it appears and add, in its place, the words “Federal Insurance Administrator”.

§ 61.16 [Amended]

- 156. In § 61.16, remove the text “\$50.00.” and add, in its place, the text “\$50.00”.

Appendix A(1) to Part 61—[Amended]

- 157. In Appendix A(1) to Part 61, in VI(T)(2)(h), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

- 158. In Appendix A(1) to Part 61, in IX, remove the words “Jo Ann Howard”.

Appendix A(2) to Part 61—[Amended]

- 159. In Appendix A(2) to Part 61, in (T)(2)(h), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

- 160. In Appendix A(2) to Part 61, in IX, remove the words “Jo Ann Howard”.

Appendix A(3) to Part 61—[Amended]

- 161. In Appendix A(3) to Part 61, in X, remove the words “Jo Ann Howard”.

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

- 162. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*;
Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 62.1 [Amended]

- 163. In § 62.1, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 62.3 [Amended]

- 164. In § 62.3(a) remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 62.4 [Amended]

- 165. In § 62.4(a), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 62.20 [Amended]

- 166. In § 62.20—
 - a. In paragraph (a) remove the definition for “Administrator”;
 - b. In paragraph (a) in the definition for “Appeal decision”, remove the word “Administrator”, and add, in its place, the words “Federal Insurance Administrator”;
 - c. In paragraphs (f)(2) and (f)(3), remove the word “Administrator”.

wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and

■ d. In paragraph (e)(1), remove the words “Mitigation Division”, and add, in their place, the words “Mitigation Directorate”.

§ 62.22 [Amended]

■ 167. In § 62.22(b), remove the word “Director” and add, in its place, the words “the Administrator of FEMA”.

§ 62.23 [Amended]

■ 168. In § 62.23—

■ a. In paragraphs (a), (e), (f), (g) and (h)(3), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”;

■ b. In paragraph (i)(8), remove the words “General Counsel (OGC)”, and add, in their place, the words “Chief Counsel (OCC)”; and remove the word “OGC”, and add, in its place, the word “OCC”;

■ c. In paragraph (i)(11), remove the words “General Counsel”, and add, in their place, the words “Chief Counsel”;

■ d. In paragraph (j)(4), remove the words “Office of Financial

Management” and add, in their place, the words “Chief Financial Officer”;

■ e. In paragraph (j)(7), remove the word “FEMA’s”, and add, in its place, the word “DHS’s”; and

■ f. At the end of the section, remove the parenthetical which reads, “(Approved by the Office of Management and Budget under OMB control number “3067-0229)”.

Appendix A to Part 62—[Amended]

■ 169. In Appendix A to Part 62—

■ a. In Article II(D)(2), Article II(D)(3), Article II(D)(4), Article II(D)(5), Article III(B), Article III(C)(2), Article III(C)(3), Article III(D)(2), Article III(D)(3)(a), Article III(D)(3)(b), Article III(D)(3)(c), Article III(D)(d), and Article XIII, remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and

■ b. In Article III(D)(3)(a), remove the words “General Counsel (“OGC”)” and add, in its place, the words “Chief Counsel (“OCC”)”; and remove the word “OGC” wherever it appears, and add, in its place, the word “OCC”.

Appendix B to Part 62—[Amended]

■ 170. In Appendix B to Part 62—

■ a. In paragraphs (a), (c)(1), and (c)(2), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”;

■ b. In paragraph (c)(2), remove the words “Office of Financial

Management” and add, in their place, the words “Office of Chief Financial Officer”; and

■ c. In paragraph (c)(3)(G), remove the word “FEMA”, and add, in its place, the word “DHS”.

PART 63—IMPLEMENTATION OF SECTION 1306(C) OF THE NATIONAL FLOOD INSURANCE ACT OF 1968

■ 171. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 63.1 [Amended]

■ 172. In § 63.1, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 63.2 [Amended]

■ 173. In § 63.2(c), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 63.13 [Amended]

■ 174. In § 63.13, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 63.16 [Amended]

■ 175. In § 63.16—

■ a. In the section heading, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and

■ b. In paragraphs (a), (b) and (c), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 63.17 [Amended]

■ 176. In § 63.17, in the introductory text, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 63.18 [Amended]

■ 177. In § 63.18—

■ a. In the section heading, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and

■ b. In the introductory text, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

■ 178. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.1 [Amended]

■ 179. In § 64.1(a) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 64.3 [Amended]

■ 180. In § 64.3, in the introductory text to paragraph (a) and in paragraph (c)(1), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 64.4 [Amended]

■ 181. In § 64.4(c) and (d), remove the word “Administrator” wherever it appears and add, in its place, the words “Federal Insurance Administrator”.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

■ 182. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.1 [Amended]

■ 183. In § 65.1, remove the word “Director” and add, in its place, the word “Administrator”.

§ 65.6 [Amended]

■ 184. In § 65.6(a)(12), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 65.9 [Amended]

■ 185. In § 65.9, in the introductory text, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 65.10 [Amended]

■ 186. In § 65.10(a), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 65.12 [Amended]

■ 187. In § 65.12—

■ a. In the introductory text to paragraphs (a), and in paragraphs (b) and (c), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and

■ b. In paragraph (b), remove the word “Administrator’s” and add, in its place, the words “Federal Insurance Administrator’s.”

§ 65.13 [Amended]

- 188. In § 65.13—
- a. In the introductory text, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and
- b. At the end of paragraph (f), remove the parenthetical which reads, “(Approved by the Office of Management Budget under control number 3067–0147)”.

§ 65.14 [Amended]

- 189. In § 65.14, in paragraphs (a)(1), (a)(2), (e) introductory text, (e)(1)(ii), (f), (g) and (i), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

PART 66—CONSULTATION WITH LOCAL OFFICIALS

- 190. The authority citation for part 66 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 66.1 [Amended]

- 191. In § 66.1, in the introductory text to paragraph (c) and in (c)(3), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 66.3 [Amended]

- 192. In § 66.3—
- a. In paragraphs (a) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and
- b. In paragraph (b), remove the word “Administrator’s” and add, in its place, the words “Federal Insurance Administrator’s”.

§ 66.4 [Amended]

- 193. In § 64.4, remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 66.5 [Amended]

- 194. In § 66.5—
- a. In paragraph (b), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and
- b. In paragraph (f), remove the words “Chief of the Natural and Technological Hazards Division” and add, in their place, the words “Regional Administrator”.

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

- 195. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.3 [Amended]

- 196. In § 67.3, the introductory text and paragraphs (e) and (f), remove the word “Administrator” wherever it appears and add, in its place, the words “Federal Insurance Administrator”.

§ 67.4 [Amended]

- 197. In § 67.4, in the introductory text, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 67.5 [Amended]

- 198. In § 67.5(a), remove the word “Administrator’s” wherever it appears, and add, in its place, the words “Federal Insurance Administrator’s”.

§ 67.7 [Amended]

- 199. In § 67.7—
- a. In paragraphs (a) and (d), remove the word “Administrator’s” wherever it appears, and add, in its place, the words “Federal Insurance Administrator’s”; and
- b. In paragraphs (b) and (d), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 67.8 [Amended]

- 200. In § 67.8(a), (b), (c) and (e), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 67.9 [Amended]

- 201. In § 67.9(a), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 67.11 [Amended]

- 202. In § 67.11, remove the word “Administrator’s” and add, in its place, the words “Federal Insurance Administrator’s”.

§ 67.12 [Amended]

- 203. In § 67.12(a) and (b), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

PART 68—ADMINISTRATIVE HEARING PROCEDURES

- 204. The authority citation for part 68 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 68.1 [Amended]

- 205. In § 68.1, remove the word “Administrator’s” and add, in its place, the words “Federal Insurance Administrator’s”.

§ 68.3 [Amended]

- 206. In § 68.3, remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”; and remove the word “Administrator’s” and add, in its place, the words “Federal Insurance Administrator’s”.

§ 68.4 [Amended]

- 207. In § 68.4(a) and (c), remove the word “Director” and add, in its place, the word “Administrator”.

§ 68.5 [Amended]

- 208. In § 68.5, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 68.6 [Amended]

- 209. In § 68.6(a), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 68.7 [Amended]

- 210. In § 68.7—
- a. In paragraphs (b) and (c), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”; and
- b. In paragraph (b), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

§ 68.8 [Amended]

- 211. In § 68.8, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 68.11 [Amended]

- 212. In § 68.11, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 70—PROCEDURE FOR MAP CORRECTION

- 213. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 70.1 [Amended]

■ 214. In § 70.1, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

§ 70.3 [Amended]

■ 215. In § 70.3(a), remove the word “Administrator”, and add, in its place, the words “Federal Insurance Administrator”, and remove the word “Administrator’s”, and add, in its place, the words “Federal Insurance Administrator’s”.

§ 70.4 [Amended]

■ 216. In § 70.4, in the section heading and the introductory text, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 70.6 [Amended]

■ 217. In § 70.6(a), remove the word “Administrator”, and add, in its place, the words “Federal Insurance Administrator”.

§ 70.7 [Amended]

■ 218. In § 70.7(a), remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”.

PART 71—IMPLEMENTATION OF COASTAL BARRIER LEGISLATION

■ 219. The authority citation for part 71 continues to read as follows:

Authority: 42 U.S.C. 4001, *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; 42 U.S.C. 4028; secs. 9 and 14, Pub. L. 101-591, 42 U.S.C. 4028(b).

§ 71.4 [Amended]

■ 220. At the end of § 71.4(h), remove the parenthetical which reads, “(Approved by the Office of Management and Budget under control number 3067-0120).”

PART 73—IMPLEMENTATION OF SECTION 1316 OF THE NATIONAL FLOOD INSURANCE ACT OF 1968

■ 221-222. The authority citation for part 73 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 73.3 [Amended]

■ 223. In § 73.3(a), (b) and (c), remove the word “Administrator” wherever it appears and add, in its place, the words “Federal Insurance Administrator”.

§ 73.4 [Amended]

■ 224. In § 73.4(a) and (b), remove the word “Administrator” wherever it

appears and add, in its place, the words “Federal Insurance Administrator”.

PART 75—EXEMPTION OF STATE-OWNED PROPERTIES UNDER SELF-INSURANCE PLAN

■ 225. The authority citation for part 75 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 75.1 [Amended]

■ 226. In § 75.1, remove the word “Administrator” and add, in its place, the words “Federal Insurance Administrator”, and remove the word “Administrator’s”, and add, in its place, the words “Federal Insurance Administrator’s”.

§ 75.10 [Amended]

■ 227. In § 75.10, remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 75.11 [Amended]

■ 228. In § 75.1, in paragraphs (a)(4) and (b), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 75.13 [Amended]

■ 229. In § 75.13—
 ■ a. In the section heading, remove the word “Director”, and add, in its place, the words “Federal Insurance Administrator”; and
 ■ b. In paragraphs (a), (b), (c) and (d), remove the word “Administrator” wherever it appears, and add, in its place, the words “Federal Insurance Administrator”.

§ 75.14 [Amended]

■ 230. In § 75.14, remove the word “Administrator”, and add, in its place, the words “Federal Insurance Administrator”.

PART 78—FLOOD MITIGATION ASSISTANCE

■ 231. The authority citation for part 78 continues to read as follows:

Authority: 6 U.S.C. 101; 42 U.S.C. 4001 *et seq.*; 42 U.S.C. 4104c, 4104d; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

§ 78.3 [Amended]

■ 232. In § 78.3—

■ a. In paragraph (a) introductory text, remove the word “Director” and add, in its place, the word “Administrator”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
 ■ b. In paragraphs (b)(3) and (b)(4), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and
 ■ c. In paragraph (c)(4), remove the words “parts 13 and 14” and add, in their place, the words “part 13”.

§ 78.4 [Amended]

■ 233. In § 78.4(b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 78.6 [Amended]

■ 234. In § 78.6, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 78.8 [Amended]

■ 235. In § 78.8(a), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 78.10 [Amended]

■ 236. In § 78.10, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 78.13 [Amended]

■ 237. In § 78.13(b), remove the words “parts 13 and 14” and add, in their place, the words “part 13”.

§ 78.14 [Amended]

■ 238. In § 78.14, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

PART 150—PUBLIC SAFETY AWARDS TO PUBLIC SAFETY OFFICERS

■ 239-240. The authority citation for part 150 continues to read as follows:

Authority: Federal Fire Prevention and Control Act of 1974, sec. 15, 15 U.S.C. 2214; Reorg. Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329, and E.O. 12127, dated Mar. 31, 1979, 3 CFR, 1979 Comp., p. 376.

§ 150.1 [Amended]

■ 241. In § 150.1, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 150.2 [Amended]

■ 242. In § 150.2, in the definitions for “Distinguished Public Safety Service Award” and “Joint Board”, remove the word “Director” wherever it appears,

and add, in its place, the word “Administrator”.

§ 150.3 [Amended]

■ 243. In § 150.3(e), remove the word “Director”, and add, in its place, the word “Administrator”; and at the end of the paragraph remove the words, “Approved by the Office of Management and Budget under Control No. 3067–0150.”.

§ 150.4 [Amended]

■ 244. In paragraph § 150.4(a) introductory text, after the words “President’s Award”, remove the word “of”, and add, in its place, the word “or”.

§ 150.5 [Amended]

■ 245. In § 150.5(a) and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 150.7 [Amended]

■ 246. In § 150.7(b) and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 150.8 [Amended]

■ 247. In § 150.8(b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 151—REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

■ 248. The authority citation for part 151 continues to read as follows:

Authority: Secs. 11 and 21(b)(5), Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2210 and 2218(b)(5)); Reorganization Plan No. 3 of 1978 (3 CFR, 1978 Comp., p. 379) and E.O. 12127, dated Mar. 31, 1979 (3 CFR, 1979 Comp., p. 376).

§ 151.01 [Amended]

■ 249. In § 151.01, remove the word “Director” and add, in its place, the word “Administrator”.

■ 250. Revise § 151.03(c) to read as follows:

§ 151.03 Definitions.

* * * * *

(c) *Administrator* means the Administrator of the Federal Emergency Management Agency, or his/her designee.

* * * * *

§ 151.11 [Amended]

■ 251. In § 151.11—

■ a. In the introductory text and in paragraph (g), remove the word “Director” wherever it appears, and

add, in its place, the word “Administrator”; and

■ b. At the end of paragraph (h), remove the parenthetical which reads, “(Approved by Office of Management and Budget under control number 3067–0141)”.

§ 151.12 [Amended]

■ 252. In § 151.12—

■ a. In the introductory text to paragraph (a), and in paragraphs (b), (b)(2), (c), (d), (e) and (f), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and

■ b. In paragraphs (d) and (e), remove the word “Director’s” wherever it appears, and add, in its place, the word “Administrator’s”.

§ 151.13 [Amended]

■ 253. In § 151.13—

■ a. In paragraphs (a) and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and

■ b. In paragraph (b), remove the word “Director’s” and add, in its place, the word “Administrator’s”.

§ 151.14 [Amended]

■ 254. In § 151.14, remove the word “Director” and add, in its place, the word “Administrator”.

§ 151.22 [Amended]

■ 255. In § 151.22, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 152—ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

■ 256. The authority citation for part 152 continues to read as follows:

Authority: Federal Fire Protection and Control Act, 15 U.S.C. 2201 *et seq.*

§ 152.4 [Amended]

■ 257. In § 152.4(b)(8), remove the words “[NFIRS is under review for approval by the Office of Management and Budget under OMB control number 3067–0161.]”.

§ 152.7 [Amended]

■ 258. In § 152.7(g), after the last sentence, remove the words “[NFIRS is under review for approval by the Office of Management and Budget under OMB control number 3067–0161.]”.

§ 152.9 [Amended]

■ 259. In § 152.9(d), remove the words “Director, Grants Program Office, U.S. Fire Administration, FEMA, 500 C Street, SW., Room 330, Washington, DC 20472”, and add, in their place, the

words “Assistant Administrator, Grant Programs Directorate, Assistance to Firefighters Grant Program, FEMA, 800 K Street, NW., South Tower 5th Floor, Washington, DC 20001.”

PART 201—MITIGATION PLANNING

■ 260. The authority citation for part 201 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

■ 261. In § 201.2, remove the definition of “Regional Director” and add new definition of “Regional Administrator” in alphabetical order to read as follows:

§ 201.2 Definitions.

* * * * *

Regional Administrator is the administrator of a regional office of FEMA, or his/her designated representative.

* * * * *

§ 201.3 [Amended]

■ 262. In § 201.3—

■ a. In the introductory text to paragraph (b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (c)(7), remove the word “Director” and add, in its place, the word “Administrator”.

§ 201.4 [Amended]

■ 263. In § 201.4(d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 201.5 [Amended]

■ 264. In § 201.5(c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 201.6 [Amended]

■ 265. In § 201.6(a)(3), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

PART 204—FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

■ 266. The authority citation for part 204 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979

Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

- 267. In § 204.3—
- a. In the definition of “Declared fire”, remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- b. In the definition of “Incident period”, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and
- c. Remove the definitions of “Associate Director” and “Regional Director” and add new definitions of “Assistant Administrator” and “Regional Administrator” in alphabetical order to read as follows:

§ 204.3 Definitions used throughout this part.

* * * * *

Assistant Administrator. The Assistant Administrator for the Disaster Assistance Directorate of FEMA, or his/her designated representative.

* * * * *

Regional Administrator. The administrator of a regional office of FEMA, or his/her designated representative.

* * * * *

§ 204.21 [Amended]

- 268. In § 204.21(a), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 204.22 [Amended]

- 269. In § 204.22, in the third sentence, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 204.23 [Amended]

- 270. In § 204.23—
- a. In paragraph (a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- b. In the introductory text to paragraph (b), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- c. In paragraph (b)(1), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and
- d. In paragraph (b)(2), remove the words “Regional Director” and add, in their place, the words “Regional

Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 204.24 [Amended]

- 271. In § 204.24, remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 204.25 [Amended]

- 272. In § 204.25(a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 204.26 [Amended]

- 273. In § 204.26—
- a. In paragraph (a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and
- b. In paragraph (b), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 204.42 [Amended]

- 274. In § 204.42—
- a. In paragraphs (a)(2) and (e)(2), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
- b. In paragraph (e)(2)(i), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- c. In paragraph (e)(2)(ii), in the last sentence, remove the space between the word “resources” and the period;
- d. In paragraph (e)(2)(iv), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and
- e. In paragraph (e)(3), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 204.51 [Amended]

- 275. In § 204.51(a)(1), (a)(2), (c), paragraph (d) introductory text, and (d)(1)(ii), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 204.52 [Amended]

- 276. In § 204.52—
- a. In paragraphs (a)(2), (a)(3), (a)(4), (b)(1), (b)(2), (c)(1), and (c)(3), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and
- b. In paragraph (b)(1), remove the word “Director’s” and add, in its place, the word “Administrator’s”.

§ 204.54 [Amended]

- 277. In § 204.54—
- a. In paragraphs (a) and (b)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
- b. In paragraph (b)(2), remove the words “Regional Director’s” wherever they appear, and add, in their place, the words “Regional Administrator’s”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- c. In paragraph (c)(2), remove the words “Regional Director”, and add, in their place, the words “Regional Administrator”;
- d. In paragraph (c)(3), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- e. In paragraph (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and
- f. In paragraphs (d) and (e), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

- 278. The authority citation for part 206 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5207; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367,

3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

§ 206.1 [Amended]

■ 279. In § 206.1(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.2 [Amended]

■ 280. In § 206.2—

- a. Remove and reserve paragraph (a)(3);
- b. In paragraph (a)(7), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
- c. In paragraph (a)(8), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
- d. In paragraph (a)(11), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and remove the words “or alternatively the Associate Director,”;
- e. In paragraph (a)(18), remove the word “Director” wherever it appears and add, in its place, the word “Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Operations Directorate; and
- f. In paragraph (a)(21), remove the words “A director” and add, in its place, the words “An administrator”; and remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.5 [Amended]

■ 281. In § 206.5—

- a. In paragraphs (a), (b) and (c), remove the words “Associate Director or the Regional Director” wherever they appear, and add, in their place, the words “Administrator, Assistant Administrator for the Disaster Operations Directorate, or the Regional Administrator”;
- b. In paragraph (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- c. In paragraph (e), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Operations Directorate”; and
- d. In paragraph (f), remove the words “Associate Director or Regional Director” and add, in their place, the words “Administrator, Assistant Administrator for the Disaster Operations Directorate, or the Regional Administrator”.

§ 206.6 [Amended]

■ 282. In § 206.6(a), remove the words “Associate Director or the Regional Administrator”, and add, in their place, the words “Administrator, Assistant Administrator for the Disaster Operations Directorate, or the Regional Administrator”.

§ 206.8 [Amended]

■ 283. In § 206.8—

- a. In paragraphs (a), (b), (c) introductory text, (c)(2), (c)(3), (c)(4) and (c)(7), remove the words “Associate Director” and add, in their place, the words “Administrator, Assistant Administrator for the Disaster Assistance Directorate, or the Regional Administrator”; and
- b. In paragraph (d)(4), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.12 [Amended]

■ 284. In § 206.12—

- a. In paragraph (a), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and
- b. In paragraph (b), remove the words “Associate Director” wherever they appear, and add, in their place, the word “Administrator”.

§ 206.13 [Amended]

■ 285. In § 206.13—

- a. In paragraph (a), remove the words “Associate Director” and add, in their place, the word “Administrator”; and
- b. In paragraph (b) remove the words “Associate Director or Regional Director” wherever they appear, and add, in their place, the word “Administrator”; and remove the words “Associate Director or the Regional Director” and add, in their place, the word “Administrator”.

§ 206.14 [Amended]

■ 286. In § 206.14—

- a. In paragraphs (a), (b), (c), and (d), remove the words “this Act” wherever they appear, and add, in their place, the words “the Stafford Act”; and
- b. In paragraph (c), remove the words “Associate Director” and add, in their place, the words “Office of Chief Counsel”.

§ 206.16 [Amended]

■ 287. In § 206.16—

- a. In paragraph (a), remove the words “part 14” and add, in their place, the words “part 13”; remove the words “Associate Director or Regional Director” and add, in their place, the words “Administrator, the Assistant Administrator for the Disaster

Operations Directorate, or the Regional Administrator”; and

■ b. In paragraph (b), remove the words “Regional Director, the Associate Director,” and add, in their place, the words “Administrator, the Regional Administrator, the Assistant Administrator for the Disaster Assistance Directorate, the DHS Inspector General,”.

§ 206.33 [Amended]

■ 288. In § 206.33(a) and (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.34 [Amended]

■ 289. In § 206.34—

- a. In paragraph (a), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- b. In paragraphs (b) and (c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- c. In paragraph (e), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and
- d. In paragraph (g), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.35 [Amended]

■ 290. In § 206.35(a) and (d), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.36 [Amended]

■ 291. In § 206.36—

- a. In paragraph (a), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- b. In paragraph (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; remove the words “Associate Director” and add, in their place, the words “Assistant

Administrator for the Disaster Assistance Directorate”; and remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.37 [Amended]

- 292. In § 206.37—
- a. In paragraph (a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- b. In paragraph (b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and
- c. In the introductory text to paragraph (c), remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.39 [Amended]

- 293. In § 206.39—
- a. In paragraphs (a) and (b), remove the word “Director” wherever it appears and add, in its place, the word “Administrator”; and
- b. In paragraph (c), remove the words “Regional Director or Associate Director” and add, in their place, the words “Regional Administrator or the Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.40 [Amended]

- 294. In 206.40(a), (b), (c) and (d), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.41 [Amended]

- 295. In § 206.41—
- a. In paragraph (a), remove the words “Director, or in his absence, the Deputy Director, or alternately, the Associate Director” and add, in their place, the words “Administrator or Deputy Administrator”; and
- b. In paragraph (b), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.44 [Amended]

- 296. In § 206.44(a) and (c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.45 [Amended]

- 297. In § 206.45, in the introductory text to paragraph (a) and in paragraph (b)(1), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant

Administrator for the Disaster Assistance Directorate together with the Chief Financial Officer”.

§ 206.46 [Amended]

- 298. In § 206.46—
- a. In paragraph (a), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
- b. In paragraphs (b) and (c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and
- c. In paragraph (d), remove the words “Associate Director”, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.62 [Amended]

- 299. In § 206.62—
- a. In the introductory text, remove the words “Associate Director or Regional Director” and add, in their place, the words “Regional Administrator” or “Administrator”; and
- b. In paragraph (f), after the word “Act”, remove the period.

§ 206.66 [Amended]

- 300. In § 206.66, in the introductory text, remove the words “Associate Director” and add, in their place, the word “Administrator”.

§ 206.67 [Amended]

- 301. In § 206.67, remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.101 [Amended]

- 302. In § 206.101—
- a. In paragraphs (c)(5), (e)(1), (e)(2), (f)(1)(i)(A), (f)(1)(i)(E), (f)(2)(vi), (g)(1)(ii), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”;
- b. In paragraph (g)(2)(i), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- c. In paragraph (g)(2)(ii), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- d. In paragraph (g)(2)(iii), remove the words “Regional Director” and add, in their place, the words “Regional

Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

- e. In paragraphs (g)(3) and (g)(4)(i)(A), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”;
- f. In paragraph (g)(4)(i)(C), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- g. In paragraph (g)(4)(ii)(B), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- h. In paragraph (g)(4)(ii)(C), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- i. In paragraphs (g)(4)(iii)(C), (g)(4)(iii)(N), (i), (k)(2), (m)(1), (m)(2), (m)(3) introductory text, (m)(3)(ii)(E)(1) and (m)(3)(ii)(F)(2), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
- j. In paragraph (n)(1), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- k. In paragraph (n)(2)(i) introductory text, remove the words “Regional Director”, and add, in their place, the words “Regional Administrator”;
- l. In paragraphs (n)(2)(i)(C), (n)(2)(ii) and (n)(2)(iii)(B), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- m. In paragraph (n)(2)(iii)(C), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
- n. In paragraph (n)(2)(iv)(B), remove the word “Director” and add, in its place, the word “Administrator”;
- o. In the introductory text to paragraph (n)(3) and in paragraph (n)(3)(ii), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;
- p. In paragraphs (o), (p) and the introductory text to paragraph (s), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; remove the words “Associate Director” wherever they

appear and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and

■ q. In paragraphs (s)(1)(ii), (s)(1)(iii), (s)(2) and (s)(2)(iv), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”;

■ r. In the introductory text to paragraph (s)(3), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ s. In paragraph (s)(3)(i), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ t. In paragraph (s)(5), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ u. In paragraphs (s)(6), (s)(7) and (s)(8), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ v. After the text of paragraph (s)(9), remove the parenthetical which reads,

(Approved by the Office of Management and Budget under OMB control numbers 3067–0009 and 3067–0043)”.

§ 206.110 [Amended]

■ 303. In § 206.110(e), remove the words “Associate Director (AD)” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.111 [Amended]

■ 304. In § 206.111, in the definition of “Financial ability”, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.112 [Amended]

■ 305. In § 206.112(b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.115 [Amended]

■ 306. In § 206.115(c) and (f), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.117 [Amended]

■ 307. In § 206.117—

■ a. In paragraphs (b)(1)(i)(A), (b)(1)(i)(D) and (b)(1)(ii)(B), (b)(1)(ii)(E)(1), (b)(1)(ii)(E)(2), (b)(1)(ii)(E)(3), (b)(1)(ii)(E)(4) and (b)(1)(ii)(H), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (b)(3), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.120 [Amended]

■ 308. In § 206.120—

■ a. In paragraphs (b), (c)(1), (c)(3) and (c)(3)(i), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (d)(3)(ix), remove the words “FEMA Office of Inspector General” and add, in their place, the words “DHS Office of Inspector General”;

■ c. In paragraph (d)(3)(x), remove the words “FEMA OIG” wherever they appear, and add, in their place, the words “DHS OIG”;

■ d. In paragraph (e)(1), remove the words “Regional Director”, and add, in their place, the words “Regional Administrator”; and

■ e. In paragraph (f)(1), remove the words “FEMA Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.131 [Amended]

■ 309. In § 206.131—

■ a. In paragraph (d)(1)(iii)(B), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; remove the words “Associate Director”, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the word “Director” and add, in its place, the words “Assistant Administrator for Mitigation”;

■ b. In paragraph (d)(1)(iv), remove the words “Regional Director”, and add, in their place, the words “Regional Administrator”;

■ c. In paragraph (d)(2)(viii), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ d. In paragraphs (d)(4), (e)(1)(ii)(J) and (e)(1)(ii)(M), remove the words “Regional Director” wherever they

appear, and add, in their place, the words “Regional Administrator”;

■ e. In paragraph (e)(1)(vii), remove the words “General Accounting Office”, and add, in their place, the words “Government Accountability Office”;

■ f. In paragraphs (e)(2), (e)(3) and in the introductory text to paragraph (f), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ g. In paragraph (f)(5), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ h. In paragraphs (f)(6), (g)(1) introductory text, (g)(1)(iii), (g)(2), (g)(3), (h), (j)(1)(iii), (j)(1)(iv), (j)(2), (k)(1) and (k)(2), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ i. In paragraph (i), remove the words “part 14, Administration of Grants;

Audits of State and Local Governments, which implements OMB Circular A–128 regarding audits” and add, in their place, the words “part 13”;

■ j. In paragraph (j)(2), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ k. In paragraph (k)(3), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director”

wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and

■ l. In paragraph (m), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.151 [Amended]

■ 310. In § 206.151(a) and (b), remove the words “Associate Director” wherever they appear, and add, in their place, the word “Administrator”.

§ 206.164 [Amended]

■ 311. In § 206.164—

■ a. In paragraphs (a), (b), (c)(3) and (c)(4), and the introductory text to paragraph (c) remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (c)(4), remove the words “Associate Director” and add, in their place, the words “Assistant

Administrator for the Disaster Assistance Directorate”; and

■ c. In paragraph (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”.

§ 206.171 [Amended]

■ 312. In § 206.171—

■ a. In paragraph (b)(1), remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator”; and remove the words “Office of Disaster Assistance Programs, FEMA” and add, in their place, the words “Disaster Assistance Directorate”;

■ b. In paragraph (b)(4), remove the words “Associate Director”, and add, in their place, the words “Administrator or Deputy Administrator”;

■ c. In paragraph (b)(6), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ d. In paragraph (b)(9), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ e. In paragraph (c)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ f. In paragraph (c)(3), remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ g. In paragraph (e), the introductory text to paragraph (f), and paragraphs (f)(1) introductory text, (f)(1)(ii), (f)(1)(iii), (f)(3), and (f)(4)(iii), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ h. In paragraph (f)(5)(i), remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”;

■ i. In paragraph (f)(5)(ii), remove the words “Regional Director’s” wherever they appear, and add, in their place, the words “Regional Administrator’s”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate’s”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ j. In paragraph (g)(1), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ k. In paragraph (g)(1)(ii), remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ l. In paragraph (g)(1)(iii), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ m. In the introductory text to paragraph (g)(3), and in paragraphs (g)(3)(i) and (g)(3)(iv), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”;

■ n. In paragraphs (g)(4)(i) and (g)(5), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Assistant Associate Director’s” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate’s”;

■ o. In the introductory text to paragraph (i)(1), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ p. In paragraph (i)(1)(ii)(C), remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ q. In paragraphs (i)(2)(i) and (i)(2)(ii), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ r. In paragraphs (i)(2)(v) and (i)(2)(vii), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ s. In paragraphs (i)(2)(ix) and the introductory text to paragraph (i)(3), remove the words “Assistant Associate

Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ t. In paragraphs (i)(3)(i) and (i)(3)(iv), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ u. In paragraph (k), remove the words “Associate Director, the Regional Director, the FEMA” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate, the Regional Administrator, the DHS”.

§ 206.181 [Amended]

■ 313. In § 206.181—

■ a. In paragraph (c)(1), remove the words “Assistant Associate Director, Office of Disaster Assistance Programs, FEMA” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ b. In paragraph (c)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ c. In paragraph (c)(6), remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ d. In paragraph (d)(1), remove the words “Assistant Associate Director, Office of Disaster Assistance Programs,” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ e. In paragraph (d)(2), remove the words “Comptroller of FEMA” and add, in their place, the words “Chief Financial Officer”; and remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ f. In paragraphs (d)(3) and (d)(4), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Assistant Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the word “Comptroller” wherever they appear, and add, in its place the words “Chief Financial Officer”;

■ g. In paragraph (d)(5), remove the words “Assistant Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

remove the word “Comptroller”, and add, in its place the words “Chief Financial Officer”; and

■ h. In paragraph (e), remove the words “Inspector General of FEMA shall” and add, in their place, the words “Inspector General of DHS may”; remove the word “Comptroller”, and add, in its place the words “Chief Financial Officer”; and remove the words “Associate Director, State and Local Programs and Support” and add, in their place, the word “Administrator”.

§ 206.191 [Amended]

■ 314. In § 206.191—

■ a. In paragraphs (e)(1)(i), (e)(2) introductory text, (e)(2)(iii), (e)(3), (e)(4) introductory text, (e)(4)(i), (e)(4)(ii) and (e)(5), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and in paragraph (e)(4)(ii), remove the words “Regional Director’s” and add, in their place the words “Regional Administrator’s”; and

■ b. In paragraph (f), remove the words “FEMA’s Debt Collection Regulations (44 CFR part 11, subpart C)” and add in their place, the words “the Department of Homeland Security’s Debt Collection Regulations (6 CFR part 11—Claims)”.

§ 206.201 [Amended]

■ 315. In § 206.201(j), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.202 [Amended]

■ 316. In § 206.202—

■ a. In paragraph (a), remove the words “13, 14, and 206” and add, in their place, the words “13 and 206”;

■ b. In paragraphs (c) and (e)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ c. In paragraphs (f)(1) and (f)(2), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”.

§ 206.203 [Amended]

■ 317. In § 206.203(d)(2) introductory text and (d)(2)(v), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”.

§ 206.204 [Amended]

■ 318. In § 206.204—

■ a. In paragraph (d) introductory text, (d)(2), (e)(2) and (f), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”; and

■ b. In paragraphs (d)(2) and (e)(2), remove the word “RD’s” and add, in its

place, the word “Regional Administrator’s”.

§ 206.205 [Amended]

■ 319. In § 206.205(b)(1) and (b)(2), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”.

§ 206.206 [Amended]

■ 320. In § 206.206—

■ a. In paragraphs (a) and (b)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (b)(2), remove the words “Associate Director/Executive Associate Director for Response and Recovery”, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”;

■ c. In paragraph (c)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ d. In paragraphs (c)(3) and (d), remove the words “Associate Director/Executive Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ e. In paragraph (e)(2), remove the words “Associate Director/Executive Associate Director”, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.207 [Amended]

■ 321. In § 206.207—

■ a. In paragraphs (b)(1)(iii)(H) and (c)(1), remove the number “14” and add, in its place, the number “13”;

■ b. In paragraphs (b)(2) and (b)(3), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”; and

■ c. In paragraph (c)(2), remove the words “14, Appendix A, para. 10” and add, in their place, the number “13”.

§ 206.208 [Amended]

■ 322. In § 206.208—

■ a. In paragraphs (b) introductory text, (c)(1), (c)(2), (d) and (e)(1), remove the word “RD” wherever it appears, and add, in its place, the words “Regional Administrator”; and

■ b. In paragraph (e)(1), remove the word “RD’s” and add, in its place, the words “Regional Administrator’s”.

§ 206.224 [Amended]

■ 323. In § 206.224—

■ a. In paragraph (a) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (a)(4), remove the words “Associate Director for Readiness, Response and Recovery”, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.225 [Amended]

■ 324. In § 206.225(a)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.226 [Amended]

■ 325. In § 206.226—

■ a. In paragraph (c)(2), remove the citation “206.226(b)(1)” and add, in its place, the citation “206.226(c)(1)”;

■ b. In paragraph (d)(3)(ii), remove the words “This paragraph (b)” and add, in their place, the words “This paragraph (d)”;

■ c. In paragraphs (e) introductory text, (g)(1) introductory text, (g)(2), (g)(3), (g)(4) and (g)(5), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.252 [Amended]

■ 326. In § 206.252—

■ a. In paragraph (a), remove the word “Director” and add, in its place, the word “Administrator”; and

■ b. In paragraphs (c) and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.253 [Amended]

■ 327. In § 206.253(a), (b)(1), (c), and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.345 [Amended]

■ 328. In § 206.345(a) introductory text and (b) introductory text, remove the words “FEMA Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.346 [Amended]

■ 329. In § 206.346(a) introductory text and (b) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.347 [Amended]

■ 330. In § 206.347—

■ a. In paragraphs (a) introductory text and (b) introductory text, remove the

words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (b)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director, SLPS, or his or her designee” and add, in their place, the words “Director, Office of Environmental Planning and Historic Preservation, Mitigation Directorate”; and

■ c. In paragraph (c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.348 [Amended]

■ 331. In § 206.348—

■ a. In the introductory text and paragraph (b), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; remove the words “FEMA Assistant Associate Director for Disaster Assistance Programs (DAP)” and add, in their place, the words “Director, Office of Environmental Planning and Historic Preservation, Mitigation Directorate”; remove the words “Office of General Counsel (OGC)” and add, in their place, the words “Office of Chief Counsel (OCC)”; and remove the words “Assistant Associate Director, DAP” and add in their place the words “Director, Office of Environmental Planning and Historic Preservation, Mitigation Directorate”.

§ 206.349 [Amended]

■ 332. In § 206.349, in the introductory text and paragraph (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.361 [Amended]

■ 333. In § 206.361—

■ a. In paragraph (a), remove the words “Associate Director, State and Local Programs and Support (the Associate Director)” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ b. In paragraphs (d), (e) and (g), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.362 [Amended]

■ 334. In § 206.362—

■ a. In paragraph (a), remove the words “Associate Director” and add, in their

place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ b. In paragraph (c), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ c. In paragraph (d), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Office of Disaster Assistance Programs in Headquarters, FEMA” and add, in their place, the words “FEMA Finance Center”;

■ d. In paragraph (e), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ e. In paragraph (f), remove the word “Comptroller” and add, in its place, the words “Chief Financial Officer”.

§ 206.363 [Amended]

■ 335. In § 206.363(a)(1), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.364 [Amended]

■ 336. In § 206.364—

■ a. In paragraph (a)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ b. In paragraphs (c)(1), (c)(2), (d)(2)(i) and (d)(2)(ii), remove the words

“Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ c. At the end of paragraph (d)(2)(ii), remove the words “(Approved by the Office of Management and Budget under Control Number 3067–0034)”.

§ 206.365 [Amended]

■ 337. In § 206.365—

■ a. In paragraph (b)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ b. In paragraphs (c)(2) and (c)(3), remove the words “Headquarters, FEMA Office of Disaster Assistance Programs,”

and add, in their place, “Disaster Assistance Directorate”.

§ 206.366 [Amended]

■ 338. In § 206.366—

■ a. In paragraph (a)(1), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ b. In paragraph (c) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ c. In paragraph (c)(2), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ d. In paragraph (d)(1), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; remove the words “Associate Director’s” and add, in their place, the words “Associate Administrator’s”; and remove the words “Office of the Comptroller” and add, in their place, the words “Chief Financial Officer”;

■ e. In paragraph (d)(4), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ f. At the end of the section, remove the words “(Approved by the Office of Management and Budget under Control Number 3067–0026)”.

§ 206.367 [Amended]

■ 339. In § 206.367(b)(1), (b)(4) and (c) introductory text, remove the words “Associate Director” wherever they appear and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.371 [Amended]

■ 340. In § 206.371(a), (c), (d) and (e), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.372 [Amended]

■ 341. In § 206.372—

■ a. In paragraph (a), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”;

■ b. In paragraph (c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the

words “Assistant Administrator for the Disaster Assistance Directorate”;

■ c. In paragraph (d), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ d. In paragraph (e), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.374 [Amended]

■ 342. In § 206.374—

■ a. In paragraph (a)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ b. In paragraphs (b)(1) introductory text, (c)(1), (c)(2), (d)(2)(i), (d)(2)(ii) and (e), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.375 [Amended]

■ 343. In § 206.375(b)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.377 [Amended]

■ 344. In § 206.377(b)(1), (b)(4), and (c) introductory text, remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.390 [Amended]

■ 345. In § 206.390, remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.391 [Amended]

■ 346. In § 206.391, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”.

§ 206.392 [Amended]

■ 347. In § 206.392, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and at the end of the

section, remove the words “(Approved by the Office of Management and Budget under control number 3067–0066)”.

§ 206.393 [Amended]

■ 348. In § 206.393, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director’s” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate’s”.

§ 206.394 [Amended]

■ 349. In § 206.394—

■ a. In paragraph (b)(7), remove the words “Associate Director” and add, in their place, the words “Assistant Administrator for the Disaster Assistance Directorate”; and

■ b. In paragraphs (c)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.395 [Amended]

■ 350. In § 206.395(b) and (d), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.400 [Amended]

■ 351. In § 206.400(c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.402 [Amended]

■ 352. In § 206.402, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 206.432 [Amended]

■ 353. In § 206.432(b)(3), remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”.

§ 206.434 [Amended]

■ 354. In § 206.434—

■ a. In paragraph (b)(2), remove the words “Regional Directors” and add, in their place, the words “Regional Administrators”;

■ b. In (e) introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and

■ c. In paragraph (e)(1)(ii)(C), remove the word “Director” and add, in its place, the word “Administrator”.

§ 206.436 [Amended]

■ 355. In § 206.436(c) introductory text, (d), (e), (f), and (g), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 206.437 [Amended]

■ 356. In § 206.437—

■ a. Remove § 206.437(b)(4)(xii) and redesignate § 206.437(b)(4)(xiii) as § 206.437(b)(4)(xii), and redesignate § 206.437(b)(4)(xiv) as § 206.437(b)(4)(xiii);

■ b. In paragraph (b)(4)(xi), add the words “and audit” after the word “administrative”;

■ c. In redesignated paragraph (b)(4)(xii), remove the words “Regional Director”, and add, in their place, the words “Regional Administrator”;

■ d. In paragraph (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ e. At the end of the section, remove the parenthetical which reads, “(Approved by the Office of Management and Budget under OMB control number 3067–0208)”.

§ 206.438 [Amended]

■ 357. In § 206.438—

■ a. In paragraphs (b) and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ b. In paragraph (e), remove the number “14” and add, in its place, the number “13”.

§ 206.440 [Amended]

■ 358. In § 206.440—

■ a. In paragraphs (a) and (b)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (b)(2), remove the words “Associate Director/Executive Associate Director for Mitigation” and add, in their place, the words “Assistant Administrator for the Mitigation Directorate”; and remove the words “Regional Director’s”, and add, in their place, the words “Regional Administrator’s”;

■ c. In paragraph (c)(2), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ d. In paragraphs (c)(3) and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director/Executive Associate Director” wherever they appear, and add, in their place, the words “Assistant Administrator for the Mitigation Directorate”; and

■ e. In paragraph (e)(2), remove the words “Associate Director/Executive Associate Director” and add, in their place, the words “Assistant Administrator for the Mitigation Directorate”; and remove the word “Director” and add, in its place, the word “Administrator”.

PART 208—NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

■ 359. The authority citation for part 208 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

§ 208.2 [Amended]

■ 360. In § 208.2(a), remove the definitions of “Deputy Director” and “Director” and add new definitions of “Deputy Assistant Administrator” and “Assistant Administrator” in alphabetical order to read as follows:

§ 208.2 Definitions of terms used in this part.

(a) * * *

Assistant Administrator means the Assistant Administrator for the Disaster Operations Directorate.

* * * * *

Deputy Assistant Administrator means the Deputy Assistant Administrator for the Disaster Operations Directorate, or other person the Assistant Administrator designates.

* * * * *

§ 208.3 [Amended]

■ 361. In § 208.3(a), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 208.5 [Amended]

■ 362. In § 208.5—
 ■ a. Revise the section heading to read “Authority of the Assistant Administrator for the Disaster Operations Directorate”; and
 ■ b. In paragraphs (a) and (b), remove the word “Director” and add, in its place, the words “Assistant Administrator”.

§ 208.6 [Amended]

■ 363. In § 208.6—
 ■ a. In paragraph (a), remove the word “Director” wherever it appears, and add, in its place, the words “Assistant Administrator”;
 ■ b. In paragraph (b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; remove the word “Director” and add, in its place, the words “Assistant Administrator”; and

■ c. In paragraph (c), remove the words “General Accounting Office” and add, in their place, the words “Government Accountability Office”.

§ 208.7 [Amended]

■ 364. In § 208.7, remove the word “Director” wherever it appears, and add, in its place, the word “Assistant Administrator”.

§ 208.8 [Amended]

■ 365. In § 208.8, remove the word “Director” and add, in its place, the word “Assistant Administrator”.

§ 208.11 [Amended]

■ 366. In § 208.11, remove the word “Director” wherever it appears, and add, in its place, the word “Assistant Administrator”.

§ 208.22 [Amended]

■ 367. In § 208.22(c)(2), (d), (e) and (f), remove the word “Director” wherever it appears, and add, in its place, the word “Assistant Administrator”.

§ 208.25 [Amended]

■ 368. In § 208.25(a), remove the word “Director” and add, in its place, the word “Assistant Administrator”.

§ 208.37 [Amended]

■ 369. In § 208.37(a), remove the word “Director” and add, in its place, the word “Assistant Administrator”.

§ 208.43 [Amended]

■ 370. In § 208.43(c)(2), remove the word “Director” and add, in its place, the word “Assistant Administrator”.

§ 208.52 [Amended]

■ 371. In § 208.52(a) and (b)(2), remove the word “Director” wherever it appears, and add, in its place, the word “Assistant Administrator”.

§ 208.62 [Amended]

■ 372. In § 208.62(b)(1) and (b)(2), remove the words “Deputy Director” wherever they appear, and add, in their place, the words “Deputy Assistant Administrator”.

§ 208.64 [Amended]

■ 373. In § 208.64(b), remove the words “General Accounting Office” and add, in their place, the words “Government Accountability Office”.

§ 208.66 [Amended]

■ 374. In § 208.66(a)(3), remove the words “Deputy Director” and add, in their place, the words “Deputy Assistant Administrator”.

PART 209—SUPPLEMENTAL PROPERTY ACQUISITION AND ELEVATION ASSISTANCE

■ 375. The authority citation for part 209 continues to read as follows:

Authority: Pub. L. 106–113, Div. B, sec. 1000(a)(5) (enacting H.R. 3425 by cross-reference), 113 Stat. 1501, 1536; Pub. L. 106–246, 114 Stat. 511, 568; Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412.

§ 209.3 [Amended]

■ 376. In § 209.3(a), remove the words “Regional Directors” and add, in their place, the words “Regional Administrators”.

§ 209.7 [Amended]

■ 377. At the end of § 209.7, remove the words “(Approved under OMB control number 3067–0212).”.

§ 209.8 [Amended]

■ 378. In § 209.8—
 ■ a. In paragraphs (b), (c) introductory text and (c)(10), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and
 ■ b. At the end of the section, remove the words “(Approved under OMB control number 3067–0279).”

§ 209.9 [Amended]

■ 379. In § 209.9, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 209.10 [Amended]

■ 380. In § 209.10—
 ■ a. In the introductory text, remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
 ■ b. In paragraph (a), remove the words “parts 13 and 14” and add, in their place, the words “part 13”;
 ■ c. In paragraph (i)(2)(C), remove the word “Director” and add, in its place, the words “Administrator of FEMA”; and
 ■ d. In paragraph (i)(5), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 209.11 [Amended]

■ 381. In § 209.11(f), remove the number “14” and add, in its place, the number “13”.

§ 209.12 [Amended]

■ 382. In § 209.12(a), remove the words “Regional Directors” wherever they

appear, and add, in their place, the words “Regional Administrators”.

PART 295—CERRO GRANDE FIRE ASSISTANCE

■ 383. The authority citation for part 295 continues to read as follows:

Authority: Pub. L. 106–246, 114 Stat. 511, 584; Reorganization Plan No. 3 of 1978, 43 FR 41493, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412.

§ 295.30 [Amended]

■ 384. In § 295.30(a), remove the words “Office of the Inspector General” and add, in their place, the words “DHS Office of the Inspector General”; and remove the words “General Accounting Office” and add, in their place, the words “Government Accountability Office”.

§ 295.35 [Amended]

■ 385. In § 295.35, remove the words “Office of the Inspector General” and add, in its place, the words “DHS Office of the Inspector General”.

§ 295.41 [Amended]

■ 386. In § 295.41(h), remove the words “Director of FEMA” and add, in their place, the words “Administrator of FEMA”.

PART 300—DISASTER PREPAREDNESS ASSISTANCE

■ 387. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12148.

§ 300.3 [Amended]

■ 388. In § 300.3(a) and (c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

PART 302—CIVIL DEFENSE—STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

■ 389. The authority citation for part 302 continues to read as follows:

Authority: 50 U.S.C. app. 2251 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12148.

§ 302.2 [Amended]

■ 390. In § 302.2—
■ a. In paragraph (h), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
■ b. In paragraphs (m), (s), and (v), remove the words “Regional Director”

and add, in their place, the words “Regional Administrator”; and

■ c. In paragraph (u), remove the words “(OMB 3067–0138)”.

§ 302.3 [Amended]

■ 391. In § 302.3—

■ a. In the introductory text and paragraph (a) introductory text, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
■ b. In paragraphs (a)(1), (a)(3), (a)(7) and (a)(8), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
■ c. In paragraphs (a)(16), (b)(1), (c) introductory text, (d) and (f), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
■ d. In paragraph (g)(1), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; remove the words “Associate Director, State and Local Programs and Support (FEMA)” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and remove the word “Director” and add, in its place, the word “Administrator”;
■ e. In paragraph (g)(2), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and remove the words “Associate Director, State and Local Programs and Support” and add, in their place, the words “Deputy Administrator for National Preparedness Directorate”;
■ f. In paragraph (g)(3), remove the word “Director”, and add, in its place, the word “Administrator”; and remove the word “Director’s” and add, in its place, the word “Administrator’s”; and
■ g. At the end of the section, remove the words “(Approved by the Office of Management and Budget under control number 3067–0138)”.

§ 302.5 [Amended]

■ 392. In § 302.5—

■ a. In paragraphs (a) and (b)(4), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
■ b. In paragraph (c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;
■ c. In paragraphs (e) introductory text and (f), remove the words “Regional

Directors” and add, in their place, the words “Regional Administrators”; and remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;

■ d. In paragraph (g), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ e. In paragraph (h), remove the word “Director” and add, in its place, the word “Administrator”;

■ f. In paragraph (i), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the word “Director’s” and add, in its place, the word “Administrator’s”;

■ g. In paragraphs (j), (k), and (l), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and

■ h. In paragraph (o), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 302.7 [Amended]

■ 393. In § 302.7(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 302.8 [Amended]

■ 394. In § 302.8, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 304—CONSOLIDATED GRANTS TO INSULAR AREAS

■ 395. The authority citation for part 304 continues to read as follows:

Authority: 50 U.S.C. app. 2251 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12148.

§ 304.4 [Amended]

■ 396. In § 304.4, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 304.5 [Amended]

■ 397. In § 304.5(b), remove the word “Director”, and add, in its place, the word “Administrator”.

PART 312—USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

■ 398. The authority citation for part 312 continues to read as follows:

Authority: Sec. 803(a)(3) Pub. L. 97–86; sec. 401, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. app. 2253; Reorganization Plan No. 3 of 1978; 3 CFR,

1978 Comp., p. 329; and E.O. 12148 of July 20, 1979, 44 FR 43239.

§ 312.4 [Amended]

■ 399. In § 312.4(a), remove the word “Director” and add, in its place, the word “Administrator”.

§ 312.5 [Amended]

■ 400. In § 312.5(c), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

PART 321—MAINTENANCE OF THE MOBILIZATION BASE (DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, MARITIME ADMINISTRATION)

■ 401. The authority citation for part 321 continues to read as follows:

Authority: National Security Act of 1947, as amended 50 U.S.C. 404; Defense Production Act of 1950, as amended; 50 U.S.C. app. 2061 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12148 (44 FR 43239).

§ 321.8 [Amended]

■ 401. In § 321.8, remove the word “Director” and add, in its place, the word “Administrator”.

PART 327—POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

■ 403. The authority citation for part 327 continues to read as follows:

Authority: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. app. 2061 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12148 of July 20, 1979, 44 FR 43239.

§ 327.4 [Amended]

■ 404. In § 327.4, remove the word “Director” and add, in its place, the word “Administrator”.

§ 327.5 [Amended]

■ 405. In § 327.5, remove the word “Director” and add, in its place, the word “Administrator”.

PART 330—POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES IN ACCORDANCE WITH SUBSECTION 101(C) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED (DMO-13)

■ 406. The authority citation for part 330 continues to read as follows:

Authority: Defense Production Act of 1950, as amended, including amendment to

sec. 101(c) by sec. 104 of the Energy Policy and Conservation Act (Pub. L. 94-163) 50 U.S.C. app. 2061 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12148 of July 20, 1979, 44 FR 43239; E.O. 11912 of April 13, 1976.

§ 330.2 [Amended]

■ 407. In § 330.2(b), remove the word “Director” and add, in its place, the word “Administrator”.

§ 330.3 [Amended]

■ 408. In § 330.3(a) introductory text, (b), (c) and (d), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 331—PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

■ 409. The authority citation for part 331 continues to read as follows:

Authority: Reorganization Plan No. 3 of 1978, E.O. 10480, as amended, E.O. 12148.

§ 331.4 [Amended]

■ 410. In § 331.4, remove the word “Director” and add, in its place, the word “Administrator”.

PART 332—VOLUNTARY AGREEMENTS UNDER SECTION 708 OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

■ 411. The authority citation for part 332 continues to read as follows:

Authority: Sec. 708, Defense Production Act of 1950, as amended (50 U.S.C. app. 2158); E.O. 10480, 3 CFR, 1949-1953 Comp., p. 961, as amended; E.O. 12148, 44 FR 43239.

§ 332.1 [Amended]

■ 412. In § 332.1(b)(2) and (b)(3), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 332.2 [Amended]

■ 413. In § 332.2(b)(1), (c)(1), (d)(1) and (e)(2), remove the word “Director” wherever it appears and add, in its place, the word “Administrator”.

§ 332.3 [Amended]

■ 414. In § 332.3(c)(2), (c)(4), (c)(5) and (d)(1), remove the word “Director” wherever it appears and add, in its place, the word “Administrator”.

§ 332.4 [Amended]

■ 415. In § 332.4, remove the word “Director” and add, in its place, the word “Administrator”.

PART 334—GRADUATED MOBILIZATION RESPONSE

■ 416. The authority citation for part 334 continues to read as follows:

Authority: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. app. 2061 *et seq.*; E.O. 12148 of July 20, 1979, 3 CFR, 1979 Comp., p. 412; E.O. 10480 of Aug. 14, 1953, 3 CFR, 1949-53 Comp., p. 962; E.O. 12472 of Apr. 3, 1984; 3 CFR, 1984 Comp., p. 193; E.O. 12656 of Nov. 18, 1988, 53 FR 47491.

§ 334.7 [Amended]

■ 417. In § 334.7, remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

PART 350—REVIEW AND APPROVAL OF STATE AND LOCAL RADIOLOGICAL EMERGENCY PLANS AND PREPAREDNESS

■ 418. The authority citation for part 350 continues to read as follows:

Authority: 42 U.S.C. 5131, 5201, 50 U.S.C. app. 2253(g); Sec. 109 Pub. L. 96-295; Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148.

§ 350.2 [Amended]

■ 419. In § 350.2—
 ■ a. In paragraph (a), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;
 ■ b. In paragraph (b), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and
 ■ c. In paragraph (c), remove the words “Associate Director” wherever they appear, and add, in their place, the words “State and Local Programs and Support” and add, in their place, the words “National Preparedness Directorate”.

§ 350.3 [Amended]

■ 420. In § 350.3(a) and (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”.

§ 350.7 [Amended]

■ 421. In § 350.7(a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

§ 350.8 [Amended]

■ 422. In § 350.8—
 ■ a. In paragraphs (a), (b), (c), and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;

■ b. In paragraph (e), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director of FEMA” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and

■ c. In paragraph (f), remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”.

§ 350.9 [Amended]

■ 423. In § 350.9—

■ a. In paragraph (a), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ b. In paragraphs (b), (c) introductory text, and (c)(3), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ c. In paragraph (c)(5), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”;

■ d. In paragraph (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and

■ e. In paragraph (e), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 350.10 [Amended]

■ 424. In § 350.10—

■ a. In paragraph (a) introductory text, remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and

■ b. In paragraph (b), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 350.11 [Amended]

■ 425. In § 350.11—

■ a. In the section heading, remove the words “Regional Director” and add, in

their place, the words “Regional Administrator”;

■ b. In paragraph (a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ c. In paragraph (b), remove the words “Regional Director” wherever they appear and add, in their place, the words “Regional Administrator”; and

■ d. In paragraph (c), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”.

§ 350.12 [Amended]

■ 426. In § 350.12—

■ a. In paragraph (a), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ b. In paragraph (b) introductory text, remove the words “Regional Director’s” and add, in their place, the words “Regional Administrator’s”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ c. In paragraphs (b)(2) and (c), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and remove the words “Regional Director(s)” wherever they appear, and add, in their place, the words “Regional Administrator(s)”; and

■ d. In paragraph (e), remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; remove the words “Associate Director’s” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate’s”; and remove the word “Director” and add, in its place, the word “Administrator”.

§ 350.13 [Amended]

■ 427. In § 350.13—

■ a. In paragraph (a) introductory text, remove the words “Regional Director”

and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director”, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ b. In paragraph (a)(1), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”;

■ c. In paragraph (b), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and remove the word “Regional Director(s)” and add, in their place, the words “Regional Administrator(s)”; and

■ d. In paragraph (c), remove the words “Associate Director to the Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate to the Administrator”; and remove the words “Associate Director’s” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate’s”.

§ 350.14 [Amended]

■ 428. In § 350.14—

■ a. In paragraph (b) introductory text, remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and

■ b. In paragraphs (c) and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 350.15 [Amended]

■ 429. In § 350.15—

■ a. In paragraph (a), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”;

■ b. In paragraph (b), remove the words “Associate Director, State and Local Programs and Support” and add, in its place, the words “Deputy Administrator for the National Preparedness Directorate”; and remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; remove the word “Director’s” wherever it appears, and add, in its place, the word “Administrator’s”; and

■ c. In paragraph (c), remove the word “Director” and add, in its place, the word “Administrator”; and remove the word “Director’s” and add, in its place, the word “Administrator’s”.

PART 352—COMMERCIAL NUCLEAR POWER PLANTS: EMERGENCY PREPAREDNESS PLANNING

■ 430. The authority citation for part 352 continues to read as follows:

Authority: Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2251 *et seq.*) Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; 31 U.S.C. 9701; Executive Order 12657; Executive Order 12148; Executive Order 12127 and Executive Order 12241.

§ 352.1 [Amended]

- 431. In § 352.1—
- a. In paragraph (a), remove the words “Associate Director” wherever they appear, and add, in their place, the words, “Deputy Administrator”; and remove the words “State and Local Programs and Support” and add, in their place, the words “National Preparedness Directorate”;
 - b. In paragraph (b), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and
 - c. In paragraph (f), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

§ 352.4 [Amended]

- 432. In § 352.4—
- a. In paragraph (a), remove the words “Region Director” and add, in their place, the words “Regional Administrator”; and
 - b. At the end of the section, remove the words “(Approved by the Office of Management and Budget (OMB) under control number 3067–0201)”.

§ 352.5 [Amended]

- 433. In § 352.5—
- a. In paragraphs (a), (b), and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”;
 - b. In paragraphs (e) and (f), remove the words “Associate Director” wherever they appear, and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”; and
 - c. In paragraph (g), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” and add, in their place, the words “Deputy Administrator for the National Preparedness Directorate”.

§ 352.6 [Amended]

- 434. In § 352.6—
- a. In paragraph (b), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”; and remove the words “Associate Director” wherever they appear, and add, in their place, the words, “Deputy Administrator for the National Preparedness Directorate”; and
 - b. In paragraph (d), remove the words “Associate Director” and add, in their place, the words, “Deputy Administrator for the National Preparedness Directorate”.

§ 352.24 [Amended]

- 435. At the end of § 352.24, remove the words “(Approval by the OMB under control number 3067–0201)”.

§ 352.29 [Amended]

- 436. In § 352.29—
- a. In paragraph (a), remove the words “Associate Director” and add, in their place, the words, “Deputy Administrator for the National Preparedness Directorate”; and remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and
 - b. In paragraph (b), remove the word “Director” and add, in its place, the word “Administrator”.

PART 354—FEE FOR SERVICES TO SUPPORT FEMA’S OFFSITE RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

■ 437. The authority citation for part 354 continues to read as follows:

Authority: Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Sec. 109, Pub. L. 96–295, 94 Stat. 780; Sec. 2901, Pub. L. 98–369, 98 Stat. 494; Title III, Pub. L. 103–327, 108 Stat. 2323–2325; Pub. L. 105–276, 112 Stat. 2502; EO 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; EO 12657, 53 FR 47513, 3 CFR, 1988 Comp., p. 611.

§ 354.1 [Amended]

- 438. In § 354.1, in the third sentence, remove the word “Director” and add, in its place, the word “Administrator”.

PART 360—STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

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

Authority: Reorganization Plan No. 3 (3 CFR, 1978 Comp., p. 329); E.O. 12127 (44 FR 19367); E.O. 12148 (44 FR 43239).

§ 360.4 [Amended]

- 440. In § 360.4(c)(1), (c)(2) and (d), remove the words “Regional Director” wherever they appear, and add, in their place, the words “Regional Administrator”.

PART 361—NATIONAL EARTHQUAKE HAZARDS REDUCTION ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

■ 441. The authority citation for part 361 continues to read as follows:

Authority: Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. 7701 *et seq.*; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12381, 47 FR 39795, 3 CFR, 1982 Comp., p. 207.

§ 361.5 [Amended]

- 442. In § 361.5(a)(3)(i), (a)(3)(ii), and (a)(3)(iii), remove the words “Regional Director” and add, in their place, the words “Regional Administrator”.

PART 362—CRITERIA FOR ACCEPTANCE OF GIFTS, BEQUESTS, OR SERVICES

■ 443. The authority citation for part 362 continues to read as follows:

Authority: 42 U.S.C. 7701, 7705c.

§ 362.1 [Amended]

- 444. In § 362.1, remove the word “Director” and add, in its place, the word “Administrator”.

§ 362.3 [Amended]

- 445. In § 362.3—
- a. In the introductory text and paragraphs (b) and (c), remove the word “Director” wherever it appears, and add, in its place, the word “Administrator”; and
 - b. In paragraph (e), remove the words “General Counsel” and add, in their place, the words “Chief Counsel”.

Dated: March 19, 2009.

David Garratt,

Acting Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E9–6920 Filed 4–2–09; 8:45 am]

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