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Presidential Documents

Title 3—

The President

Proclamation 8479 of March 1, 2010

Irish-American Heritage Month, 2010

By the President of the United States of America

A Proclamation

From long before American independence to today, countless individuals have reached our shores, bringing vibrant cultures and diverse roots, and immeasurably enriching our Nation. This month, we honor the contributions made by the tens of millions of Americans who trace their heritage to the Emerald Isle.

Irish Americans fought for our independence, and their signatures adorn our founding documents. When famine ravaged Ireland in the 1840s and 1850s, many Irish men and women sought a new beginning in the United States. Though they faced poverty and discrimination, these immigrants transformed our cities, served in our Armed Forces, and settled the frontiers of our young Nation. Their children, and succeeding generations of Irish Americans, have preserved their culture's values while becoming leaders in every facet of American life.

During this year's Irish-American Heritage Month, we also celebrate an extraordinary Irishman: Senator Edward M. Kennedy. Throughout his career in public service, Senator Kennedy worked tirelessly to create opportunity for all Americans. His legacy lives on in the legislation he championed, which will bolster and protect the health, education, and civil rights of Americans for generations to come.

Across the Atlantic, the people of Ireland continue to confront their own challenges with resolve and determination. In the face of violence perpetuated by some—testing a hard-earned peace—the people of Northern Ireland have responded heroically. Undaunted, they and their leaders persist on the road to peace and prosperity enshrined over a decade ago in the Good Friday Agreement. The United States remains committed to supporting the political process and the work of those who have shown leadership in pursuit of a lasting peace.

Today, the sons and daughters of Erin can look back with pride on their many contributions to the civic and cultural life of America. Like so many of our Nation's ethnic communities, Irish Americans are a people whose hard work and resilience have brought them great opportunity and success, and whose service to our Nation has left it a better place.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim March 2010 as Irish-American Heritage Month. I call upon all Americans to observe this month by celebrating the contributions of Irish American to our Nation with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

[FR Doc. 2010–4880
Filed 3–4–10; 8:45 am]
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Presidential Documents

Proclamation 8480 of March 1, 2010

Read Across America Day, 2010

By the President of the United States of America

A Proclamation

As the foundation that makes all other learning possible, literacy is the key to unlocking every child's full potential. From riding a bus to opening a bank account, our everyday tasks and decisions require comprehension of the written word. On Read Across America Day, we reaffirm our commitment to investing in our children and giving them an essential tool for success in school and in life: the ability to read.

Today marks the birthday of the late Theodor Seuss Geisel, known to millions as Dr. Seuss. His imaginative tales have helped generations of children learn to read, and they hold a cherished place on bookshelves in homes across America. Authors like Dr. Seuss, whose stories introduce fantastical worlds and characters, fold joy into reading and help spark the curiosity that is central to learning.

While government must ensure that all our children receive a world-class education, parents and caregivers play a crucial role in preparing them—especially during early childhood. We can promote a positive relationship with books and language through everyday activities to make reading fun and interactive. When reading to young children, I urge all parents and caregivers to talk about what is happening in a story, point out details that relate to real life, and encourage them to ask about words they do not understand. Making regular trips to the library, playing word games, and simply keeping books around the home can foster a love of reading that will last a lifetime. We can also set a good example by turning off the television and picking up a book to read with or alongside our children.

On Read Across America Day, my Administration is partnering with the National Education Association to encourage families across our Nation to make reading a priority. Together, we can give our sons and daughters the knowledge and skills they need to compete in the global economy, and in doing so, secure a brighter future for America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2, 2010, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

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Presidential Documents

Executive Order 13533 of March 1, 2010

Providing an Order of Succession Within the Department of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, as amended, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. *Order of Succession.*

(a) Subject to the provisions of section 2 of this order, the following officials of the Department of Defense, in the order listed, shall act as and perform the functions and duties of the office of the Secretary of Defense (Secretary) during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of the Secretary, until such time as the Secretary is able to perform the functions and duties of that office:

(1) Deputy Secretary of Defense;

(2) Secretary of the Army;

(3) Secretary of the Navy;

(4) Secretary of the Air Force;

(5) Under Secretary of Defense for Acquisition, Technology, and Logistics;

(6) Under Secretary of Defense for Policy;

(7) Under Secretary of Defense (Comptroller);

(8) Under Secretary of Defense for Personnel and Readiness;

(9) Under Secretary of Defense for Intelligence;

(10) Deputy Chief Management Officer, Department of Defense;

(11) Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics;

(12) Principal Deputy Under Secretary of Defense for Policy;

(13) Principal Deputy Under Secretary of Defense (Comptroller);

(14) Principal Deputy Under Secretary of Defense for Personnel and Readiness;

(15) Principal Deputy Under Secretary of Defense for Intelligence;

(16) Director of Defense Research and Engineering;

(17) General Counsel of the Department of Defense, the Assistant Secretaries of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, the Director of Operational Test and Evaluation, the Director of Operational Energy Plans and Programs, and the Director of Cost Assessment and Program Evaluation;

(18) Under Secretaries of the Army, the Navy, and the Air Force; and

(19) Assistant Secretaries of the Army, the Navy, and the Air Force, and General Counsels of the Army, the Navy, and the Air Force.

(b) Precedence among officers designated within the same paragraph of subsection (a) shall be determined by the order in which they have been appointed to such office. Where officers designated within the same paragraph of subsection (a) have the same appointment date, precedence shall

be determined by the order in which they have taken the oath to serve in that office.

Sec. 2. *Exceptions.*

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this order.

(b) No individual listed in section 1 shall act as Secretary unless that individual was appointed by the President, by and with the advice and consent of the Senate, and that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998, as amended.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

Sec. 3. *Revocation.* Executive Order 13394 of December 22, 2005 (Providing An Order of Succession Within the Department of Defense), is hereby revoked.

Sec. 4. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
March 1, 2010.

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Rules and Regulations

Federal Register
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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.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520, 522, 524, and 526

[Docket No. FDA–2009–N–0665]

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for 18 new animal drug applications (NADAs) and 1 abbreviated new animal drug application (ANADA) from Fort Dodge Animal Health, Division of Wyeth, a wholly owned subsidiary of Pfizer, Inc., to Boehringer Ingelheim Vetmedica, Inc. (Boehringer). In addition, FDA is amending the animal drug regulations to reflect a change of sponsor for 15 NADAs from Fort Dodge Animal Health, Division of Wyeth Holdings Corp., a wholly owned subsidiary of Pfizer, Inc., to Boehringer.

DATES: This rule is effective March 5, 2010.

FOR FURTHER INFORMATION CONTACT: David R. Newkirk, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 240–276–8307, e-mail: *david.newkirk@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Fort Dodge Animal Health, Division of Wyeth, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017 (Pfizer) has informed FDA that it has transferred ownership of, and all rights and interest in, the following 18 approved NADAs and 1 approved ANADA to Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506–2002 (Boehringer): NADA 15–030, 32–702, 34–879, 45–290, 55–021, 55–022, 55–030, 55–048, 55–054, 55 058, 97–222, 108–114, 119–688, 140–684, 140–806, 140–854, 141–096, and 141–274; and ANADA 200–088. In addition, Fort Dodge Animal Health, Division of Wyeth Holdings Corp., a wholly owned subsidiary of Pfizer, has informed FDA that it has transferred ownership of, and all rights and interest in, the following 15 approved NADAs to Boehringer: NADA 6–084, 8–774, 12–198, 13–624, 33–127, 33–318, 33–319, 33–373, 40–181, 46–146, 65–269, 99–388, 122–271, 122–272, and 141–108. Accordingly, the agency is amending the regulations in 21 CFR parts 520, 522, 524, and 526 to reflect the transfer of ownership. In addition, several sections are being revised to reflect the current format.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Parts 520, 522, 524, and 526

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 522, 524, and 526 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Revise § 520.23 to read as follows:

§ 520.23 Acepromazine.

(a) *Specifications*. Each tablet contains 5, 10, or 25 milligrams (mg) acepromazine maleate.

(b) *Sponsors*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount*. 0.25 to 1.0 mg per pound (/lb) body weight orally.

(ii) *Indications for use*. As an aid in tranquilization and as a preanesthetic agent.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cats*—(i) *Amount*. 0.5 to 1.0 mg/lb body weight orally.

(ii) *Indications for use*. As a tranquilizer.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 3. Revise § 520.314 to read as follows:

§ 520.314 Cefadroxil.

(a) *Specifications*.—(1) Each tablet contains 50, 100, or 200 milligrams (mg) or 1 gram of cefadroxil.

(2) Each milliliter of suspension constituted from powder contains 50 mg of cefadroxil.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs and cats*—(1) *Amount*—(i) *Dogs*. Administer 10 mg per pound (/lb) body weight twice daily orally.

(ii) *Cats*. Administer 10 mg/lb body weight once daily orally.

(2) *Indications for use*—(i) *Dogs*. For the treatment of skin and soft tissue infections including cellulitis, pyoderma, dermatitis, wound infections, and abscesses due to susceptible strains of *Staphylococcus aureus*. For the treatment of genitourinary tract infections (cystitis) due to susceptible strains of *Escherichia coli*, *Proteus mirabilis*, and *S. aureus*.

(ii) *Cats*. For the treatment of skin and soft tissue infections including abscesses, wound infections, cellulitis, and dermatitis caused by susceptible strains of *Pasteurella multocida*, *S. aureus*, *Staphylococcus epidermidis*, and *Streptococcus* spp.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 520.315 [Removed]

■ 4. Remove § 520.315.

■ 5. In § 520.645, in paragraph (b), remove "000856" and in its place add "000010"; and revise paragraphs (d)(1)(i)and (d)(1)(iii) to read as follows:

§ 520.645 Difloxacin.

* * * * *

(d) * * *

(1) * * *

(i) *Amount*. Administer 5 to 10 mg per kilogram (2.3 to 4.6 mg per pound) of body weight orally once a day for 2 to 3 days beyond cessation of clinical signs of disease up to a maximum of 30 days.

* * * * *

(iii) *Limitations*. Federal law prohibits the extra-label use of this drug in food-producing animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

■ 6. In § 520.870, in paragraph (b), remove "053501" and in its place add "No. 000010"; revise paragraphs (d)(1)(i)and (d)(1)(iii to read as follows:

§ 520.870 Etodolac.

* * * * *

(d) * * *

(1) * * *

(i) *Amount*. Administer 10 to 15 mg per kilogram (4.5 to 6.8 mg per pound) of body weight per day orally.

* * * * *

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

■ 7. Revise § 520.1130 to read as follows:

§ 520.1130 Hetacillin.

(a) *Specifications*.—(1) Each capsule or tablet contains hetacillin potassium equivalent to 50, 100, or 200 milligrams (mg) of ampicillin.

(2) Each milliliter of suspension contains hetacillin potassium equivalent to 50 mg of ampicillin.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs and cats*—(1) *Amount*—(i) *Dogs*. Administer 5 mg per pound (/lb) of body weight orally, twice daily. In severe infections, administer 5 mg/lb three times daily, or up to 10 mg/lb twice daily. For stubborn urinary tract infections, administer up to 20 mg/lb twice daily.

(ii) *Cats*. Administer 50 mg twice daily.

(2) *Indications for use*. For the treatment of respiratory tract infections, urinary tract infections, gastrointestinal infections, skin infections, soft tissue infections, and postsurgical infections associated with strains of organisms susceptible to hetacillin potassium.

(3) *Limitations*. Federal law restricts this drug to use only by or on the order of a licensed veterinarian.

§ 520.1130a [Removed]

■ 8. Remove § 520.1130a.

§ 520.1130b [Removed]

■ 9. Remove § 520.1130b.

§ 520.1130c [Removed]

■ 10. Remove § 520.1130c.

§ 520.1630 [Amended]

■ 11. In paragraph (b) of § 520.1630, remove "000856" and in its place add "No. 000010".

■ 12. Revise § 520.2200 to read as follows:

§ 520.2200 Sulfachlorpyridazine.

(a) *Specifications*.—(1) Sodium sulfachlorpyridazine powder.

(2) Each bolus contains 2 grams sulfachlorpyridazine.

(3) Each tablet contains 250 milligrams (mg) sulfachlorpyridazine.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Related tolerances*. See § 556.630 of this chapter.

(d) *Conditions of use*. It is used as follows:

(1) *Calves*—(i) *Amount*. Administer 30 to 45 mg sulfachlorpyridazine powder per pound (/lb) of body weight per day in milk or milk replacer, or in a bolus, in divided doses twice daily for 1 to 5 days.

(ii) *Indications for use*. For the treatment of diarrhea caused or complicated by *Escherichia coli* (colibacillosis).

(iii) *Limitations*. Treated ruminating calves must not be slaughtered for food during treatment or for 7 days after the last treatment. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(2) *Swine*—(i) *Amount*. Administer 20 to 35 mg/lb body weight per day, in divided doses twice daily for 1 to 5 days:

(A) In drinking water or

(B) For individual treatment, in an oral suspension containing 50 mg per milliliter.

(ii) *Indications for use*. For the treatment of diarrhea caused or complicated by *E. coli* (colibacillosis).

(iii) *Limitations*. Treated swine must not be slaughtered for food during treatment or for 4 days after the last treatment.

(3) *Dogs*—(i) *Amount*. Administer tablets orally at 500 mg per 10 to 15 lb of body weight daily, in two or three divided doses.

(ii) *Indications for use*. As an aid in the treatment of infectious tracheobronchitis and infections caused by *E. coli*, and in the treatment of infections caused by other Gram-positive and Gram-negative organisms that are susceptible to sulfonamide therapy.

(iii) *Limitations*. Federal law restricts this drug to use only by or on the order of a licensed veterinarian.

§ 520.2200a [Removed]

■ 13. Remove § 520.2200a.

§ 520.2200b [Removed]

■ 14. Remove § 520.2200b.

§ 520.2200c [Removed]

■ 15. Remove § 520.2200c.

§ 520.2260a [Amended]

■ 16. In paragraph (a)(1) of § 520.2260a, remove "053501" and in its place add "000010".

§ 520.2261a [Amended]

■ 17. In § 520.2261a, in the first sentence of paragraph (a), remove "053501" and in its place add "000010"; and remove paragraph (d).

§ 520.2261b [Amended]

■ 18. In paragraph (b) of § 520.2261b, remove "053501" and in its place add "000010".

§ 520.2345d [Amended]

■ 19. In paragraphs (b)(3), (d)(1)(iii), and (d)(2)(iii) of § 520.2345d, remove "053501" and in its place add "000010".

§ 520.2481 [Removed]

■ 20. Remove § 520.2481.

§ 520.2482 [Removed]

■ 21. Remove § 520.2482.

■ 22. Add § 520.2483 to read as follows:

§ 520.2483 Triamcinolone.

(a) *Specifications*.—(1) Each tablet contains 0.5 milligram (mg) or 1.5 mg triamcinolone acetonide.

(2) Each 15 grams of powder contains 10 mg triamcinolone acetonide.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Special considerations*. See § 510.410 of this chapter.

(d) *Conditions of use*—(1) *Dogs and cats*. Use tablets described in paragraph (a)(1) of this section as follows:

(i) *Amount*. Administer 0.05 mg per pound (/lb) of body weight daily by mouth; up to 0.1 mg per pound (/lb) of body weight daily, if response to the smaller dose is inadequate. Therapy may be initiated with a single injection of triamcinolone acetonide suspension as in § 522.2483 of this chapter, in which case triamcinolone acetonide tablets should be administered beginning 5 to 7 days after the injection.

(ii) *Indications for use*. As an anti-inflammatory agent.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses*. Use oral powder described in paragraph (a)(2) of this section as follows:

(i) *Amount*. Administer 0.005 to 0.01 mg/lb of body weight twice daily, sprinkled (top-dressed) on a small portion of feed. Therapy may be initiated with a single injection of triamcinolone acetonide suspension as in § 522.2483 of this chapter, in which case triamcinolone acetonide oral powder should be administered beginning 3 or 4 days after the injection.

(ii) *Indications for use*. As an anti-inflammatory agent.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian. Do not use in horses intended for human consumption.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 23. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 24. Revise § 522.23 to read as follows:

§ 522.23 Acepromazine.

(a) *Specifications*. Each milliliter of solution contains 10 milligrams (mg) acepromazine maleate.

(b) *Sponsors*. See sponsors in § 510.600(c) of this chapter:

(1) No. 000010 for use as in paragraphs (d) and (e) of this section.

(2) No. 059130 for use as in paragraph (d) of this section.

(c) *Special considerations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *Conditions of use*. It is used in dogs, cats, and horses as follows:

(1) *Amount*. *Dogs*: 0.25 to 0.5 mg per pound (/lb) of body weight; Cats: 0.5 to 1.0 mg/lb of body weight; Horses: 2.0 to 4.0 mg per 100 lbs of body weight.

(2) *Indications for use*. As a tranquilizer.

(e) *Conditions of use*. It is used in dogs as follows:

(1) *Amount*. *Dogs*: 0.25 to 0.5 mg/lb of body weight.

(2) *Indications for use*. As an aid in tranquilization and as a preanesthetic agent.

§ 522.90b [Amended]

■ 25. In § 522.90b, in the section heading, remove "sterile"; and in paragraph (b)(1), remove "000856" and in its place add "No. 000010".

§ 522.775 [Amended]

■ 26. In paragraph (b) of § 522.775, remove "000856" and in its place add "000010".

§ 522.870 [Amended]

■ 27. In paragraph (b) of § 522.870, remove "000856" and in its place add "000010".

§ 522.1145 [Amended]

■ 28. In paragraph (c)(2) of § 522.1145, remove "000856" and in its place add "No. 000010".

§ 522.1222a [Amended]

■ 29. In paragraph (b) of § 522.1222a, remove "000856,".

■ 30. Revise § 522.2200 to read as follows:

§ 522.2200 Sulfachlorpyridazine.

(a) *Specifications*. Each milliliter of solution contains sodium sulfachlorpyridazine equivalent to 200 milligrams (mg) sulfachlorpyridazine.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Related tolerances*. See § 556.630 of this chapter.

(d) *Conditions of use in calves*. It is used as follows:

(1) *Amount*. Administer 30 to 45 mg per pound (/lb) of body weight in divided doses by twice daily injection for 1 to 5 days.

(2) *Indications for use*. For the treatment of diarrhea caused or complicated by *Escherichia coli* (colibacillosis).

(3) *Limitations*. Treated calves must not be slaughtered for food during treatment or for 5 days after the last treatment. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

■ 31. Amend § 522.2260 as follows:

■ a. Revise the section heading;

■ b. Revise paragraphs (a) and (b);

■ c. Remove paragraph (d);

■ d. Redesignate paragraph (e) as (d); and

■ e. Revise newly redesignated paragraph (d) introductory text and paragraph (d)(1).

■ The revisions read as follows:

§ 522.2260 Sulfamethazine.

(a) *Specifications*. Each milliliter of solution contains 250 milligrams sulfamethazine sodium.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

* * * * *

(d) *Conditions of use in cattle*—(1) *Amount*. 20 milliliters for each 50 pounds of body weight (100 milligrams per pound) initially; 20 milliliters per 100 pounds of body weight (50 milligrams per pound) daily, thereafter.

* * * * *

■ 32. Revise § 522.2483 to read as follows:

§ 522.2483 Triamcinolone.

(a) *Specifications*. Each milliliter of suspension contains 2 or 6 milligrams (mg) triamcinolone acetonide.

(b) *Sponsor*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs and cats*—(i) *Amount*—(A) *Intramuscular or subcutaneous*. For inflammatory, arthritic, or allergic disorders, administer 0.05 to 0.1 mg per pound (/lb) of body weight as a single injection. For dermatologic disorders, administer 0.1 mg per pound (/lb) of body weight as a single injection. If symptoms recur, the dose may be repeated, or oral corticosteroid therapy may be instituted.

(B) *Intralesional*. Administer 1.2 to 1.8 mg, divided in several injections around the lesion, spaced 0.5 to 2.5 centimeters apart, depending on lesion size. At any one site, the dose injected should not exceed 0.6 mg. and should be well into the cutis to prevent rupture of the epidermis. When treating animals with multiple lesions, do not exceed a total dose of 6 mg.

(C) *Intra-articular and intrasynovial*. Administer 1 to 3 mg as a single injection, depending on the size of the joint and severity of symptoms. After 3 or 4 days, repeat dosage if indicated. If initial results are inadequate or too transient, dosage may be increased, not to exceed 3 mg.

(ii) *Indications for use*. For the treatment of inflammation and related disorders, and the management and treatment of acute arthritis and allergic and dermatologic disorders.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses*—(i) *Amount*—(A) *Intramuscular or subcutaneous*. Administer 0.01 to 0.02 mg/lb of body weight as a single injection. Usual dose is 12 to 20 mg.

(B) *Intra-articular and intrasynovial*. Administer 6 to 18 mg as a single injection, depending on the size of the joint and severity of symptoms. After 3 or 4 days, repeat dosage if indicated. If initial results are inadequate or too transient, dosage may be increased, not to exceed 18 mg.

(ii) *Indications for use*. For the treatment of inflammation and related disorders.

(iii) *Limitations*. Do not use in horses intended for human consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.2662 [Amended]

■ 33. In paragraph (b)(2) of § 522.2662, remove "000856" and in its place add "000010".

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 34. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.2481 [Redesignated as § 524.2483]

■ 35. Redesignate § 524.2481 as § 524.2483.

§ 524.2483 [Amended]

■ 36. In paragraph (b) of newly redesignated § 524.2483, remove "015914, 053501, and 054925" and in its place add "000010, 015914, and 054925".

PART 526—INTRAMAMMARY DOSAGE FORMS

■ 37. The authority citation for 21 CFR part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 526.363 [Amended]

■ 38. In paragraph (b) of § 526.363, remove "000856" and in its place add "000010".

§ 526.365 [Amended]

■ 39. In paragraph (b) of § 526.365, remove "000856" and in its place add "000010".

■ 40. In § 526.464a, revise the section heading and paragraph (c) to read as follows:

§ 526.464a Cloxacillin benzathine.

* * * * *

(c) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter for use in dairy cows.

* * * * *

§ 526.1130 [Amended]

■ 41. In § 526.1130, in paragraph (b), remove "000856" and in its place add "000010"; and in paragraph (c)(3), remove the first sentence.

Dated: February 26, 2010.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 2010–4560 Filed 3–4–10; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1313

[Docket No. DEA–295F]

RIN 1117–AB07

Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is finalizing, without change, the Notice of Proposed Rulemaking published in the **Federal Register** on March 31, 2008 (73 FR 16793). The Combat Methamphetamine Epidemic Act of 2005 (CMEA) requires DEA to collect from importers of ephedrine, pseudoephedrine, and phenylpropanolamine all information known to the importer on the foreign chain of distribution of the chemical from the manufacturer to the importer. This rule amends DEA regulations to incorporate the requirement for this information.

DATES: *Effective Dates:* This Final Rule is effective May 4, 2010.

FOR FURTHER INFORMATION CONTACT: Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

Background and Legal Authority

DEA implements the Comprehensive Drug Abuse Prevention and Control Act of 1970, often referred to as the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) (21 U.S.C. 801–971), as amended. DEA publishes the implementing regulations for these statutes in Title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1399. These regulations are designed to ensure that there is a sufficient supply of controlled substances for legitimate medical, scientific, research, and industrial purposes and to deter the diversion of controlled substances to illegal purposes. The CSA mandates that DEA establish a closed system of control for manufacturing, distributing, and dispensing controlled substances. Any person who manufactures, distributes, dispenses, imports, exports, or conducts research or chemical analysis with controlled substances must register with DEA (unless exempt) and comply with the applicable requirements for the activity. The CSA as amended also requires DEA to regulate the manufacture, distribution, import, and export of chemicals that may be used to manufacture controlled substances illegally. Listed chemicals that are classified as List I chemicals are important to the manufacture of controlled substances. Those classified as List II chemicals may be used to manufacture controlled substances.

On March 9, 2006, the President signed the Combat Methamphetamine Epidemic Act of 2005 (CMEA), which is Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Pub. L. 109–177). The changes made by this rule are needed to implement the statutory provisions. This Final Rule amends the language of the regulations to be consistent with that of the statute.

Import/Export Declaration Requirements

Under existing DEA regulations (21 CFR part 1313), importers of listed chemicals are required to provide DEA with advance notification of imports unless the importer has met the requirements as a regular importer of the listed chemical; for regular importers, the notification must be filed by the date of importation. In the importation declaration (DEA Form 486), the importer must provide information on the chemical (name, size and weight of the container, number of containers, total weight of chemical), importation (date, foreign port of shipment, United States port of entry) and the foreign supplier (name, address, contact information).

CMEA imposes several new requirements on imports of listed chemicals. CMEA amended 21 U.S.C. 971, "Notification, suspension of shipment, and penalties with respect to importation and exportation of listed chemicals," to require DEA to collect information regarding persons to whom the U.S. importer, exporter, broker, or trader transfers the listed chemical, actual quantities shipped, and the date the shipment occurred. If the person to whom the listed chemical is to be transferred is not a regular customer of the U.S. importer or exporter, then the importer or exporter must notify DEA no later than 15 days before the transaction is to take place. Further, if the person to whom the chemical is to be transferred changes subsequent to initial notification of DEA, or if the amount of the chemical to be transferred increases, the importer or exporter shall

update the notice to DEA to identify the most recent prospective transferee or the most recent quantity or both (as the case may be) and may not transfer the listed chemical until after the expiration of the 15-day period beginning on the date on which the update is submitted to DEA, except that such 15-day restriction does not apply if the prospective transferee identified in the update is a regular customer. These changes apply to all listed chemicals. On April 9, 2007, DEA published an Interim Final Rule with Request for Comment codifying these provisions (72 FR 17401). Subsequently, due to requests from the regulated industry, DEA temporarily stayed certain provisions of that rule (72 FR 28601, May 22, 2007). That Interim Final Rule became effective June 8, 2007.

Imports of Ephedrine, Pseudoephedrine, and Phenylpropanolamine

CMEA added a new paragraph (h) to 21 U.S.C. 971 that applies specifically to the importation of ephedrine, pseudoephedrine, and phenylpropanolamine. In paragraph (h)(1), the Act states that the import declaration "shall include all information known to the importer on the chain of distribution of such chemical from the manufacturer to the importer." Paragraphs 971(h)(2) and (h)(3) state that the Attorney General may ask foreign manufacturers and distributors to provide information known to them on distribution of the chemical, including sales. If the foreign manufacturer or distributor refuses to cooperate, the Attorney General may issue an order prohibiting the importation of the three chemicals if the foreign manufacturer or distributor is part of the chain of distribution. Not later than 60 days prior to issuing the order, the Attorney General must publish in the **Federal Register** a notice of intent to issue the order. Imports handled by the foreign distributor may not be restricted during the 60-day period. In the Conference Report (H.R. 109–333), Congress stated that the "provision will assist U.S. law enforcement agencies to better track where meth precursors come from, and how they get to the U.S. At present, very little information exists about the international 'chain of distribution' for these chemicals, hindering effective controls."

In its Notice of Proposed Rulemaking proposing implementation of the provisions of 21 U.S.C. 971(h) (73 FR 16793, March 31, 2008), DEA proposed to add a new paragraph (d) to 21 CFR 1313.13, Contents of import declaration, to state that importers of ephedrine, pseudoephedrine, and phenylpropanolamine must provide information known to them on the chain of distribution from the manufacturer to the importer. DEA also proposed to add a new 21 CFR 1313.42 to cover the provisions of paragraphs (h)(2) and (h)(3) on orders to prohibit imports from foreign manufacturers and distributors who refuse to cooperate with requests for information.

Revision of DEA Form 486: Import/Export Declaration for List I and List II Chemicals

To comply with the changes made to the CSA by CMEA, DEA proposed to establish a new DEA Form 486A to be used by persons importing ephedrine, pseudoephedrine, or phenylpropanolamine, or drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine. This new form responds to the requirement regarding the foreign chain of distribution discussed above, as well as to requirements implemented regarding import quotas for ephedrine, pseudoephedrine, and phenylpropanolamine. In a separate rulemaking, "Import and Production Quotas for Certain List I Chemicals" [Docket No. DEA–293, RIN 1117–AB08] (72 FR 37439, July 10, 2007; 73 FR 73549, December 3, 2008), DEA implemented the import quota provisions of CMEA. Importers of ephedrine, pseudoephedrine, and phenylpropanolamine will be required to provide information about their individual import quota on the DEA Form 486A so that DEA may determine whether the importer has enough quota remaining to import the quantity requested.

Thus, in addition to the fields currently present on the DEA Form 486, the DEA Form 486A was proposed to contain the following fields:

- Name and address of foreign distributor (if applicable).
- Import quota, including: quota for current year; quota used to date for current year; and, amount of quota remaining.

Comments Received

DEA received two comments in response to the Notice of Proposed Rulemaking. Commenters included one member of the public who indicated he was a health care provider and one chemical manufacturer. The commenters generally supported the rulemaking, but had a variety of comments regarding certain aspects of the proposed rule. The comments, and DEA's responses, are discussed below.

Safety of medication manufactured overseas: One commenter stated that he supported the rule because he believed that improving drug safety can save lives. The commenter also asserted that "this rule has the potential to improve safety of the industry even further by putting the burden of finding the foreign chain of distribution on the importer." The commenter emphasized his concern with the safety of medications manufactured in foreign countries and asserted that the Food and Drug Administration (FDA) does not have adequate resources to regulate overseas manufacturing facilities, and believed this rule could be beneficial in that regard. The commenter believed that the reporting of information about where a drug comes from is of interest not only to the importer, but to all parties concerned, including practitioners who prescribe those medications to their patients. The commenter believed that it is useful to know that medications came from "trustworthy" facilities, and that such a requirement would be a "small price to pay" for protecting lives.

DEA Response: DEA appreciates the commenter's support. Regarding the safety of medications manufactured in foreign countries, DEA does not have jurisdiction regarding foreign manufacture of ephedrine, pseudoephedrine, phenylpropanolamine, or drug products containing those three List I chemicals. DEA also emphasizes that information regarding the foreign chain of distribution will be made known by the importer to DEA, but that information will not be made known to the general public.

Distributions to countries other than the United States: The second commenter, a chemical manufacturer, asked whether it was DEA's intent to collect information about the foreign manufacturer's use of distribution centers for shipments to any destination in the world, or only collect information on the use of distributors for shipment to the United States.

DEA Response: DEA is only requiring collection of the information on the use of distributors for shipment to the U.S. The CSA and its implementing regulations address importation of listed chemicals only in regard to the United States, not in regard to foreign countries (21 U.S.C. 951(a)(1)). Thus, any requirements DEA imposes regarding importation of listed chemicals relate to the U.S.

Source of distribution data: The second commenter also asked DEA to clarify in the Final Rule the information required to be included on the DEA Form 486, stating: "* * * if distribution

data is obtained from a central location should the importer include that information in the existing foreign consignor field (field 2b), or does the manufacturing site information from which the direct export occurs suffice if DEA could obtain distribution data from the contact information being provided in a timely manner?"

DEA Response: If a foreign exporter exports a listed chemical from a particular location to the U.S., but the information regarding all exports from the foreign country to the U.S. is aggregated at a central location, the U.S. importer should provide information on the DEA Form 486 regarding the actual export location, not the location at which the information is aggregated. DEA emphasizes that this requirement is not a change from existing requirements or policies.

Quota information on Import Declarations: The commenter also requested that DEA delay implementation of the requirements regarding foreign chain of distribution until calendar year 2009. The commenter believed this would be beneficial to the regulated industry as that industry had already made significant changes to its processes to comply with other requirements of CMEA. The commenter believed that delaying the effective date of the rule until calendar year 2009 would ensure that both importers and DEA have established timely quota processes that will not interfere with compliance to the proposed rule.

DEA Response: DEA acknowledges that the regulated industry has worked to adapt its business process to the statutory requirements imposed by CMEA. The information sought by the new DEA Form 486A regarding foreign chain of distribution should not pose a significant additional burden to importer registrants. Further, the information required pertaining to import quotas is necessary to fully implement the quota provisions of CMEA and should already be maintained by importers. However, to ensure that industry has adequate time in which to begin to use the new form, DEA is making this rule effective May 4, 2010. DEA believes industry will have adequate time to begin to submit the DEA Form 486A based on this effective date.

Implementation of This Rule

Thus, to comply with the provisions of CMEA codified at 21 U.S.C. 971(h), this Final Rule adds a new paragraph (d) to 21 CFR 1313.13, Contents of import declaration, and states that importers of ephedrine, pseudoephedrine, and phenylpropanolamine must provide information known to them on the chain of distribution from the manufacturer to the importer. This rule adds a new 21 CFR 1313.42 to cover the provisions of paragraphs (h)(2) and (h)(3) on orders to prohibit imports from foreign manufacturers and distributors who refuse to cooperate with requests for information.

Effective May 4, 2010, all U.S. importers of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine will be required to use the new DEA Form 486A "Importation of the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine" to notify DEA of their imports of those three List I chemicals.

Regulatory Certifications

Regulatory Flexibility Act

The Deputy Administrator hereby certifies that this rulemaking has been drafted in accordance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612). This rule is necessary to comply with statutory mandates which require that notices of importation for imports of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine provide to DEA all information known to the importer on the foreign chain of distribution of the chemical. As noted above, changes to the forms also respond to provisions regarding import quotas, requiring that importers note on the form the amount of quota issued and available for each chemical. Without these changes, DEA will be unable to comply with statutory mandates and will not be able to fully administer the system of import and production quotas mandated for ephedrine, pseudoephedrine, and phenylpropanolamine.

DEA notes that the statute requires importers to provide only information that is known to them; the burden associated with providing names on the foreign chain of distribution will be minimal. This rule does not impose any new costs. DEA notes that, prior to this rule, importers of ephedrine, pseudoephedrine, and phenylpropanolamine were required to complete a DEA Form 486 to import these List I chemicals. Only the information on the form has changed. Therefore, this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

The Deputy Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 1(b). It has been determined that this is "a significant regulatory action." Therefore, this action has been reviewed by the Office of Management and Budget. As discussed above, this action is codifying statutory provisions and involves no agency discretion. This statutory change imposes minimal costs on importers; they simply have to file a form with DEA in advance of transactions that includes information that is known to them. They are not required to conduct research to obtain information. DEA notes that the requirement to complete the form is already present in DEA regulations. This rule merely requires that importers of these three List I chemicals provide information known to them regarding the foreign chain of distribution of the chemicals.

Paperwork Reduction Act

This Final Rule revises an existing information collection by establishing a new form for the reporting of imports of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. Specifically, DEA is establishing a new DEA Form 486A, "Import Declaration for Ephedrine, Pseudoephedrine, and Phenylpropanolamine". This form permits the reporting of any information known to the U.S. importer regarding the foreign chain of distribution of the List I chemical(s).

Specifically, DEA estimates that 30 respondents will import ephedrine, pseudoephedrine, and phenylpropanolamine annually. These persons will conduct 350 individual importations, necessitating the submission of 350 forms and 385 import return declarations. Because of the additional information required on the DEA Form 486A, DEA estimates that this form will take 24 minutes to complete, as opposed to the DEA Form 486, which DEA estimates takes 20 minutes to complete. DEA notes here that the completion of the DEA Form 486A will be in lieu of the currently-required completion of the DEA Form 486. Therefore, while the number of responses remains constant, the hour burden increases due to the greater time associated with the DEA Form 486A. The net increase for this collection is 24 hours annually.

DEA solicited comments regarding the Paperwork Reduction Act aspects of the Notice of Proposed Rulemaking and received no comments. Therefore, DEA is finalizing the Paperwork Reduction Act aspects of this rule without change.

The Department of Justice, Drug Enforcement Administration, has submitted the following information collection request to the Office of Management and Budget for review and clearance in accordance with review procedures of the Paperwork Reduction Act of 1995.

Overview of information collection 1117–0023:

(1) *Type of Information Collection:* Revision of an existing collection.

(2) *Title of the Form/Collection:* Import/Export Declaration for List I and List II Chemicals.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Number: DEA Form 486 and DEA Form 486A. Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Persons importing, exporting, and conducting international transactions with List I and List II chemicals must notify DEA of those transactions in advance of their occurrence, including information regarding the person(s) to whom the chemical will be transferred and the quantity to be transferred. Persons must also provide return declarations, confirming the date of the importation and transfer, and the amounts of the chemical transferred. For the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, importers must report all information known to them on the chain of distribution of the chemical from the manufacturer to the importer. This information is used to prevent shipments not intended for legitimate purposes.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:

	Number of respondents	Number of responses	Average time per response	Total (hours)
Form 486 (export)	193	10,327	0.283 hour (17 minutes)	2,926
Form 486 (Export Return Declaration)	193	10,327	0.166 hour (10 minutes)	1721.2
Form 486 (import)	120	1,268	0.333 hour (20 minutes)	422.6
Form 486 (import return declaration)*	120	1,395	0.2 hour (12 minutes)	279
Form 486A (import)	30	350	0.4 hour (24 minutes)	140
Form 486A (import return declaration)*	30	385	0.2 hour (12 minutes)	77
Form 486 (international transaction)	14	14	0.2 hour (12 minutes)	2.8
Form 486 (international transaction return declaration)	14	14	0.08 hour (5 minutes)	1.2
Quarterly reports for imports of acetone, 2-butanone, and toluene.	110	440	0.5 hour (30 minutes)	220
Total	193			5,789.8

*DEA assumes 10% of all imports will not be transferred in the first 30 days and will necessitate submission of a subsequent return declaration.

(6) An estimate of the total public burden (in hours) associated with the collection: DEA estimates that this collection will take 5,790 hours annually.

If additional information is required, contact Lynn Bryant, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Executive Order 12988

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

Executive Order 13132

This rulemaking does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $120,000,000 or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1313

Administrative practice and procedure, Drug traffic control, Exports, Imports, Reporting and recordkeeping requirements.

Dated: February 25, 2010.

Michele M. Leonhart,

Deputy Administrator.

■ For the reasons set out above, 21 CFR part 1313 is amended as follows:

PART 1313—IMPORTATION AND EXPORTATION OF LIST I AND LIST II CHEMICALS

■ 1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971.

■ 2. Section 1313.13 is amended by adding paragraph (d) to read as follows:

§ 1313.13 Contents of import declaration.

* * * * *

(d) Any regulated person importing ephedrine, pseudoephedrine, or phenylpropanolamine must submit, on the import declaration, all information known to the importer on the chain of distribution of the chemical from the manufacturer to the importer. Ephedrine, pseudoephedrine, or phenylpropanolamine include each of the salts, optical isomers, and salts of optical isomers of the chemical.

■ 3. Section 1313.42 is added to read as follows:

§ 1313.42 Prohibition of shipments from certain foreign sources.

(a) If the Administrator determines that a foreign manufacturer or distributor of ephedrine, pseudoephedrine, or phenylpropanolamine has refused to cooperate with a request by the Administrator for information known to the manufacturer or distributor on the distribution of the chemical, including sales, the Administrator may issue an order prohibiting the importation of the chemical in any case where the manufacturer or distributor is part of the chain of distribution.

(b) Not later than 60 days prior to issuing the order to prohibit importation, the Administrator shall publish in the **Federal Register** a notice of intent to issue the order. During the 60-day period, imports from the foreign manufacturer or distributor may not be restricted under this section.

[FR Doc. 2010–4716 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9424]

RIN 1545–BB61

Unified Rule for Loss on Subsidiary Stock; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9424) that were published in the **Federal Register** on Wednesday, September 17, 2008 (73 FR 53934).

The regulations apply to corporations filing consolidated returns, and corporations that enter into certain tax-free reorganizations. The regulations provide rules for determining the tax consequences of a member's transfer (including by deconsolidation and worthlessness) of loss shares of subsidiary stock.

DATES: *Effective Date:* This correction is effective on March 5, 2010, and is applicable on September 17, 2008.

FOR FURTHER INFORMATION CONTACT: Maury Passman, (202) 622–7550 or Theresa Abell, (202) 622–7700 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9424) that are the subject of this document are under sections 337, 358, 362 and 1502 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9424) contain an error that may prove to be misleading and is in need of clarification. The final regulations revised § 1.1502–35(a) to provide that, in general, § 1.1502–35 would only apply to transactions completed prior to September 17, 2008. The final regulations also revised the operative rules in § 1.1502–35. However, the effective date prescribed in § 1.1502–35(j) appeared to preclude the application of the revised § 1.1502–35 to transactions completed prior to September 17, 2008. The final regulations are clarified to provide that the revised rules in § 1.1502–35 (including the ten-year termination of application of § 1.1502–35 described in Background section 2.A. of the preamble) apply after September 16, 2008, to all transactions subject to that section.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

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

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.1502–35 is amended by revising the first sentence of paragraph (j) to read as follows:

§ 1.1502–35 Transfers of subsidiary stock and deconsolidations of subsidiaries.

* * * * *

(j) *Effective/applicability dates.* This section applies after September 16, 2008. * * *

LaNita Van Dyke,

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

[FR Doc. 2010–4756 Filed 3–4–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0796]

RIN 1625–AA09

Drawbridge Operation Regulation; Chester River, Chestertown, MD

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulations of the S213 Bridge, at mile 26.8, across Chester River at Chestertown, MD. This final rule allows the bridge to open on signal if at least six hours notice is given and will provide for the reasonable needs of navigation, due to the anticipated infrequency of requests for vessel openings of the drawbridge.

DATES: This rule is effective April 5, 2010.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2009–0796 and are available online by going to *http://www.regulations.gov,* inserting USCG–2009–0796 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Regulatory Information

On September 25, 2009, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Chester River, Chestertown, MD" in the **Federal Register** (74 FR 48889). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

Maryland Department of Transportation-State Highway Administration (MDOT) is responsible for the operation of the S213 Bridge, at mile 26.8, across Chester River at Chestertown, MD. MDOT requested advance notification for vessel openings year-round due to the anticipated infrequency of requests for vessel openings of the drawbridge.

The S213 Bridge has a vertical clearance in the closed position to vessels of 12 feet, above mean high water.

The existing operating regulations set out in 33 CFR 117.551 require the draw to open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other times, the draw shall open on signal if at least six hours notice is given.

Bridge opening data, supplied by MDOT, revealed a small amount of yearly openings of the draw span. In the past five years from 2004 to 2008, the bridge opened for vessels 42, 38, 54, 34 and 34 times, respectively. Due to the anticipated infrequency of requests for vessel openings of the drawbridge, MDOT requested to change the current operating regulation by requiring the draw of the bridge to open on signal if at least six hours notice is given year-round.

Discussion of Comments and Changes

The Coast Guard did not receive any comments on the NPRM. Therefore, no changes were made to the final rule.

Regulatory Analyses

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

Regulatory Planning and Review

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

We reached this conclusion based on the fact that the changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can minimize delay by ensuring the necessary notice is given six hours or more in advance of the scheduled transit.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: the owners and operators of vessels needing to transit the bridge who cannot clear the bridge at its closed position. This rule would not have a significant economic impact on a substantial number of small entities because any operator of an affected vessel may still transit the bridge if that operator provides the necessary notice six hours or more in advance of the scheduled transit.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.551 to read as follows:

§ 117.551 Chester River.

The draw of the S213 Bridge, mile 26.8, at Chestertown, shall open on signal if at least six hours notice is given.

Dated: February 2, 2010.

Wayne E. Justice,

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

[FR Doc. 2010–4648 Filed 3–4–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–R09–OAR–2006–0185; FRL–9122–3]

RIN 2009–AA00

Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating a source-specific Federal Implementation Plan (FIP) to regulate emissions from the Navajo Generating Station (NGS), a coal-fired power plant located on the Navajo Indian Reservation near Page, Arizona. EPA proposed the NGS FIP on September 12, 2006, to establish federally enforceable limitations for TSP, SO_2, and opacity, and control measures for dust. The limits had previously been established in the Arizona SIP. EPA promulgated the Tribal Authority Rule in 1998, clarifying that state air quality regulations generally did not apply to facilities on Indian reservations and that EPA should fill the regulatory gap as necessary or appropriate. This action fills the regulatory gap for the NGS facility.

DATES: *Effective Date:* This rule is effective on April 5, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. R09–OAR–2006–0185. All documents in the docket are listed in the Federal eRulemaking portal index at *http://www.regulations.gov* and are available either electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105. 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. A reasonable fee may be charged for copies.

FOR FURTHER INFORMATION CONTACT: Sarvy Mahdavi, EPA Region IX, (415) 972–3173, *mahdavi.sarvy@epa.gov.*

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

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I. Background of the Final Rule

NGS is a 2,250 megawatt coal-fired power plant located on the Navajo Indian Reservation near Page, Arizona. Salt River Project ("SRP") is the operating agent for NGS, which is jointly owned by SRP, the United States Bureau of Reclamation, the Los Angeles Department of Water and Power, the Arizona Public Service, the Nevada Power Company, and the Tucson Electric Power Company. Since 1974, NGS has been operating on real property held in trust by the federal government for the Navajo Nation. The facility consists of three 750 MW coal-fired electric utility steam generating units.

In 1999, EPA initially proposed to promulgate a FIP to regulate emissions from NGS. *See* 64 FR 48725 (September 8, 1999) (1999 proposed FIP). At that time, NGS was meeting certain emissions limits in the Arizona State Implementation Plan (SIP). However, because the Arizona SIP is not approved to apply on the Navajo Indian Reservation, and because the Navajo Nation did not have a federally applicable tribal implementation plan (TIP), EPA proposed to promulgate a FIP to remedy the existing regulatory gap. The 1999 proposed FIP, therefore, would have, in essence, federalized the requirements contained in the Arizona SIP which NGS had historically followed. In explaining the basis for its proposed action, EPA stated that given the magnitude of emissions from the

plant, the Agency believed the proposed FIP provisions were necessary and appropriate to ensure the protection of air quality on the Reservation. *See* 64 FR at 48726.

When EPA proposed the 1999 FIP, NGS was also subject to emissions limits for sulfur dioxide (SO_2) that EPA had promulgated in 1991 when we revised a visibility FIP for Arizona to include requirements for NGS. *See* 56 FR 50172 (Oct. 3, 1991), codified at 40 CFR 52.145(d). The requirements of EPA's 1991 revised visibility FIP are not being amended or changed by today's action, but 40 CFR 52.145(d) is being recodified to 40 CFR part 49.

EPA did not finalize the 1999 proposed FIP. Instead, EPA proposed a new FIP in September, 2006. *See* 71 FR 53639 (September 12, 2006) (2006 proposed FIP).

In the 2006 proposed FIP, EPA again explained that to remedy the regulatory gap that exists with regard to NGS because the Arizona SIP does not apply to sources located on the Navajo Indian Reservation, the Agency was proposing to issue a source-specific FIP establishing federally enforceable emission limits for SO_2, particulate matter (PM), and opacity, and control measures for dust. The proposed limits were similar to those in the Arizona SIP which NGS has historically followed, but EPA proposed to include some additional requirements for reducing opacity and fugitive dust emissions from coal handling operations. Specifically, the 2006 proposed FIP lowered the opacity limit from 40% to 20% and included requirements to control emissions associated with coal and ash handling and storage.

EPA's objective at this time in promulgating this final FIP for NGS is to remedy the existing regulatory gap described in our 1999 and 2006 proposals. Today's action will make federally enforceable the emission limitations which NGS has historically followed and will ensure that NGS complies with the opacity limit of 20% and control measures for dust from coal and ash handling and storage operations. This final action will help to advance the goals of ensuring continued maintenance of the national ambient air quality standards and protecting visibility. Given the importance of these goals and the magnitude of emissions from the plant, EPA believes that making these limits federally enforceable is appropriate to protect air quality on the Reservation and is accordingly exercising its discretionary authority under sections 301(a) and 301(d)(4) of the Clean Air Act ("CAA") and 40 CFR 49.11(a) to promulgate a FIP containing provisions to achieve these ends.

As explained in our proposal in this action, the SO_2 emissions limit in today's final rule is a short-term emissions limit, which will be enforceable in addition to the rolling 365 day average emission limit in the 1991 visibility FIP. For PM emissions, EPA is finalizing its proposal to federalize the emissions limits which NGS historically followed from the Arizona SIP. The Arizona SIP did not contain any nitrogen oxides (NO_X) emissions limits for NGS, and today's final rule does not impose any limits on NO_X. However, we note that NGS is subject to the Federal Acid Rain requirements under title IV of the Clean Air Act. NGS elected to comply early as a Phase I NO_X facility which means NGS currently has a NO_X limit of 0.40 lbs/MMbtu, per unit, on an annual basis. EPA will also address the emissions of NOx and PM separately through EPA's Regional Haze rule (codified at 40 CFR 51.308) to require best available retrofit technology for these pollutants, as discussed in more detail in our response to comments.

A. Summary of Final FIP Provisions

1. EPA is finalizing its proposal to limit particulate matter to 0.060 pounds per million british thermal units (lbs/MMbtu), and specifying at least three 60 minute sampling runs for each stack. Additionally, this final rule changes the averaging time for the particulate matter limit from the proposed 6 hour average to a three hour average based on three runs, each lasting approximately one hour. The particulate standard will be measured on a plant-wide basis and is also the way in which the State of Arizona has historically determined compliance at NGS.

2. EPA is finalizing its proposal that opacity from each unit is limited to 20% averaged over any normal 6 minute period, excluding condensed water vapour, and 40% opacity, averaged over 6 minutes, during absorber upset transition periods. The final opacity standard excludes uncombined water droplets. NGS has opacity monitors on each of its stacks; water droplets, which will be present in all stacks because of the SO_2 scrubbers, cause inaccurate excess emission readings on the opacity monitors. Therefore, in the final rule excess opacity due to uncombined water droplets in the stack does not constitute an exceedance, but it will be reported on the quarterly excess emissions reports.

3. EPA is finalizing its proposal that SO_2 emissions are limited to 1 lb/MMbtu averaged over a three-hour period, on a plant-wide basis. The emissions limit for SO_2 was previously established in the Arizona SIP. The method of compliance determination has been changed from the proposal which based compliance on the sulfur content of coal. In the final rule, compliance is based on continuous emission monitoring (CEM). This change is being made because the Federal acid rain regulations require CEM monitoring, which is generally recognized as being more accurate and precise than monitoring the sulfur content of coal. NGS previously complied with the limit of 1 lb/MMbtu on a per-unit basis by using very low sulfur coal. Because NGS has now installed scrubbers to comply with the 1991 visibility FIP, however, NGS will be able to comply with its short-term limits by removing sulfur from the exhaust stream. This will allow NGS to purchase slightly higher sulfur coal; additionally, the plant-wide average allows one scrubber to be down for periodic maintenance (lasting usually 30 to 40 days) without requiring the purchase of specific low sulfur coal for use during the maintenance. In the final rule, as in the proposal, the actual SO_2 emissions from NGS will remain 90% lower on an annual basis than they were before the scrubbers were installed to comply with the 1991 visibility FIP. To ensure that NGS continues to meet this limit, this rule will finalize the proposal to limit SO_2 emissions to 1 lb/MMbtu on a 3 hour average limit. With the scrubbers in place, the plant-wide hourly emissions (tons per hour) will always be less than under the prior state limit, since at least one unit with its scrubber operating and removing SO_2 will be needed to meet the plant-wide SO_2 three hour limit.

4. EPA is finalizing its proposal that opacity is limited to 20 percent averaged over a six minute period for both the boiler stacks and for dust from emission associated with coal transfer and storage and other dust-generating activities. NGS is required to submit a description of the dust control measures.

II. Analysis of Major Issues Raised by Commenters

EPA held a public informational workshop and hearing on the proposed FIP for NGS at the same time as the workshop and hearing on a proposed FIP for the Four Corners Power Plant. The joint public hearing was held in Farmington, New Mexico, on October 5, 2006. Although EPA received only one comment letter directed specifically at the proposed FIP for NGS, we received 43 comments on the proposed FIP for the Four Corners Power Plant ("FCPP

FIP"), many of which either explicitly or implicitly addressed both actions. For example, several comments objected in general terms to allowing operation of coal fired power plants. We responded to comments on the FCPP FIP in a **Federal Register** Notice on May 7, 2007 (72 FR 25698). Some of our responses to comments in this action are identical or very similar to the response to comments for the FCPP FIP because the comments were identical or similar. Commenters raised concerns which focused on general issues about air quality and health in the area, and more specific concerns about the emission limits and control requirements in the proposed FIP. The one comment letter received relating exclusively to NGS was from SRP and raised specific technical issues. Significant comments, including SRP's comments, are summarized below.

Our complete Response to Comments is contained in a separate document in the docket for this rulemaking. A summary of the significant comments and responses is provided below.

A. Concerns About the Scope of the FIP

Comment: The majority of commenters objecting to both the FCPP and NGS FIPs indicated that EPA should go beyond merely federalizing the emission limits which NGS has historically followed. Other commenters urged EPA to take regulatory action to regulate or to further reduce emissions of SO_2, NO_X, PM, mercury, and "toxic emissions." Commenters raised a variety of general concerns regarding impacts associated with coal fired power plants such as NGS, including public health and/or environmental impacts of fugitive dust from coal mining, mercury (Hg) and carbon dioxide (CO_2, greenhouse gases). Another commenter argued that in issuing a FIP for NGS, EPA must comply not only with all of the requirements of section 301 of the CAA but also ensure through the FIP process that NGS is in compliance with all applicable federal and state ambient standards by complying with the requirements of section 110 of the CAA addressing State implementation plans.

Response: As stated above, EPA's authority to promulgate this source-specific FIP is based on CAA sections 301(a) and (d)(4) and the regulations implementing these provisions at 40 CFR Part 49. Today's action is not based on, nor is it subject to the requirements of, CAA section 110. CAA section 301(d)(4) provides EPA with broad discretion to promulgate regulations directly for sources located in Indian country. The Tribal Air Rule provides EPA with "discretion to determine what rulemaking is necessary or appropriate to protect air quality and requires the EPA to promulgate such rulemaking." *Arizona Public Service Company* v. *USEPA,* 562 F.3d 1116, 1125 (10th Cir. 2009).

EPA is exercising its discretion to promulgate emission limitations for NGS to close the regulatory gap that exists with respect to NGS. As explained above, at present there is no approved implementation plan covering NGS because the Arizona SIP does not apply to sources located on the Navajo Indian Reservation and the Navajo Nation has not promulgated an applicable Tribal Implementation Plan. EPA's exercise of authority in issuing this FIP is based on the Agency's conclusion that it is appropriate to protect air quality on the Reservation by remedying the lack of federally enforceable limits applicable to NGS. As such, our action is largely limited to making enforceable those emissions limits which NGS has historically followed and re-codifying the limitations applicable to NGS in the visibility FIP for Arizona. We have also finalized our proposal to lower the opacity limit and to add certain material handling measures to provide additional benefits to air quality and visibility, and to conform to revisions that have been approved into the Arizona SIP.

Today's action is an important step in protecting air quality on the Reservation. As noted in the proposal, this action will contribute towards ensuring continued maintenance of the NAAQS and towards protecting visibility. EPA acknowledges that additional regulatory actions by EPA may be necessary or appropriate in the future to further protect air quality on the Navajo Reservation, depending on, among other things, conditions on the Reservation and the decisions of the Navajo Nation to implement air quality programs. Our detailed response to comments on mercury, CO_2 and other emissions is discussed further below and in our Response to Comments document.

B. Comments on Emissions Limits

Comment: Several commenters urged EPA to take regulatory action in addition to the proposed FIP to require reductions of NO_X and PM emissions from NGS. In particular, several commenters urged EPA to undertake a determination of best available retrofit technology (BART) for NGS's NO_X emissions. *See* 40 U.S.C. 7491(b)(2)(A). One commenter noted that NGS is the 8th largest NO_X emitter in the U.S. and that the FIP was not addressing NO_X or the environmental impact from the NO_X emissions. The commenter also requested an explanation of when and at what levels BART limits would be applied to PM, mercury, VOC and other pollutants.

Response: EPA agrees that it may be necessary or appropriate in a future rulemaking to require NGS to reduce its NO_X or PM emissions below those levels which were historically contained in the Arizona SIP (and are now contained in this FIP) or which are necessary to comply with the Acid Rain program. In the 1991 revision of the visibility FIP that created SO_2 emission limits for NGS, EPA concluded that those limits achieved greater reasonable progress than would BART, but did not address emissions of NO_X or PM from NGS. Today's rule does not address the requirements of EPA's nationally applicable Regional Haze rule, codified at 40 CFR 51.308, which contains specific implementation plan requirements regarding BART determinations.[1]

EPA recognizes, however, the importance of addressing emissions of NO_X and PM from NGS for purposes of addressing NGS's contribution to visibility impairment. EPA has requested and SRP has submitted an analysis of the NO_X and PM control options to address BART. This document and supplemental submittals are available on the docket EPA has prepared for the BART rulemaking available at: *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-R09-OAR-2008-0454.*

EPA is reviewing the information provided, and consulting with the Federal Land Manager(s), States with Class I areas impacted by NGS, and tribes to determine the appropriate BART limits for NGS. On August 28, 2009, EPA issued an Advance Notice of Proposed Rulemaking ("ANPR") concerning the anticipated visibility improvements and the cost effectiveness for different levels of air pollution controls as BART for NGS and for another coal-fired power plant located on the Navajo Nation, Four Corners Power Plant ("FCPP"). EPA issued the ANPR for the specific purpose of collecting additional information that EPA may consider in modeling the degree of anticipated visibility

[1] Such implementation plans were not required from the States until December 17, 2007. Tribes are not subject to any mandatory deadlines to submit regional haze implementation plans. See 40 CFR 49.4; 64 FR at 35758 ("For example, unlike States, tribes are not required by the TAR to adopt and implement CAA plans or programs, thus tribes are not subject to mandatory deadlines for submittal of implementation plans."); see also *Arizona Public Service Company* v. *USEPA,* 562 F.3d at 1119).

improvements in the Class I areas surrounding the two power plants and for determining whether BART controls are cost effective at this time. EPA also requested any additional information that commenters believe the agency should consider in promulgating a FIP establishing BART for the two power plants.

After considering the information received in response to the ANPR and other relevant information, EPA intends to publish separate FIPs proposing EPA's BART determinations for FCPP and NGS under the Regional Haze rules. After evaluating all comments on the proposed BART determination for NGS, EPA will take final action regarding the BART requirements at NGS.

Although it is unlikely that VOC emitted from NGS will be regulated for visibility protection under the Regional Haze rules, comments concerning the contribution of VOCs to visibility impairment are more appropriately considered during the regional haze rulemaking discussed above. Historically, VOC emissions from coal-fired electric generating units (EGUs) have not been considered a significant contributor to visibility impairment, and EPA knows of no states in the West that are considering setting limits on coal-fired EGU VOC emissions for regional haze. In the West, the quantity of emissions of VOC from EGUs is relatively insignificant compared to the quantity of VOC emissions from biogenic sources, fires, or mobile sources.

EPA is not considering setting a BART limit for mercury as there is no evidence that mercury contributes to visibility impairment. On October 28, 2009, pursuant to CAA section 113(g), EPA published in the **Federal Register** for comment a proposed Consent Decree that would require the Agency to propose CAA section 112(d) standards to control hazardous air pollutants, including mercury, from coal- and oil-fired electric utility steam generating units by March 16, 2011, and issue final section 112(d) standards by November 16, 2011. EPA will request public comment on that rulemaking and will consider any significant comments on this issue that are raised during our section 112(d) rulemaking.

Comment: SRP requested that the particulate matter limit in the proposed rule be revised for better clarity. The requested changes included that compliance would be determined from at least three test runs over a 60 minute duration at each stack.

Response: EPA agrees with SRP's proposed changes to the particulate matter limit and has made the appropriate revisions in the final rule which include specifying at least three 60 minute sampling runs for each stack. This also changes the averaging time for the particulate matter limit from the proposed 6 hour average to a three hour average based on three runs lasting approximately one hour each.

Comment: SRP requested the end of the startup limit for NGS be increased from 300 to 400 MW to maintain consistency with the end of the startup limit for FCPP.

Response: Other than noting that EPA allowed a startup termination limit of 400 MW for FCPP, SRP has not provided an explanation as to why a startup termination limit of 400 MW is more appropriate for NGS than 300 MW. The critical factor in the startup is that the hot side ESP reaches 400° so that it may be expected to operate properly. This temperature can be reached when the NGS units reach 300 MW. To allow the startup to extend beyond this operating level simply because EPA agreed to it for FCPP, which has completely different control technology with different operational limitations, is not reasonable. Given that the control technology at NGS is different from the control technology at FCPP, and that NGS provided no technical justification for making the change from 300 MW to 400 MW, EPA maintains the 300 MW startup termination limit for NGS along with the proposed 400° precipitator temperature.

Comment: SRP requested a change to the shutdown definition, because they claimed that the first sentence, which referred to cessation of coal burning, was incorrect.

Response: EPA agrees and dropped the first sentence of the definition referring to cessation of coal burning, since coal may still be combusted when a unit load reaches 300 MW or less and the intention is to remove the unit from service.

Comment: SRP requested that NGS be exempt from opacity monitoring requirements, consistent with 40 CFR 75.14(b) which exempts units equipped with a wet flue pollution control system for SO_2 or particulates from the monitoring requirements of part 75, if the source "can demonstrate that condensed water is present in the exhaust flue gas stream and would impede the accuracy of opacity measurements."

Response: EPA agrees with SRP's comments that when the stack is saturated and has uncombined water droplets, the Continuous Opacity Monitoring Systems (COMs) cannot correctly read the opacity due to particulate matter and has updated the final rule to reflect this change; however, NGS will continue to have a requirement to operate COMs on each stack since the COMs do operate properly during start-up and at other times when the SO_2 scrubbers are bypassed for maintenance purposes. SRP has operated the monitors for a number of years and EPA does not find that an exemption allowed in part 75 is appropriate in this rule.

III. Administrative Requirements

A. Executive Order 12866: Regulatory Planning and Review

This action is not "significant regulatory action" under the terms of "Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO. This action will finalize a source-specific FIP for the Navajo Generating Station on the Navajo Nation.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Under the Paperwork Reduction Act, a "collection of information" is defined as a requirement for "answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *." 44 U.S.C. 3502(3)(A). Because the FIP applies to a single facility, NGS, the Paperwork Reduction Act does not apply. *See* 5 CFR 1320(c).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

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.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The FIP for NGS being finalized today does not impose any new requirements on small entities. *See Mid-Tex Electric Cooperative, Inc.* v. *FERC,* 773 F.2d 327 (D.C. Cir. 1985)

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action will make emissions limits from a single source federally enforceable.

E. Executive Order 13132: Federalism

Under section 6(b) of Executive Order 13132, EPA may not issue an action that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed action. In addition, under section 6(c) of Executive Order 13132, EPA may not issue an action that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed action.

EPA has concluded that this action may have federalism implications because it makes emissions limits from a specific source federally enforceable. However, it will not impose substantial direct compliance costs on State or local governments, nor will it preempt State law. Thus, the requirements of sections 6(b) and 6(c) of the Executive Order do not apply to this action.

Consistent with EPA policy, EPA nonetheless consulted with representatives of State and local governments [2] early in the process of developing the proposed action to permit them to have meaningful and timely input into its development.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, Nov. 9, 2000), requires EPA to develop "an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." Under Executive Order 13175, to the extent practicable and permitted by law, EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless the Federal government provides the funds necessary to pay direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement. In addition, to the extent practicable and permitted by law, EPA may not issue a regulation that has tribal implications and pre-empts tribal law unless EPA consults with tribal officials early in the process of developing the proposed regulation and prepares a tribal summary impact statement.

EPA has concluded that this final rule may have tribal implications because it will impose federally enforceable emissions limitations on a major stationary source located and operating on the Navajo reservation. However, this final rule will neither impose substantial direct compliance costs on tribal governments nor pre-empt Tribal law because the final FIP imposes obligations only on the owner or operator of NGS.

EPA has also consulted extensively with officials of the Navajo Nation in the process of developing this regulation. EPA had discussions with Tribal representatives during proposal of the FIP in 1999. We also consulted prior to the 2006 FIP proposal and Tribal officials attended the public information workshop and public hearing on the proposed FIP in 2006. Therefore, EPA has allowed the Navajo Nation to provide meaningful and timely input into the development of this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: *Protection of Children From Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it only makes previously applicable emissions standards federally enforceable. Because this action federalizes existing requirements, it is not economically significant as defined under Executive Order 12866, and does not have a disproportionate effect on children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, 12 (10) (15 U.S.C. 272 note) directs EPA to use voluntary consensus

[2] "Representatives of State and local governments" include non-elected officials of State and local governments and any representative national organizations not listed in footnote 3.

standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by the VCS bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when the Agency decides not to use available and applicable VCS.

Consistent with the NTTAA, the Agency conducted a search to identify potentially applicable VCS. For the measurements listed below, there are a number of VCS that appear to have possible use in lieu of the EPA test methods and performance specifications (40 CFR part 60, appendices A and B) noted next to the measurement requirements. It would not be practical to specify these standards in the current rulemaking due to a lack of sufficient data on equivalency and validation and because some are still under development. However, EPA's Office of Air Quality Planning and Standards is in the process of reviewing all available VCS for incorporation by reference into the test methods and performance specifications of 40 CFR part 60, appendices A and B. Any VCS so incorporated in a specified test method or performance specification would then be available for use in determining the emissions from this facility. This will be an ongoing process designed to incorporate suitable VCS as they become available.

Particulate Matter Emissions—EPA Methods 1 though 5.

Opacity—EPA Method 9 and Performance Specification Test 1 for Opacity Monitoring.

SO_2—EPA Method 6C and Performance Specification 2 for Continuous SO_2 Monitoring.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994), establishes federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This final rule requires emissions reductions and makes emissions limitations federally enforceable for a major stationary source.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 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. 804(2). This rule will be effective April 5, 2010.

L. Petitions for Judicial Review

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 May 4, 2010. 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* CAA section 307(b) (2).)

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practice and procedure, Air pollution control, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 25, 2010.

Lisa P. Jackson,

Administrator.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 49—[AMENDED]

■ 1. The authority citation for part 49 continues to read as follows:

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

Subpart A—[Amended]

■ 2. Section 49.24 is added to subpart A to read as follows:

§ 49.24 Federal Implementation Plan Provisions for Navajo Generating Station, Navajo Nation.

(a) *Applicability.* The provisions of this section shall apply to each owner or operator of the fossil fuel-fired, steam-generating equipment designated as Units 1, 2, and 3, equipment associated with coal and ash handling, and the two auxiliary steam boilers at the Navajo Generating Station (NGS) on the Navajo Nation located in the Northern Arizona Intrastate Air Quality Control Region (*see* 40 CFR 81.270).

(b) *Compliance Dates.* Compliance with the requirements of this section is required upon the effective date of this section.

(c) *Definitions.* For the purposes of this section:

(1) *Absorber upset transition period* means the 24-hour period following an upset of an SO_2 absorber module which resulted in the absorber being taken out of service.

(2) *Affirmative defense* means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding. This rule provides an affirmative defense to actions for penalties brought for excess emissions that arise during certain malfunction episodes.

(3) *Malfunction* means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

(4) *Owner or Operator* means any person who owns, leases, operates, controls or supervises the NGS, any of the fossil fuel-fired, steam-generating equipment at the NGS, or the auxiliary steam boilers at the NGS.

(5) *Plant-wide* means a weighted average of particulate matter and SO_2 emissions for Units 1, 2, and 3 based on the heat input to each unit as determined by 40 CFR part 75.

(6) *Point source* means any crusher, any conveyor belt transfer point, any pneumatic material transferring, any baghouse or other control devices used to capture dust emissions from loading and unloading, and any other stationary point of dust that may be observed in conformance with Method 9 of Appendix A–4 of 40 CFR Part 60 (excluding stockpiles).

(7) *Regional Administrator* means the Regional Administrator of the Environmental Protection Agency Region 9 or his/her authorized representative.

(8) *Startup* shall mean the period from start of fires in the boiler with fuel oil, to the time when the electrostatic precipitator is sufficiently heated such that the temperature of the air preheater inlet reaches 400 degrees Fahrenheit and when a unit reaches 300 MW net load. Proper startup procedures shall include energizing the electrostatic precipitator prior to the combustion of coal in the boiler. This rule provides an affirmative defense to actions for penalties brought for excess emissions that arise during startup episodes. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

(9) *Shutdown* shall begin when the unit drops below 300 MW net load with the intent to remove the unit from service. The precipitator shall be maintained in service until boiler fans are disengaged. This rule provides an affirmative defense to actions for penalties brought for excess emissions that arise during shutdown episodes. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

(10) *Oxides* of nitrogen (NO_X) means the sum of nitrogen oxide (NO) and nitrogen dioxide (NO_2) in the flue gas, expressed as nitrogen dioxide.

(d) *Emissions Limitations and Control Measures*—(1) *Sulfur Oxides.* No owner or operator shall discharge or cause the discharge of sulfur oxides into the atmosphere from Units 1, 2, or 3 in excess of 1.0 pound per million British thermal units (lb/MMBtu) averaged over any three (3) hour period, on a plant-wide basis.

(2) *Particulate Matter.* No owner or operator shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.060 lb/MMBtu, on a plant-wide basis, as averaged from at least three sampling runs per stack, each at a minimum of 60 minutes in duration, each collecting a minimum sample of 30 dry standard cubic feet.

(3) *Dust.* Each owner or operator shall operate and maintain the existing dust suppression methods for controlling dust from the coal handling and storage facilities. Within ninety (90) days after promulgation of these regulations the owner or operator shall submit to the Regional Administrator a description of the dust suppression methods for controlling dust from the coal handling and storage facilities, fly ash handling and storage, and road sweeping activities. Each owner or operator shall not emit dust with an opacity greater than 20% from any crusher, grinding mill, screening operation, belt conveyor, truck loading or unloading operation, or railcar unloading station, as determined using 40 CFR Part 60, Appendix A–4 Method 9.

(4) *Opacity.* No owner or operator shall discharge or cause the discharge of emissions from the stacks of Units 1, 2, or 3 into the atmosphere exhibiting greater than 20% opacity, excluding condensed uncombined water droplets, averaged over any six (6) minute period and 40% opacity, averaged over six (6) minutes, during absorber upset transition periods.

(e) *Testing and Monitoring.* (1) On and after the effective date of this regulation, the owner or operator shall maintain and operate Continuous Emissions Monitoring Systems (CEMS) for NOx and SO_2 and Continuous Opacity Monitoring Systems (COMS) on Units 1, 2, and 3 in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and Appendix B of Part 60. The owner or operator shall comply with the quality assurance procedures for CEMS and COMS found in 40 CFR part 75.

(2) The owner or operator shall conduct annual mass emissions tests for particulate matter on Units 1, 2, and 3, operating at rated capacity, using coal that is representative of that normally used. The tests shall be conducted using the appropriate test methods in 40 CFR Part 60, Appendix A.

(3) During any calendar year in which an auxiliary boiler is operated for 720 hours or more, and at other times as requested by the Administrator, the owner or operator shall conduct mass emissions tests for sulfur dioxide, nitrogen oxides and particulate matter on the auxiliary steam boilers, operating at rated capacity, using oil that is representative of that normally used. The tests shall be conducted using the appropriate test methods in 40 CFR Part 60, Appendix A. For particulate matter, testing shall consist of three test runs. Each test run shall be at least sixty (60) minutes in duration and shall collect a minimum volume of thirty (30) dry standard cubic feet.

(4) The owner or operator shall maintain two sets of opacity filters for each type of COMS, one set to be used as calibration standards and one set to be used as audit standards. At least one set of filters shall be on site at all times.

(5) All emissions testing and monitor evaluation required pursuant to this section shall be conducted in accordance with the appropriate method found in 40 CFR Part 60, Appendices A and B.

(6) The owner or operator shall install, maintain and operate ambient monitors at Glen Canyon Dam for particulate matter ($PM_{2.5}$ and PM_{10}), nitrogen dioxide, sulfur dioxide, and ozone. Operation, calibration and maintenance of the monitors shall be performed in accordance with 40 CFR Part 58, manufacturer's specification, and "Quality Assurance Handbook for Air Pollution Measurements Systems", Volume II, U.S. EPA as applicable to single station monitors. Data obtained from the monitors shall be reported annually to the Regional Administrator. All particulate matter samplers shall operate at least once every six days, coinciding with the national particulate sampling schedule.

(7) Nothing herein shall limit EPA's ability to ask for a test at any time under section 114 of the Clean Air Act, 42 U.S.C. 7413, and enforce against any violation of the Clean Air Act or this section.

(8) A certified EPA Reference Method 9 of Appendix A–4 of 40 CFR Part 60 observer shall conduct a weekly visible emission observation for the equipment and activities described under Section 49.24(d)(3). If visible emissions are present at any of the equipment and/or activities, a 6-minute EPA Reference Method 9 observation shall be conducted. The name of the observer, date, and time of observation, results of the observations, and any corrective actions taken shall be noted in a log.

(f) *Reporting and Recordkeeping Requirements.* Unless otherwise stated all requests, reports, submittals, notifications and other communications to the Regional Administrator required by this section shall be submitted to the

Director, Navajo Environmental Protection Agency, P.O. Box 339, Window Rock, Arizona 86515, (928) 871–7692, (928) 871–7996 (facsimile), and to the Director, Air Division, U.S. Environmental Protection Agency, Region IX, to the attention of Mail Code: AIR–5, at 75 Hawthorne Street, San Francisco, California 94105, (415) 972–3990, (415) 947–3579 (facsimile). For each unit subject to the emissions limitations in this section the owner or operator shall:

(1) Comply with the notification and recordkeeping requirements for testing found in 40 CFR 60.7. All data/reports of testing results shall be submitted to the Regional Administrator and postmarked within 60 days of testing.

(2) For excess emissions, notify the Navajo Environmental Protection Agency Director and the U.S. Environmental Protection Agency Regional Administrator by telephone or in writing within one business day. This notification should be sent to the Director, Navajo Environmental Protection Agency, by mail to: P.O. Box 339, Window Rock, Arizona 86515, or by facsimile to: (928) 871–7996 (facsimile), and to the Regional Administrator, U.S. Environmental Protection Agency Region 9, by mail to the attention of Mail Code: AIR–5, at 75 Hawthorne Street, San Francisco, California 94105, by facsimile to: (415) 947–3579 (facsimile), or by e-mail to: *r9.aeo@epa.gov.* A complete written report of the incident shall be submitted to the Regional Administrator within ten (10) working days after the event. This notification shall include the following information:

(i) The identity of the stack and/or other emissions points where excess emissions occurred;

(ii) The magnitude of the excess emissions expressed in the units of the applicable emissions limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(iii) The time and duration or expected duration of the excess emissions;

(iv) The identity of the equipment causing the excess emissions;

(v) The nature and cause of such excess emissions;

(vi) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction; and

(vii) The steps that were taken or are being taken to limit excess emissions.

(3) Notify the Regional Administrator verbally within one business day of determination that an exceedance of the NAAQS has been measured by a monitor operated in accordance with this regulation. The notification to the Regional Administrator shall include the time, date, and location of the exceedance, and the pollutant and concentration of the exceedance. Compliance with this paragraph (f)(3)(v) shall not excuse or otherwise constitute a defense to any violations of this section or of any law or regulation which such excess emissions or malfunction may cause. The verbal notification shall be followed within fifteen (15) days by a letter containing the following information:

(i) The time, date, and location of the exceedance;

(ii) The pollutant and concentration of the exceedance;

(iii) The meteorological conditions existing 24 hours prior to and during the exceedance;

(iv) For a particulate matter exceedance, the 6-minute average opacity monitoring data greater than 20% for the 24 hours prior to and during the exceedance; and

(v) Proposed plant changes such as operation or maintenance, if any, to prevent future exceedances.

(4) Submit quarterly excess emissions reports for sulfur dioxide and opacity as recorded by CEMS and COMS together with a CEMS data assessment report to the Regional Administrator no later than 30 days after each calendar quarter. The owner or operator shall complete the excess emissions reports according to the procedures in 40 CFR 60.7(c) and (d) and include the Cylinder Gas Audit. Excess opacity due to condensed water vapor in the stack does not constitute a reportable exceedance; however, the length of time during which water vapor interfered with COMs readings should be summarized in the 40 CFR 60.7 (c) report.

(g) *Compliance Certifications.* Notwithstanding any other provision in this implementation plan, the owner or operator may use any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certifications.

(h) *Equipment Operations.* The owner or operator shall operate all equipment or systems needed to comply with this section in accordance with 40 CFR 60.11(d) and consistent with good engineering practices to keep emissions at or below the emissions limitations in this section, and following outages of any control equipment or systems the control equipment or system will be returned to full operation as expeditiously as practicable.

(i) *Enforcement.* (1) Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not a person has violated or is in violation of any standard in the plan.

(2) During periods of start-up and shutdown the otherwise applicable emission limits or requirements for opacity and particulate matter shall not apply provided that: (i) At all times the facility is operated in a manner consistent with good practice for minimizing emissions, and the owner or operator uses best efforts regarding planning, design, and operating procedures to meet the otherwise applicable emission limit;

(ii) The frequency and duration of operation in start-up or shutdown mode are minimized to the maximum extent practicable; and

(iii) The owner or operator's actions during start-up and shutdown periods are documented by properly signed, contemporaneous operating logs, or other relevant evidence.

(3) Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit. However, it shall be an affirmative defense in an enforcement action seeking penalties if the owner or operator has met with all of the following conditions:

(i) The malfunction was the result of a sudden and unavoidable failure of process or air pollution control equipment and did not result from inadequate design or construction of the process or air pollution control equipment;

(ii) The malfunction did not result from operator error or neglect, or from improper operation or maintenance procedures;

(iii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(iv) Steps were immediately taken to correct conditions leading to the malfunction, and the amount and duration of the excess emissions caused by the malfunction were minimized to the maximum extent practicable;

(v) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(vi) All emissions monitoring systems were kept in operation if at all possible; and

(vii) The owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

[FR Doc. 2010–4542 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2010–0011; FRL–9122–4]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Iowa State Implementation Plan (SIP) submitted by the State on April 28, 2009. The purpose of these revisions is to update existing air quality rules; make corrections, clarifications and improvements; and to add information with regard to the application of permit exemptions. EPA is approving the SIP revisions pursuant to section 110 of the Clean Air Act.

DATES: This direct final rule will be effective May 4, 2010, without further notice, unless EPA receives adverse comment by April 5, 2010. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2010–0011, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *E-mail: casburn.tracey@epa.gov.*
3. *Mail or Hand Delivery:* Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2010–0011. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4:30 p.m. excluding Federal holidays. Interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Tracey Casburn at (913) 551–7016, or by e-mail at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," or "our" refer to the EPA.

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I. What is being addressed in this document?
II. What revisions is EPA approving?
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I. What is being addressed in this document?

The State has revised Chapter 22 of the State air pollution control rules promulgated by the State's Environmental Protection Commission. EPA is approving the revisions described below for the reasons discussed in this document.

II. What revisions is EPA approving?

The State made revisions to Chapter 22, "Controlling Pollution," to clarify the terms and conditions of permit exemptions for certain internal combustion engines and spray booths. Those revisions are described in this document.

The State added a requirement to Iowa Rule 567–22.1(2)"r" that the owner or operator of an internal combustion engine with a brake horsepower of less than 400, measured at the shaft, must submit a certification to the Iowa Department of Natural Resources that the engine is in compliance with Federal New Source Performance Standards listed at 40 CFR Part 60, Subpart IIII or Subpart JJJJ and Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) listed at 40 CFR Part 63, Subpart ZZZZ.

The State amended Iowa Rule 567–22.8(1) to add clarification that the facilities, which spray one gallon per day or less of sprayed material on a facility-wide basis, are exempt from all other requirements of Iowa Rule 567–22 with the exception that the owner or operator must adhere to record keeping requirements specified in the rule for the sprayed material. The revision also requires that the owner or operator must certify that the facility is in compliance with or otherwise exempt from the Federal regulations specified in Iowa Rule 567–22.8(1)"e" (the NESHAPS for paint stripping and surface coating at area sources, and the NESHAPS for metal fabricating and finishing at area sources).

The State added amendments to the same rule clarifying that facilities, which spray more than one gallon per day but never more than three gallons per day on a facility-wide basis, are exempt from all other requirements of Iowa State Rule 567–22 except the owner or operator must adhere to certification, recordkeeping and emissions venting requirements as identified in the rule. The State added a requirement that the owner or operator must certify that the facility is in compliance with or otherwise exempt from the Federal regulations specified in Iowa Rule 567–22.8(1)"e" (described above).

The State added language clarifying that facilities, which spray more than three gallons per day on a facility-wide basis, are not eligible to use the permit by rule for spray booths and must apply for a construction permit as required by subrules 567–22.1(1) and 567–22.1(3) unless otherwise exempt.

The State added language explaining its requirements for the "Notification Letter." Facilities which claim to be permitted by provisions of the rule must submit a notification letter, on forms provided by the State, certifying that the facility meets the following requirements:

(1) All paint booths and associated equipment are in compliance with the provisions of Iowa Rule 567–22.8(1);

(2) All paint booths and associated equipment are in compliance with all applicable requirements, including but not limited to, the allowable particulate emission rate for painting and surface coating operations of 0.01 gr/scf of exhaust gas as specified in Iowa Rule 567–23.4(13); and

(3) All paint booths and associated equipment are in compliance with or otherwise exempt from the Federal NESHAPS at 40 CFR Part 63, subpart HHHHHH.

This revision also amends the numbering system of Iowa Rule 567–22.8(1)"e" to allow for the addition of the requirements of the notification letter.

III. What action is EPA taking?

EPA is taking final action to approve the revisions to the Iowa SIP. The revisions submitted pertain to corrections, clarifications and improvements as listed previously in this document. These modifications either clarify existing requirements or add additional requirements for sources to qualify for permit exemptions. Therefore, EPA has determined that the revisions will not adversely affect the air quality in the State of Iowa and will not relax the SIP.

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. The revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

EPA is processing this action as a direct final action because the revisions make changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

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 located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 4, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 23, 2010.

Karl Brooks,

Regional Administrator, Region 7.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Q—Iowa

■ 2. In § 52.820(c) the table is amended by revising the entries for 567–22.1 and 567–22.8 to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
*	*	*	*	*
Chapter 22—Controlling Pollution				
567–22.1	Permits required for New or Existing Stationary Sources.	3/18/09	3/5/10 [*insert FR page number where the document begins*].	
*	*	*	*	*
567–22.8	Permits By Rule	3/18/09	3/5/10 [*insert FR page number where the document begins*].	
*	*	*	*	*

* * * * *

[FR Doc. 2010–4548 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2008–0053; FRL–9122–9]

RIN 2060–AN47

National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing—Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: This action clarifies regulatory text of the "Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Paints and Allied Products Manufacturing Area Source Standards" which was issued as a final rule on December 3, 2009. These technical corrections will not change the level of health protection the final rule provides or the standards and other requirements established by the rule.

DATES: *Effective Date:* March 5, 2010

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2008–0053. All documents in the docket are listed in the Federal Docket Management System index at *www.regulations.gov.* Although listed in the index, some information is not publicly available (*e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Melissa Payne, Regulatory Development and Policy Analysis Group, Office of Air Quality Planning and Standards (C404–05), Environmental Protection Agency, Research Triangle Park, NC 27711. *Telephone number:* (919) 541–3609; *fax number:* (919) 541–0242; *e-mail address: payne.melissa@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* The regulated categories and entities potentially affected by the final rule include:

Category	NAICS code [1]	Examples of regulated entities
Paint & Coating Manufacturing	325510	Area source facilities engaged in mixing pigments, solvents, and binders into paints and other coatings, such as stains, varnishes, lacquers, enamels, shellacs, and water repellant coatings for concrete and masonry.
Adhesive Manufacturing	325520	Area source facilities primarily engaged in manufacturing adhesives, glues, and caulking compounds.
Printing Ink Manufacturing	325910	Area source facilities primarily engaged in manufacturing printing inkjet inks and inkjet cartridges.
All Other Miscellaneous Chemical Product and Preparation Manufacturing.	325998	Area source facilities primarily engaged in manufacturing indelible ink, India ink, writing ink, and stamp pad ink.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.11599, subpart CCCCCCC (NESHAP for Area Sources: Paints and Allied Products Manufacturing). If you have any questions regarding the applicability of this action to a particular entity, consult either the state delegated authority or the EPA regional representative, as listed in 40 CFR 63.13 of subpart A (General Provisions).

Good Cause Determination. Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's action final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial, and do not substantively change the requirements of the rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B) (see also the final sentence of section 307(d)(1) of the Clean Air Act, 42 U.S.C. 7607(d)(1), indicating that the good cause provisions of the APA continue to apply to this type of rulemaking under the Clean Air Act).

Section 553(d)(3) allows an agency, upon a finding of good cause, to make a rule effective immediately. Because today's changes do not substantively change the requirements of the rule, we find good cause to make these technical corrections effective immediately.

Electronic Access. In addition to being available in the docket, an electronic copy of this final action will also be available on the Worldwide Web (WWW) through the Technology Transfer Network (TTN). Following signature, a copy of this final action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at the following address: *http://www.epa.gov/ttn/oarpg/*. The TTN provides information and technology exchange in various areas of air pollution control.

I. Corrections

On December 3, 2009 (74 FR 63504), the EPA promulgated the national emission standards for hazardous air pollutants (NESHAP) for area source paints and allied products manufacturing facilities as subpart CCCCCCC in 40 CFR part 63. Today's action contains notification of corrections to clarify the following numbering changes and editorial errors:

1. 63.11602(a)(2)(iii) references 63.11601(a)(4) toward the end of the paragraph. Instead it should reference 63.11601(a)(5).

2. 63.11603(c) references paragraph (7). There is no paragraph (7). Instead it should reference paragraph (6).

3. The section that follows 63.11603(c) is 63.11603(e). This should be changed to 63.11603(d).

4. 63.11601(a)(5)(i) should end in "or."

5. Paragraph 63.11601(a)(3) is a carbon copy of (a)(2) and should be deleted. This will change the subsequent numbering for this section.

6. 63.11599(b)(1): An affected source is existing if you commenced construction. * * * before June 1, 2009 [the phrase "on or" is removed].

The corrections will become effective immediately (without further rulemaking action) on March 5, 2010.

These simple editorial changes provide further clarification to the applicability provisions that are referenced in the final rule. This is clearly the intent of the final rule and was explained in detail in the preamble of the final rule (74 FR 63504). Today's action notifies interested parties of the corrections.

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget (OMB). This action is not a "major rule" as defined by 5 U.S.C. 804(2).

The technical correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

The technical correction does not have substantial direct effects on the States, or on the relationship between the national government and the States, as specified in Executive Order 13132, Federalism (64 FR 43255, August 10, 1999).

Today's action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000).

The technical correction is also not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

The technical correction is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

The technical correction action does not involve changes to the technical standards related to test methods or monitoring methods; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

The technical correction also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). The EPA has complied with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings) (53 FR 8859, March 15, 1988) by examining the takings implications of this rule correction in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order.

In issuing the technical correction, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, Civil Justice Reform (61 FR 4729, February 7, 1996).

The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA, if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of March 5, 2010. The 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**.

The EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the December 3, 2009, **Federal Register** notice containing the Area Source Paints and Allied Products Manufacturing final rule (74 FR 63504).

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 25, 2010.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

■ For the reasons set out in the preamble, title 40, chapter I, part 63, of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart CCCCCCC—[Amended]

■ 2. Section 63.11599 is amended by revising paragraph (b)(1) to read as follows:

§ 63.11599 Am I subject to this subpart?

* * * * *

(b) * * *

(1) An affected source is existing if you commenced construction or reconstruction before June 1, 2009.

* * * * *

■ 3. Section 63.11601 is amended by:

■ a. Revising paragraph (a) introductory text;

■ b. Removing paragraph (a)(3);

■ c. Redesignating paragraphs (a)(4) through (a)(7) as paragraphs (a)(3) through (a)(6);

■ d. Revising newly designated paragraph (a)(4)(i) to read as follows:

§ 63.11601 What are the standards for new and existing paints and allied products manufacturing facilities?

(a) For each new and existing affected source, you must comply with the requirements in paragraphs (a)(1) through (5) of this section. These requirements apply at all times.

* * * * *

(4) You must:

(i) Capture particulate emissions and route them to a particulate control device meeting the requirements of paragraph (a)(5) of this section during the grinding and milling of materials containing compounds of cadmium, chromium, lead, or nickel; or

* * * * *

■ 3. Section 63.11602 is amended by:

■ a. In paragraph (a)(2)(iii) introductory text by revising the last sentence:

■ b. In paragraph (a)(2)(iii)(A) by revising the last sentence;

■ c. By revising paragraph (a)(2)(iii)(B).

§ 63.11602 What are the performance test and compliance requirements for new and existing sources?

(a) * * *

(2) * * *

(iii) * * * If the Method 203C test runs indicates an opacity greater than the limitation in § 63.11601(a)(5), you must comply with the requirements in paragraphs (a)(2)(iii)(A) through (C) of this section.

(A) * * * You must continue to take corrective action and retest each 15 days until a Method 203C test indicates an opacity equal to or less than the limitation in § 63.11601(a)(5).

(B) You must prepare a deviation report in accordance with § 63.11603(b)(3) for each instance in which the Method 203C opacity results were greater than the limitation in § 63.11601(a)(5).

* * * * *

■ 4. Section 63.11603 is amended by:

■ a. Revising paragraph (c) introductory text;

■ b. Redesignating paragraph (e) as paragraph d).

§ 63.11603 What are the notification, reporting, and recordkeeping requirements?

* * * * *

(c) *Records.* You must maintain the records specified I paragraphs (c)(1) through (4) of this section in accordance with paragraphs (c)(5) through (6) of this section, for five years after the date of each recorded action.

* * * * *

[FR Doc. 2010–4754 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2005–0316; FRL–8814–6]

Beauveria bassiana HF23; Amendment of Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends an exemption from the requirement of a tolerance for residues of the microbial insecticide. *Beauveria bassiana* HF23 (40 CFR 180.1273) on all food commodities when used to treat chicken and livestock facilities, from which manure will eventually be composted and used as fertilizer on agricultural crops. JABB of the Carolinas submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting this amendment of the exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Beauveria bassiana* HF23.

DATES: This regulation is effective March 5, 2010. Objections and requests for hearings must be received on or before May 4, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0316. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP

Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8097; e-mail address: *bacchus.shanaz@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2005–0316 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 4, 2010.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2005–0316 by one of the following methods.

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

II. Background and Statutory Findings

In the **Federal Register** of March 16, 2009 (74 FR 11100) (FRL–8405–1), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 8F7467) by JABB of the Carolinas, P.O. Box 310, Pine Level, NC 27568. The company's supporting documents for the notice of filing of the petition incorrectly assigned PP 5F6960 to this petition. The petition requested that 40 CFR 180.1273 be amended by expanding the uses covered by the existing exemption from the requirement of a tolerance for residues of *Beauveria bassiana* HF23. This notice indicated that a summary of the petition prepared by the petitioner was included in the docket for this action.

One anonymous public comment was posted to the docket asserting that foods should have zero pesticide residues and requested labeling for all foods with any residue above the zero level. The commenter also referred to the toxicity of chemicals and their possible link to cancer.

The Agency's response to this comment follows. This active ingredient, *Beauveria bassiana* HF23, occurs naturally in the environment and the human population is potentially exposed to it regardless of whether it is registered as a pesticide or not. Thus, it is not even possible to eliminate exposure to this substance since it is a naturally occurring ubiquitous soil microbe.

EPA regulates pesticides according to peer-reviewed and publicly available guidelines that describe endpoints for human health risk assessment. Tests are conducted with the active ingredient or end-use product in surrogate animals through various routes of administration (i.e., oral, dermal, pulmonary, etc.). Any effects seen are reported to the Agency, peer-reviewed, and evaluated to determine whether the effects of the test material demonstrate infectivity, acute toxicity, or pathogenicity. *Beauveria bassiana* HF23 has demonstrated a low toxicity profile in such testing and did not trigger the need for further testing for carcinogenicity. Summaries of data reviewed in support of this active ingredient are available in the Biopesticide Registration Action Document (BRAD) on *Beauveria bassiana* HF23 (www.epa.gov/pesticide/biopesticides) and in the final rule published for use of the active ingredient for chicken manure treatment in the **Federal Register** on January 10, 2007 (72 FR 1177) (FRL–8108–4).

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B) of FFDCA, in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C) of FFDCA, which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in

establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, section 408(b)(2)(D) of FFDCA requires that the Agency consider "available information concerning the cumulative effects of a particular pesticide's residues " and "other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Beauveria bassiana HF23 is a fungus with insecticidal properties. It is a naturally occurring, ubiquitous soil microbe. This strain, and other strains of *Beauveria bassiana* that are registered as pesticides, demonstrate low toxicity potential and are not likely to harm human adults, infants, and children. An exemption from tolerance has already been established in 40 CFR 180.1273 for residues of *Beauveria bassiana* HF23 on all food/feed commodities, when the pesticide is used to treat chicken manure (72FR 1177, January 10, 2007). The toxicological profile of this active ingredient was published in that final rule and summaries of the studies cited in support of this tolerance exemption amendment are available in the BRAD on *www.epa.gov/pesticides/biopesticides*. The registrant now cites those data and provides additional information to support expanding the tolerance exemption to include residues on food/feed commodities from agricultural crops fertilized with manure from livestock facilities, where the manure was treated with *Beauveria bassiana* HF23. Reference to those studies are included in the following discussion.

Based on the previously reviewed data, the Agency classified the active ingredient as Toxicity Category IV for acute oral and acute pulmonary effects and Toxicity Category III for acute dermal effects. These studies indicated that the pesticide was not toxic, infective or pathogenic via these routes of exposure. Also, the test organism was not toxic or pathogenic to rats via the intraperitoneal route. Immunotoxicity testing is not required for this active ingredient because it does not contain viruses that are known to interact in an adverse manner with the mammalian immune system.

No incidents of hypersensitivity associated with the TGAI or proposed components of the EP have been reported or are found in the scientific literature to date. However, as with all pesticides, any incidents of hypersensitivity or other adverse effects associated with the use of *Beauveria bassiana* HF23 must be reported to the Agency, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 6(a)(2).

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food*. The pesticide is intended for the control of houseflies in livestock and chicken facilities. In livestock facilities, the pesticide is to be applied as bait in stations that are not within reach of livestock or as a spray to the facilities. In chicken facilities, the pesticide is applied directly onto the chicken manure to control houseflies as well as to the walls of the chicken houses. The pesticide is not applied directly either to chicken or livestock, nor is it applied directly to food or feed. In light of these uses in chicken and livestock facilities, the Agency has evaluated whether there is any potential for residues of the pesticide to result in or on meat, milk, poultry, eggs, or other products derived from chickens or livestock present in such facilities. In addition, the Agency has considered whether there is any potential for residues to result in food or feed crops as a result of the use of treated manure as fertilizer for agricultural crops.

With respect to meat, milk, poultry, eggs, or other products derived from chickens or livestock, the Agency has considered the following. First, as already explained in the aforementioned BRAD and in the prior final rule granting a tolerance exemption for *Beauveria bassiana* HF23 (Unit III.A. and B., 72 FR 1177, January 10, 2007), the acute oral and dermal toxicity tests in mammals resulted in the Agency classifying the fungus as a low Toxicity Category IV for acute oral effects and Toxicity Category III for acute dermal effects. Second, acute toxicology tests involving dermally administered *Beauveria bassiana* HF23 led to a toxicity Category III acute dermal classification for the fungus. Third, there were no signs of infectivity in tissues examined during the acute intraperitoneal test in mammalian rodents. Fourth, an acute oral toxicity test conducted in chicken also demonstrated that the active ingredient is not toxic, infective or pathogenic to chicken. Fifth, clearance was observed in all tissues analyzed during these avian and mammalian tests and they were conducted with guideline levels of the active ingredient, with no toxic, infective or pathogenic effects to the avian and mammalian test organisms. Summaries of these tests can be found in the prior final rule published on January 10, 2007 (72 FR 1177, Unit III. A, B, and E) and in the BRAD for *Beauveria bassiana* HF23. Based on all of this, the Agency concludes that residues of the pesticide are not likely to be transferred to meat, milk, eggs, poultry or other products derived from chicken and livestock as a result of treating chicken and livestock facilities with the pesticide.

Moreover, to the extent that there could be negligible residues resulting in meat, milk, eggs, poultry, or other products derived from the chicken and livestock from such facilities, it is expected that they will not be greater than naturally occurring background levels to which humans already are possibly exposed due to the fact that this is a ubiquitous soil microbe. In addition, to the extent that there were any potential negligible residues of the fungus *Beauveria bassiana* HF23 resulting in meat, milk, eggs, poultry, or other products derived from the chicken or livestock from treated facilities, which, again, is unlikely and not expected, it is expected that they would be removed in connection with the steps taken to prepare such products for market and consumption. For example, the shells of eggs are washed, and eggs are cooked prior to human consumption. The shells also can be expected to prevent any residues of the pesticide from getting into the edible

portions of eggs. Feathers are removed from chickens and hides from livestock during dressing operations and meat and poultry preparation. These measures are expected to remove any potential negligible residues prior to human consumption. Similarly, washing, cleaning and other processes when preparing meat, as well as the pasteurization of milk, would remove any potential negligible residues from meat and milk.

In connection with the use of treated manure as fertilizer for agricultural crops, the Agency has concluded that while it is possible for extremely low or negligible residues to result in or on food and feed derived from those crops, this, nonetheless, is unlikely for the following reasons. First, prior to being used on agricultural crops, chicken and livestock manure is composted. This is significant because *Beauveria bassiana* HF23 does not survive temperatures greater than 37 degrees Centigrade (the average mammalian body temperature), and thus, would not be expected to survive the higher temperatures of composting (40-50 degrees Centigrade on average) (Master Records Identification (MRID)) 46526011. In addition, *Beauveria bassiana* HF23 does not survive in Ultraviolet (UV) light, so it is likely that any residues that survived composting would be destroyed by UV light once the treated manure is applied to agricultural crops in the field if the pesticide is used as labeled.

On the basis of the foregoing considerations, and mindful of the previously mentioned studies that indicate that *Beauveria bassiana* HF23 is not toxic, infective or pathogenic via the tested routes of exposure, is not toxic or pathogenic to rats via the intraperitoneal route, and does not contain viruses that are known to interact in an adverse manner with the mammalian immune system, the Agency concludes that no harm is expected to human adults, children, or infants via consumption of any food products derived from chicken or livestock potentially exposed to the pesticide as a result of its use (in accordance with label directions) in chicken and livestock facilities, or via consumption of any food products derived from agricultural crops to which treated manure has been applied as a fertilizer.

2. *Drinking water exposure*. No drinking water exposure is anticipated because of the use patterns, use sites, and the nature of the active ingredient at issue. The pesticide is to be used for indoor treatment of chicken and livestock facilities. It will be applied in either a suspension or a granular bait formulation. Most notably, there are no aquatic use sites permitted for this pesticide. Thus, there is likely to be no access to sources of drinking water as a result of applications within such facilities. Moreover, even if the pesticide did somehow reach drinking water as a result of the permitted indoor uses, *Beauveria bassiana* HF23 is not known to proliferate in aquatic environments (BRAD Chapter III.C).

The Agency also does not expect any residues in drinking water or ground water as a result of application of treated manure that is used as fertilizer on agricultural crops. *Beauveria bassiana* HF23 is a soil microbe. As discussed in Unit IV.A.1, this microbe is not likely to survive composting temperatures or subsequent exposure to UV light. In addition, because soil microbes generally tend to seek their nutrients and grow in the upper levels of soil and do not, as a result, penetrate lower soil levels that are more akin to filtration beds, *Beauveria bassiana* HF23 is not expected to percolate into soil and reach ground water (see BRAD Chapter III.C.). Thus, transfer of this naturally occurring, low toxicity, soil borne microbe from soil to ground water is unlikely.

Accordingly, the Agency concludes that *Beauveria bassiana* HF23, when used as labeled and in accordance with good agricultural practices, is not likely to pose any incremental dietary risk to human adults, children, or infants via consumption of drinking water (see BRAD and 72 FR 1177, Jan. 10, 2007).

B. Other Non-Occupational Exposure

1. *Dermal exposure*. EPA has concluded that there is unlikely to be any non-occupational dermal exposure because the use sites are commercial and agricultural.

2. *Inhalation exposure*. Similarly, non-occupational inhalation exposure to *Beauveria bassiana* HF23 from its proposed commercial and agricultural use as a pesticide to treat chicken manure or livestock facilities is not anticipated.

In summary, the potential aggregate exposure as a result of the use of the pesticidal active ingredient *Beauveria bassiana* HF23 is not likely to pose a hazard via aggregate exposure. This includes potential hazards derived from (i.) dietary exposure from the treated food/feed commodities, (ii.) drinking water potentially exposed secondary to treatment of sites with this pesticide; and (iii.) dermal and inhalation non-occupational exposure of populations exposed to *Beauveria bassiana* HF23.

V. Cumulative Effects

Three other *Beauveria bassiana* strains are registered. While they show the same mechanism as entomopathogens, they are involved in treatments of specific target pests. In this instance, *Beauveria bassiana* HF23 is directed against the public health hazard, houseflies. Because *Beauveria bassiana* HF23 does not operate via a toxic mechanism, section 408(b)(2)(D)(v) does not apply. In any event, since none of the registered strains are toxic, infective or pathogenic to humans and other mammals or other non-target organisms, cumulative adverse health or environmental effects of *Beauveria bassiana* HF23 are not expected.

VI. Determination of Safety for U.S. Population, Infants and Children

The Agency has concluded that there is a reasonable certainty that no harm will result from aggregate exposures to *Beauveria bassiana* HF23 in or on all food commodities, when the pesticide is used to treat manure in chicken and livestock facilities, which manure will in turn be used as fertilizer on agricultural crops. The Agency bases this conclusion on the data that demonstrate this substance has little to no toxicity or infectivity. Based on all the available information, the Agency concludes that the fungus, *Beauveria bassiana* HF23, is non-toxic to mammals, including infants and children. Because there are no threshold effects of concern to infants, children, and adults when *Beauveria bassiana* HF23 is used as a pesticidal active ingredient, the Agency has determined that the additional margin of safety is not necessary to protect infants and children, and that not adding any additional margin of safety will be safe for infants and children. As a result, EPA has not used a margin of exposure (safety) approach to assess the safety of *Beauveria bassiana* HF23.

VII. Other Considerations

A. Endocrine Disruptors

See **Federal Register**, 72 FR 1177, January 10, 2007.

B. Analytical Method(s)

See **Federal Register**, 72 FR 1177, January 10, 2007.

C. Codex Maximum Residue Level

There is no Codex Maximum Residue Level (MRL) for residues of *Beauveria bassiana* HF23 on all food commodities.

VIII. Conclusions

In summary, the Agency has determined that, based on available data

and information, there is a reasonable certainty of no harm from aggregate exposure to *Beauveria bassiana* HF23 on all food commodities, resulting either from its use (in accordance with all label direction and good agricultural practices) in chicken and livestock facilities or as a result of the subsequent use of treated manure from livestock and chicken facilities as fertilizer on agricultural crops. Thus, an exemption from the requirement of a tolerance is being granted for residues of *Beauveria bassiana* HF23 on all food commodities in response to pesticide petition PP 8F7467.

IX. Statutory and Executive Order Reviews

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

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

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

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

X. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 25, 2010.

Keith A. Matthews,

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

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

PART 180—[AMENDED]

■ 1. The authority citation for part 180.1273 continues to read as follows:

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

■ 2. In subpart D, revise §180.1273 to read as follows:

§ 180.1273. Beauveria bassiana HF23; exemption from the requirement of a tolerance.

Residues of *Beauveria bassiana* HF23 are exempt from the requirement of a tolerance on all food/feed commodities, when the pesticide is used for the treatment of chicken and livestock facilities, including the treatment of chicken and livestock manure.

[FR Doc. 2010–4544 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 217

Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definitization-Definition of Contract Action (DFARS Case 2009–D035)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 812 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111–84, enacted October 28, 2009).

DATES: *Effective Date:* March 5, 2010.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 4, 2010, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by DFARS Case 2009–D035, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include DFARS Case 2009–D035 in the subject line of the message.
- *Fax:* 703–602–0350.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Meredith Murphy, OUSD (AT&L) DPAP (DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.
- *Hand Delivery/Courier:* Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, 703–602–1302.

SUPPLEMENTARY INFORMATION:

A. Background

This DFARS case is initiated to partially implement section 812 of the National Defense Authorization Act for Fiscal Year 2010. Section 812 is entitled "Revision of Defense Supplement Relating to Payment of Costs Prior to Definitization." Section 812 has been partially implemented in DFARS Case 2008–D034, and this case implements the balance of section 812, which makes the limitations on payment of costs prior to definitization of unpriced change orders applicable to all categories of undefinitized contractual actions, "including undefinitized task orders and delivery orders." The implementation is accomplished by specifically including the category of "task orders and delivery orders" in the definition of "contract action" at DFARS 217.7401.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD does not expect that this interim rule will have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule does not impose any additional requirements on small businesses. Therefore, an initial Regulatory Flexibility Analysis has not been performed. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2009–D035) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C., *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD) that urgent and compelling circumstances exist to promulgate this interim rule without prior opportunity for public comments. This action is necessary because section 812 of the National Defense Authorization Act for Fiscal Year 2010 became effective upon enactment. The date of enactment was October 28, 2009. However, pursuant to 41 U.S.C. 418b, DoD will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 217

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 217 is amended as follows:

PART 217—SPECIAL CONTRACTING METHODS

■ 1. The authority citation for 48 CFR part 217 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. Section 217.7401 is amended by revising paragraph (a)(2) and adding paragraph (a)(3) to read as follows:

217.7401 Definitions.

* * * * *

(a) * * *

(2) It includes task orders and delivery orders.

(3) It does not include change orders, administrative changes, funding modifications, or any other contract modifications that are within the scope and under the terms of the contract, *e.g.,* engineering change proposals, value engineering change proposals, and over and above work requests as described in Subpart 217.77. For policy relating to definitization of change orders, see 243.204–70.

* * * * *

[FR Doc. 2010–4731 Filed 3–4–10; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 237 and 252

RIN 0750–AG52

Defense Federal Acquisition Regulation Supplement (DFARS); DFARS Case 2009–D017, Continuation of Essential Contractor Services

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy and a contract clause requiring that contractors providing essential contractor services, as determined by the requiring activity, shall be prepared to continue such services during periods of crisis.

DATES: *Effective Date:* March 5, 2010.

Comment Date: Comments on this interim rule should be submitted in writing to the address shown below on or before May 4, 2010, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2009–D017, using any of the following methods:

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

E-mail: dfars@osd.mil. Include DFARS Case 2009–D017 in the subject line of the message.

Fax: 703–602–0350.

Mail: Defense Acquisition Regulations System, Attn: Mr. Julian E. Thrash, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Julian E. Thrash, 703–602–0310.

SUPPLEMENTARY INFORMATION:

A. Background

This action is necessary to ensure that essential contractor services are not interrupted. The current changing threat environment, particularly under the additional challenges caused by such crises as hurricanes, tornados,

earthquakes, blizzards, floods, or pandemic influenza, has increased the need for continuity of operations capabilities and plans that enable agencies to continue their essential functions across a broad spectrum of emergencies and crises. DoD has established a new requirement for contractors to submit their plans to ensure continuation of essential contractor services that support mission-essential functions during a crisis situation.

DoD Instruction (DoDI) 3020.37, Continuation of Essential DoD Contractor Services During Crises, provides the basis for the definition of "essential contractor service," which means a service provided by a firm or individual under contract to DoD to support mission-essential functions, such as support of vital systems, including ships owned, leased, or operated in support of military missions or roles at sea; associated support activities, including installation, garrison, and base support services; and similar services provided to foreign military sales customers under the Security Assistance Program. Services are essential if the effectiveness of defense systems or operations has the potential to be seriously impaired by the interruption of such services, as determined by the appropriate functional commander or equivalent. As a general rule, the designation of services as essential contractor services will not apply to an entire contract but will apply only to those service functions that have been specifically identified as essential contractor services by the functional commander or equivalent.

DoD is adding a new Subpart 237.76, Continuation of Essential Contractor Services, and the new clause at 252.237–7023, Continuation of Essential Contractor Services. This clause is required in solicitations and contracts for services that are in support of mission-essential functions. In accordance with FAR 1.108(d)(3), contracting officers may, at their discretion, include these changes in any existing contract with appropriate consideration.

This regulatory action was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD does not expect this interim rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule allows equitable adjustment for additional costs that are incurred during a crisis situation. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2009–D017) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies, because this interim rule contains an information collection requirement. DoD invites comments on the following aspects of the interim rule: (a) Whether the collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The following is a summary of the information collection requirement.

Title: Defense Federal Acquisition Regulation Supplement (DFARS) 2009–D017; Continuation of Essential Contractor Services.

Type of Request: New collection.

Number of Respondents: 7,600.

Responses per Respondents: 1.25.

Annual Responses: 9,500.

Average Burden per Response: 2.

Total Annual Burden Hours: 19,000.

Needs and Uses: DoD needs this information to ensure essential contractor functions are performed for continuity of operations.

Affected Public: Businesses or other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain contract.

Written comments and recommendations on the information collection proposal should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, with a copy to the Defense Acquisition Regulations System, Attn: Mr. Julian Thrash, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

To request more information on this information collection proposal or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Acquisition Regulations System, Attn: Mr. Julian Thrash.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comments. This action is necessary to ensure that essential contractor services are not interrupted by crises such as those caused by hurricanes, tornados, earthquakes, blizzards, floods, or pandemic influenza. DoD Instruction (DoDI) 3020.37, Continuation of Essential DoD Contractor Services During Crises, established the basis for implementing policy, assigning responsibilities, and prescribing procedures, to provide a reasonable assurance for the continuation of essential contractor services (*see http://www.dtic.mil/whs/directives/corres/pdf/302037p.pdf*). This DoDI requires DoD components to rely on the most effective mix of the total force, cost and other factors considered, including Active, Reserve, civilian, host-nation, and contract resources necessary to fulfill assigned peacetime and wartime missions. DoD must take action now to ensure essential contractor services are ready to support a total force response. The impact to operations posed by not issuing an interim rule presents an unacceptable risk to DoD's mission to provide a total force response during crisis situations.

This interim rule clarifies the limited use of the clause for only those essential contractor services determined by the functional commander, or equivalent, to be necessary to prevent the impairment of defense systems or operations. Furthermore, this interim rule also clarifies that an equitable adjustment may be appropriate for an increase or decrease in the cost incurred in continuing the performance of essential contractor services during a crisis situation.

List of Subjects in 48 CFR Parts 237 and 252

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 237 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 237 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1

PART 237—SERVICE CONTRACTING

■ 2. Subpart 237.76 is added to read as follows:

SUBPART 237.76—CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES

Sec.
237.7600 Scope.
237.7601 Definitions.
237.7602 Policy.
237.7603 Contract clause.

SUBPART 237.76—CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES

237.7600 Scope.

This subpart prescribes procedures for the acquisition of essential contractor services, which support mission-essential functions.

237.7601 Definitions.

As used in this subpart—

Essential contractor service means a service provided by a firm or individual under contract to DoD to support mission-essential functions, such as support of vital systems, including ships owned, leased, or operated in support of military missions or roles at sea; associated support activities, including installation, garrison, and base support services; and similar services provided to foreign military sales customers under the Security Assistance Program, that are essential if the effectiveness of defense systems or operations has the potential to be seriously impaired by the interruption of these services, as determined by the appropriate functional commander or equivalent.

Mission-essential functions means those organizational activities that must be performed under all circumstances to achieve DoD component missions or responsibilities, the failure of which would significantly affect DoD's ability to provide vital services or exercise authority, direction, and control.

237.7602 Policy.

(a) Contractors providing services designated as essential contractor services by a requiring activity shall be prepared to continue providing such services, in accordance with the terms and conditions of their contracts, during periods of crisis. As a general rule, the designation of services as essential contractor services will not apply to an entire contract but will apply only to those service functions that have been specifically identified as essential contractor services by the functional commander or equivalent.

(b) Contractors who provide Government-determined essential contractor services shall have a written plan to ensure the continuation of these services in crisis situations. Contracting officers shall consult with a functional manager to assess the sufficiency of the contractor-provided written plan. Contractors will activate such plans only during periods of crisis, as directed by the appropriate functional commander or equivalent.

(c) The contracting officer shall follow the procedures at PGI 207.105(b)(20)(C) in preparing an acquisition plan.

237.7603 Contract clause.

Use the clause at 252.237–7023, Continuation of Essential Contractor Services, in solicitations and contracts for services that are in support of mission-essential functions.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 2. Section 252.237–7023 is added to read as follows:

252.237–7023, Continuation of Essential Contractor Services.

As prescribed in 237.7603, use the following clause:

Continuation of Mission Essential Functions (Date)

(a) The Government has identified all or a portion of the services performed under this contract as essential contractor services in support of mission-essential functions. The contractor-provided services that have been determined to be essential contractor services in support of mission-essential functions are listed in attachment _,

Mission-Essential Contractor Services, dated ____.

(b) The Contractor shall provide a written plan for continuing the performance of essential contractor services identified in paragraph (a) of this section during a crisis.

(1) The Contractor shall identify in the plan the provisions made for the acquisition of essential personnel and resources, if necessary, for continuity of operations for up to 30 days or until normal operations can be resumed;

(2) The plan must, at a minimum, address—

(i) Challenges associated with maintaining essential contractor services during an extended event, such as a pandemic that occurs in repeated waves;

(ii) The time lapse associated with the initiation of the acquisition of essential personnel and resources and their actual availability on site;

(iii) The components, processes, and requirements for the identification, training, and preparedness of personnel who are capable of relocating to alternate facilities or performing work from home;

(iv) Any established alert and notification procedures for mobilizing identified "essential contractor service" personnel; and

(v) The approach for communicating expectations to contractor employees regarding their roles and responsibilities during a crisis.

(3) The Contractor shall maintain and update its plan as necessary and adhere to its requirements throughout the contract term. The Contractor shall not materially alter the plan without the Contracting Officer's consent.

(4) As directed by the Contracting Officer, the Contractor shall participate in training events, exercises, and drills associated with Government efforts to test the effectiveness of continuity of operations procedures and practices.

(c) In the event the Contractor anticipates not being able to perform any of the essential contractor services identified in paragraph (a) of this section during a crisis situation, the Contractor shall notify the Contracting Officer or other designated representative as expeditiously as possible and use its best efforts to cooperate with the Government in the Government's efforts to maintain the continuity of operations.

(d) The Government reserves the right in such crisis situations to use Federal employees of other agencies or contract support from other contractors or to enter into new contracts for essential contractor services. Any new contracting efforts would be conducted in accordance with OFPP letter, "Emergency Acquisitions" May 2007 and FAR and DFARS subparts 18 and 218, respectively, or any other subsequent emergency guidance issued.

(e) Changes. The Contractor shall segregate and separately identify all costs incurred in continuing performance of essential services in a crisis situation. The Contractor shall notify the Contracting Officer of an increase or decrease in costs within ninety days after continued performance has been directed by the Contracting Officer, or within any additional period that the Contracting Officer approves in writing, but not later than the date of final payment under the contract. The Contractor's notice shall include the Contractor's proposal for an equitable adjustment and any data supporting the increase or decrease in the form prescribed by the Contracting Officer. The parties shall negotiate an equitable price adjustment to the contract price as soon as is practicable after receipt of the Contractor's proposal.

The Contractor shall include the substance of this clause, including this paragraph (f), in subcontracts for the essential services.

(End of Clause)

[FR Doc. 2010–4730 Filed 3–4–10; 8:45 am]

BILLING CODE 5001–08–P

Proposed Rules

Federal Register
Vol. 75, No. 43
Friday, March 5, 2010

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3550

RIN 0575–AC81

Direct Single Family Housing Loans and Grants

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Through this action, the Rural Housing Service (RHS) is proposing to amend its regulations for the Direct Single Family Housing Loans by reinstating language to enable full repayment of the entire subsidy in event of foreclosure or deed-in-lieu of foreclosure (voluntary conveyance). This action will clarify that in the event of foreclosure or deed-in-lieu of foreclosure (voluntary conveyance) the RHS will recapture the full subsidy from the value of the property.

DATES: Written comments must be received on or before May 4, 2010 to be assured for consideration.

ADDRESSES: You may submit comments to this rule by any of the following methods: *Agency Web Site: http://www.rurdev.usda.gov/regs/*. Follow the instructions for submitting comments on the Web Site.

- *E-Mail: comments@wdc.usda.gov*. Include the RIN number (0575–AC81) in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or another mail courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street, SW., 7th Floor, Suite 701, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street, SW., address listed above.

FOR FURTHER INFORMATION CONTACT: Janet L. Carter, Senior Loan Specialist, Rural Housing Service, Stop 0783, 1400 Independence Avenue, SW., Washington, DC 20250–0783, Telephone: 202–720–1489.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Paperwork Reduction Act of 1995

There are no new reporting and recordkeeping requirements associated with this rule.

E-Government Act Compliance

The RHS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Civil Justice Reform

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with that Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings in accordance with the regulations of the National Appeals Division of USDA at 7 CFR part 11 must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, 2 U.S.C. 1532, RHS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires RHS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Programs Affected

The programs affected by this proposed rule are 10.410, Low to Moderate Income Housing Loans and 10.417, Very Low-Income Housing Repair Loans and Grants.

Intergovernmental Consultation

For the reasons set forth in the final rule related Notice to 7 CFR part 3015, subpart V, these programs are not subject to Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of RHS that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities. This rule reinstates a requirement on Agency applicants and borrowers; however, the requirement of full subsidy recapture in event of foreclosure or voluntary conveyance will apply solely to the individual applicants and borrowers of Section 502

Direct Single Family Housing financing and will not apply to small entities. There will be no significant information collection, or regulatory requirements imposed on small entities under this proposed rule.

Federalism

The policies contained in this rule do not have any substantial direct effect on States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose a substantial direct compliance cost on State and local Governments. Therefore, consultation with the States is not required.

Background

In the event of a foreclosure or deed-in-lieu of foreclosure (voluntary conveyance), the original recapture regulation promulgated on October 1, 1979 provided for recapture of the full amount of subsidy granted in determining the balance owed. However, when the Section 502 SFH direct loan program was restructured on November 22, 1996, the revised recapture regulation, 7 CFR 3550.162, this provision was omitted. Therefore, because of the omission of the critical language in the regulation, full recovery is not currently supported by regulatory authority.

Foreclosure or deed-in-lieu of foreclosure (voluntary conveyance) is a last resort to protect the government's interest after all other servicing actions have failed. Recovery of some or the entire payment subsidy provided to direct single family housing borrowers or "recapture" is provided for by statute in 42 U.S.C. 1490a(a)(1)(D). The statute gives the Secretary broad discretion in determining the amount of the subsidy recapture.

Currently, there is no clear regulatory authority in 7 CFR 3550 for full recovery of the payment assistance subsidy that the borrower receives as was provided for in the original regulation. In addition, prior to the revision of the original recapture regulation in 1996, the Subsidy Repayment Agreement also provided that the full amount of the subsidy was repayable in the event of a foreclosure or deed in lieu of foreclosure (voluntary conveyance). The current Subsidy Repayment Agreement only provides for the formula calculation of the subsidy for repayment. Further, there was no discussion in the preamble implementing the proposed and final rules regarding an intent to change this provision. This rule will clarify the subsidy repayment requirement in event of foreclosure or deed-in-lieu of foreclosure (voluntary conveyance) by restoring the original regulatory authority and policy of full recovery of the subsidy in these foreclosure situations. The current Subsidy Repayment agreement will be revised to reflect the language of the regulation once the proposed regulation is finalized. Recovery of the subsidy will only come from proceeds from the sale of the property. The borrower will not be personally liable for any deficiency in repayment of the full subsidy to the Agency as a result of this action and the Agency will not seek to recover unpaid subsidy from assets of the borrower other than the property which was security for the loan.

List of Subjects in 7 CFR Part 3550

Administrative practice and procedure, Conflict of interests, Environmental impact statements, Equal credit opportunity, Fair housing, Accounting, Housing, Loan programs—Housing and community development, Low and moderate income housing, Manufactured homes, Reporting and recordkeeping requirements, Rural areas, Subsidies.

For the reasons stated in the preamble, chapter XXXV, Title 7 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 3550—DIRECT SINGLE FAMILY HOUSING LOANS AND GRANTS

1. The authority citation for part 3550 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1480.

Subpart A—General

2. Section 3550.162 is revised to read as follows:

§ 3550.162 Recapture.

(a) *Recapture policy.* Borrowers with loans approved or assumed on or after October 1, 1979, will be required to repay subsidy amounts received through payment subsidy or deferred mortgage assistance. Amounts to be recaptured are due and payable in the event of foreclosure or when the borrower transfers title or ceases to occupy the property. The real estate that secures the loan is the only security for the repayment of the subsidy granted on the loan. The repayment of subsidy is not a personal obligation of the borrower and no amount attributed to subsidy shall be included in any deficiency sought to be collected from a borrower after a voluntary conveyance or foreclosure.

(b) *Amount to be recaptured.* (1) The maximum amount to be recaptured is the amount of principal reduction attributed to subsidy and the lesser of:

(i) The amount of subsidy received; or

(ii) 50 percent of the value appreciation.

(2) Foreclosure or deed-in-lieu of foreclosure (voluntary conveyance). Notwithstanding the provisions of paragraph (b)(1) of this section the unpaid balance of loans being liquidated by deed-in-lieu of foreclosure (voluntary conveyance) to the government or foreclosure shall include the total amount of subsidy that has been granted on the loan.

(3) The value appreciation of property with a cross-collateralized loan is based on the market value of the dwelling and lot. If located on a farm, the lot size would be a typical lot for a single family housing property.

(4) Interest reduced from the promissory note rate to six percent under the Service member Civil Relief Act (SCRA) is not subject to recapture.

Dated: January 28, 2010.

Tammye Treviño,

Administrator, Rural Housing Service.

[FR Doc. 2010–4495 Filed 3–4–10; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0081]

RIN 1625–AA08

Special Local Regulations for Marine Events; Chester River, Chestertown, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the reenactment portion of the "Chestertown Tea Party Festival," a marine event to be held on the waters of the Chester River, Chestertown, MD on May 29, 2010. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Chester River during the event.

DATES: Comments and related material must be received by the Coast Guard on or before April 5, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0081 using any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

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

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking [USCG–2010–0081], indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0081" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0081" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

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

Background and Purpose

On May 29, 2010, the Chestertown Tea Party Festival will sponsor a reenactment in the Chester River at Chestertown, MD. The key component of the event consists of the Schooner SULTANA departing from its berth in Chestertown, transiting 200 yards to an anchorage location, embarking and disembarking Tea Party actors by dinghy, and then returning to its berth. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of the Chester River, Chestertown, MD. The regulations will be in effect from 10 a.m. to 5 p.m. on May 29, 2010. The regulated area, approximately 350 yards in length and 150 yards in width, includes all waters of the Chester River within a line connecting the following positions: latitude 39°12′27″ N, longitude 076°03′46″ W; thence to latitude 39°12′19″ N, longitude 076°03′53″ W; thence to latitude 39°12′25″ N, longitude 076°03′41″ W; thence to latitude 39°12′16″ N, longitude 076°03′48″ W; thence to the point of origin at latitude 39°12′27″ N, longitude 076°03′46″ W. The effect of this proposed rule will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Spectator vessels will be allowed to view the event from outside the regulated area, but may not block the navigable channel. Other vessels intending to transit the Chester River will be allowed to safely transit around the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Analyses

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

Regulatory Planning and Review

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Chester River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners and marine information broadcasts, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit safely around the regulated area.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Chester River during the event.

Although this regulation prevents traffic from transiting a portion of the Chester River at Chestertown, MD during the event, this proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a limited period. The regulated area is of limited size. Vessel traffic will be able to transit safely around the regulated area. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Coast Guard Sector Baltimore, MD. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications

of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment under paragraph 34(h) of the Instruction. This proposed rule involves implementation of regulations within 33 CFR Part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sailboat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

2. Add a temporary section, § 100.35–T05–0081 to read as follows:

§ 100.35–T05–0081 Special Local Regulations for Marine Events; Chester River, Chestertown, MD.

(a) *Regulated area.* The following locations are regulated areas: All waters of the Chester River, within a line connecting the following positions: latitude 39°12′27″ N, longitude 076°03′46″ W; thence to latitude 39°12′19″ N, longitude 076°03′53″ W; thence to latitude 39°12′25″ N, longitude 076°03′41″ W; thence to latitude 39°12′16″ N, longitude 076°03′48″ W; thence to the point of origin at latitude 39°12′27″ N, longitude 076°03′46″ W, located at Chestertown, Maryland. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

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

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

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by the Coast Guard Patrol Commander or any Official Patrol.

(ii) Proceed as directed by the Coast Guard Patrol Commander or any Official Patrol.

(d) *Enforcement period:* This section will be enforced from 10 a.m. until 5 p.m. on May 29, 2010.

(e) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue marine information broadcast on VHF–FM marine band radio announcing specific event details.

Dated: February 17, 2010.

Mark P. O'Malley,

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

[FR Doc. 2010–4647 Filed 3–4–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2010–0011; FRL–9122–5]

Approval and Promulgation of Implementation Plan; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the Iowa State Implementation Plan (SIP) submitted by the State on April 28, 2009. The purpose of these revisions is to update existing air quality rules; make corrections, clarifications and improvements; and to add information with regard to the application of permit exemptions. EPA is proposing to approve the SIP revisions pursuant to section 110 of the Clean Air Act.

DATES: Comments on this proposed action must be received in writing by April 5, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2010–0011, by mail to Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Tracey Casburn at (913) 551–7016, or by e-mail at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register,** EPA is approving the state's revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register.**

Dated: February 23, 2010.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2010–4554 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 02–6; FCC 10–33]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In the companion order that accompanied a Notice of Proposed Rulemaking (NPRM), the Commission enabled schools that receive funding from the E-rate program (more formally, the schools and libraries universal service support program) to allow members of the general public to use the schools' Internet access during non-operating hours. The Commission waived, on its own motion, through funding year 2010 (which ends June 30, 2011), rules that currently discourage public use of resources funded under the E-rate program. In the NPRM, the Commission seeks comment on revising its rules to make this change permanent. This change will leverage universal service funding to serve a larger population at no increased cost to the E-rate program. The general public will be able to use the Internet access already present in schools, at the schools' discretion, for purposes such as job searches and applications, digital literacy programs, and online access to governmental services and resources.

DATES: Comments on the proposed rules are due on or before April 5, 2010 and reply comments are due on or before April 19, 2010. Written comments on the Paperwork Reduction Act proposed information collection requirements should be submitted on or before May 4, 2010. 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: You may submit comments, identified by CC Docket No. 02–6, 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://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.
- In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via e-mail to *Nicholas_A._Fraser@omb.eop.gov* or via fax at 202–395–5167.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Regina Brown, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 02–6, FCC 10–33, adopted February 18, 2010, and released February 19, 2010. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com*. It is also available on the Commission's Web site at *http://www.fcc.gov*.

Pursuant to sections 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 on the first page 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.
- *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.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours 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 should be addressed to 445 12th Street, SW., Washington, DC 20554.

In addition, one copy of each pleading must be sent to each of the following:

○ The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554; Web site: *www.bcpiweb.com;* phone: 1–800–378–3160;

○ Regina Brown, Telecommunications, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW., Room 5–A5360, Washington, DC 20554; e-mail: *Regina.Brown@fcc.gov;* and

○ Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW., Room 5–A452, Washington, DC 20554; e-mail: *Charles.Tyler@fcc.gov*.

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) or (202) 418–0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *fcc504@fcc.gov;* phone: (202) 418–0530 or (202) 418–0432 (TTY).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Copies may also be purchased from the Commission's duplicating contractor, BCPI, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact BCPI through its Web site: *http://www.bcpiweb.com*, by e-mail at *fcc@bcpiweb.com*, by telephone at (202) 488–5300 or (800) 378–3160 (voice), (202) 488–5562 (TTY), or by facsimile at (202) 488–5563.

I. Synopsis of the Notice of Proposed Rulemaking

1. Currently, the Commission's rules require schools to certify that they will use E-rate funded services solely for "educational purposes," defined as activities that are integral, immediate, and proximate to the education of students. In the NPRM, the Commission specifically seeks comment on whether it should revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of its rules to allow schools to use underutilized services and equipment funded under the E-rate program for other, secondary purposes, instead of solely for "educational purposes" as is now required under its rules. Specifically, the Commission proposes to revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of its rules to require applicants to certify that "[t]he services the applicant purchases at discounts will be used primarily for educational purposes * * *." It tentatively concludes that, if it revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of its rules to allow schools to use underutilized services and equipment funded under the E-rate program for other, secondary purposes, consistent with the Communications Act, E-rate funds must, in the first instance, be used for educational purposes and students shall always get first priority in use of the schools' resources. Any additional use of the services purchased under the E-rate program thus must be incidental to the primary purpose of the E-rate funds.

2. In the companion order, in granting a waiver of these rules, the Commission set forth certain conditions regarding other uses of school facilities that choose to allow the community to use their E-rate funded services: (1) Schools participating in the E-rate program are not permitted to request more services than are necessary for "educational purposes"; (2) any community use of E-rate funded services at a school facility is limited to non-operating hours, such as after school hours or during times when the students are out of school; and (3) consistent with the Communications Act, schools' discounted services or network capacity may not be "sold, resold, or transferred by such user in consideration for money or any other thing of value." In the NPRM, the Commission, if it revises its rules, tentatively concludes that it would continue to impose these conditions and seeks comment on that conclusion. It also seeks comment on whether there are any additional conditions to guard against waste, fraud, and abuse that it should impose on schools that allow community use of their E-rate funded services and equipment. Further, the Commission seeks comment on any practical or operational implications such a change in its rules would have on schools and the community at large. Lastly, the Commission invites comment on whether it should modify our definition of educational purposes. Commenters should address whether modification of that definition would accomplish the objectives of maximizing the use of facilities and services supported by E-rate funding and reducing the likelihood of waste, fraud, and abuse.

3. The Commission proposes these rule revisions for a number of reasons. First, the Commission believes that changing these rules will leverage E-rate funds to serve a larger population at no increased cost to the E-rate program. Currently, services and facilities purchased using E-rate funding remain unused during evenings, weekends, school holidays, and summer breaks. Second, many people lack access or have limited access to affordable Internet services for educational and job training opportunities, particularly, for example, in rural, minority, and Tribal communities. Thus, by opening up these facilities to members of the public to use during non-operating hours, the Commission will maximize the use of facilities and services supported by E-rate funding and increase community access to the Internet. Third, the Commission finds that these rule changes are consistent with the goals of universal service by making Internet access available to more members of the general public. Fourth, the Commission believes these rule changes are consistent with the use of E-rate funding by libraries. Libraries currently provide access to the Internet to members of the general public as part of their mission. Allowing schools to do the same, at their discretion, would simply provide more opportunities for public access to Internet services. Finally, these rule changes would further the Commission's directive from Congress to encourage access to advanced telecommunications and information services.

II. Procedural Matters

A. Initial Paperwork Reduction Act Analysis

4. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified "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, *see* 44 U.S.C. 3506(c)(4).

B. Initial Regulatory Flexibility Analysis

5. As required by the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. 603, as amended, the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the 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 this NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA), *see* 5 U.S.C. 603(a). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

(1) Need for, and Objectives of, the Proposed Rules

6. In the NPRM, we specifically seek comment on whether we should revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of our rules to allow schools to use underutilized services and equipment funded under the E-rate program for other, secondary purposes, instead of solely for "educational purposes" as is now required under our rules. Specifically, we propose to revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of our rules to require applicants to certify that "[t]he services the applicant purchases at discounts will be used primarily for educational purposes * * *."

7. We propose these rule revisions for several reasons. As we noted above in our order granting a waiver of our rules requiring that services and facilities supported by E-rate be used solely for educational purposes through the end of funding year 2010, we believe changing

these rules will leverage E-rate funds to serve a larger population at no increased cost to the E-rate program. Currently, services and facilities purchased using E-rate funding remain unused during evenings, weekends, school holidays, and summer breaks. Moreover, many people lack access or have limited access to affordable Internet services for educational and job training opportunities, particularly, for example, in rural, minority, and Tribal communities. Thus, by opening up these facilities to members of the public to use during non-operating hours, we will maximize the use of facilities and services supported by E-rate funding and increase community access to the Internet. Further, we find that these rule changes are consistent with the goals of universal service by making Internet access available to more members of the general public. We also believe these rule changes are consistent with the use of E-rate funding by libraries. Libraries currently provide access to the Internet to members of the general public as part of their mission. Allowing schools to do the same, at their discretion, would simply provide more opportunities for public access to Internet services. Finally, these rule changes would further the Commission's directive from Congress to encourage access to advanced telecommunications and information services.

(2) Legal Basis

8. The legal basis for the NPRM is contained in sections 1–4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR 0.91, 0.291, and 1.3.

(3) Description and Estimate of the Number of Small Entities to Which Rules Will Apply

9. 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 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 SBA. Nationwide, there are a total of approximately 22.4 million small businesses, according to SBA data. A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, there are a total of approximately 29.6 million small businesses, according to the SBA. A "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term "small governmental jurisdiction" is defined generally as "governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States. We estimate that, of this total, 84,377 entities were "small governmental jurisdictions." Thus, we estimate that most governmental jurisdictions are small.

10. Small entities potentially affected by the proposals herein include eligible schools and libraries and the eligible service providers offering them discounted services, including telecommunications service providers, Internet Service Providers (ISPs), and vendors of the services and equipment used for internal connections.

(a) Schools

11. As noted, "small entity" includes non-profit and small governmental entities. Under the schools and libraries universal service support mechanism, which provides support for elementary and secondary schools, an elementary school is generally "a non-profit institutional day or residential school that provides elementary education, as determined under state law." A secondary school is generally defined as "a non-profit institutional day or residential school that provides secondary education, as determined under state law," and not offering education beyond grade 12. For-profit schools, and schools and libraries with endowments in excess of $50,000,000, are not eligible to receive discounts under the program. Certain other statutory definitions apply as well. The SBA has also defined for-profit, elementary and secondary schools having $7 million or less in annual receipts as small entities. In funding year 2007, approximately 105,500 schools received funding under the schools and libraries universal service mechanism. Although we are unable to estimate with precision the number of these additional entities that would qualify as small entities under SBA's size standard, we estimate that fewer than 105,500 such schools might be affected annually by our action, under current operation of the program.

(b) Telecommunications Service Providers

12. *Incumbent Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small incumbent local exchange services. The closest size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,311 incumbent carriers 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. Thus, under this category and associated small business size standard, we estimate that the majority of entities are small.

13. We have included small incumbent local exchange carriers in this RFA analysis. A "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not "national" in scope. We have therefore included small incumbent carriers 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.

14. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the Commission's *2008 Trends Report*, 300 companies reported that they were engaged in the provision of interexchange services. Of these 300 IXCs, an estimated 268 have 1,500 or fewer employees and 32 have more than 1,500 employees. Consequently, the Commission estimates that most

providers of interexchange services are small businesses.

15. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the *2008 Trends Report*, 1,005 CAPs and competitive local exchange carriers (competitive LECs) reported that they were engaged in the provision of competitive local exchange services. Of these 1,005 CAPs and competitive LECs, an estimated 918 have 1,500 or fewer employees and 87 have more than 1,500 employees. Consequently, the Commission estimates that most providers of competitive exchange services are small businesses.

16. *Wireless Telecommunications.* Neither the Commission nor the SBA has developed a definition of small entities specifically for wireless telephony. The closest definition is the SBA definition for Wireless Telecommunications Carriers (except Satellite). Under this definition, a cellular licensee is a small entity if it employs no more than 1,500 employees. According to the *2008 Trends Report*, 434 providers classified themselves as providers of wireless telephony, including cellular telecommunications, Personal Communications Service, and Specialized Mobile Radio (SMR) Telephony Carriers. Of these 434 wireless telephony providers, an estimated 222 have 1,500 or fewer employees and 212 have more than 1,500 employees. Consequently, the Commission estimates that more than half of the providers of wireless telephony services are small businesses.

17. *Other Wireless Services.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to wireless services other than wireless telephony. The closest applicable definition under the SBA rules is again that of Wireless Telecommunications (except Satellite), under which a service provider is a small entity if it employs no more than 1,500 employees. According to the *2008 Trends Report*, 69 providers classified themselves as wireless data carriers or other mobile service providers. Of these 69 providers, an estimated 65 have 1,500 or fewer employees and 4 have more than 1,500 employees. Consequently, the Commission estimates that most providers of wireless services other than wireless telephony are small businesses.

18. *Paging and Messaging Service Providers.* In the *Paging Third Report and Order*, we developed a small business size standard for "small businesses" and "very small businesses" for purposes of determining their eligibility for special provisions such as bidding credits and installment payments. A "small business" is an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $15 million for the preceding three years. Additionally, a "very small business" is an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. An auction of Metropolitan Economic Area licenses commenced on February 24, 2000, and closed on March 2, 2000. Of the 985 licenses auctioned, 440 were sold. Fifty-seven companies claiming small business status won. In addition, at present, there are approximately 24,000 Private-Paging site-specific licenses and 74,000 Common Carrier Paging licenses. Finally, according to Commission data, 281 carriers reported that they were engaged in the provision of paging services, messaging services, or other mobile services. Of those, the Commission estimates that 279 are small, under the SBA-approved small business size standard.

(c) Internet Service Providers

19. The 2007 Economic Census places these firms, whose services might include voice over Internet protocol (VoIP), in either of two categories, depending on whether the service is provided over the provider's own telecommunications facilities (*e.g.*, cable and DSL ISPs), or over client-supplied telecommunications connections (*e.g.*, dial-up ISPs). The former are within the category of Wired Telecommunications Carriers, which has an SBA small business size standard of 1,500 or fewer employees. The latter are within the category of All Other Telecommunications, which has a size standard of annual receipts of $25 million or less. The most current Census Bureau data for all such firms, however, are the 2002 data for the previous census category called Internet Service Providers. That category had a small business size standard of $21 million or less in annual receipts, which was revised in late 2005 to $23 million. The 2002 data show that there were 2,529 such firms that operated for the entire year. Of those, 2,437 firms had annual receipts of under $10 million, and an additional 47 firms had receipts of between $10 million and $24,999,999. Consequently, we estimate that the majority of ISP firms are small entities.

(d) Vendors of Internal Connections

20. *Telephone Apparatus Manufacturing.* The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing wire telephone and data communications equipment. These products may be standalone or board-level components of a larger system. Examples of products made by these establishments are central office switching equipment, cordless telephones (except cellular), PBX equipment, telephones, telephone answering machines, LAN modems, multi-user modems, and other data communications equipment, such as bridges, routers, and gateways." The SBA has developed a small business size standard for Telephone Apparatus Manufacturing, which is: All such firms having 1,000 or fewer employees. According to Census Bureau data for 2002, there were a total of 518 establishments in this category that operated for the entire year. Of this total, 511 had employment of under 1,000, and an additional 7 had employment of 1,000 to 2,499. Thus, under this size standard, the majority of firms can be considered small.

21. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment." The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year. Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

22. *Other Communications Equipment Manufacturing.* The Census

Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment)." The SBA has developed a small business size standard for Other Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 503 establishments in this category that operated for the entire year. Of this total, 493 had employment of under 500, and an additional 7 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

(4) Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

23. The schools' voluntary offering of Internet resources, as proposed in the NPRM, would not result in additional compliance requirements for small businesses.

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

24. 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.

25. In the NPRM, we seek comment on whether we should revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of our rules to allow schools to use underutilized services and equipment funded under the E-rate program for other, secondary purposes, instead of solely for "educational purposes" as is now required under our rules. Specifically, we tentatively conclude that, if we revise sections 54.504(b)(2)(v) and 54.504(c)(1)(vii) of our rules to allow schools to use underutilized services and equipment funded under the E-rate program for other purposes, consistent with the Act, E-rate funds must, in the first instance, be used for educational purposes and students shall always get first priority in use of the schools' resources. Any additional use of the services purchased under the E-rate program must therefore be incidental to the primary purpose of the E-rate funds. Under this proposed rule, applicants will now be able to use their E-rate eligible facilities and services for other, secondary purposes, such as adult education, job training, and digital literacy programs, to benefit the community. We also invite comment on whether we should modify our definition of educational purposes to accomplish the same objective. We thus believe that these rule changes will not have an economic impact on small entities under the E-rate program since we are simply opening school facilities and services, already funded under the E-rate program, for community use during non-operating school hours. In fact, it will benefit participants by giving them the option to maximize the use of their facilities and services supported by E-rate funding. We welcome, however, comments from parties that have opinions different from those reached in this analysis.

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

26. None.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

2. Section 54.504 is amended by revising paragraphs (b)(2)(v) and (c)(1)(vii) to read as follows:

§ 54.504 Requests for services.

* * * * *

(b) * * *

(2) * * *

(v) The services the applicant purchases at discounts will be used primarily for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

* * * * *

(c) * * *

(1) * * *

(vii) The services the applicant purchases at discounts will be used primarily for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

* * * * *

[FR Doc. 2010–4688 Filed 3–4–10; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 75, No. 43
Friday, March 5, 2010

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Collaborative Forest Landscape Restoration Advisory Committee

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of intent to establish the Collaborative Forest Landscape Restoration Advisory Committee and call for nominations.

SUMMARY: The Secretary of Agriculture intends to establish the Collaborative Forest Landscape Restoration Advisory Committee (Committee) pursuant to Title IV, Section 4003(e) of Omnibus Public Land Management Act of 2009 (Pub. L. 111–11) passed into law on March 30, 2009. The Collaborative Forest Landscape Restoration Advisory Committee is being established to evaluate, and provide recommendations on each project proposal that has been submitted under Section 4003(c)(2) of this act. As required by the Federal Advisory Committee Act, charters for Federal advisory committees must be renewed every 2 years. The Committee is soliciting nominations to fill no more than 15 vacancies with terms up to 2 years. The public is invited to submit nominations for membership on the Collaborative Forest Landscape Restoration Advisory Committee.

DATES: All nominations must be received in writing by March 22, 2010. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed form AD–755 (Advisory Committee Membership Background Information). The package must be sent to the address below.

ADDRESSES: Send nominations and applications to William Timko, USDA Forest Service; Forest Management, Room 3NW; 201 14th Street, SW., Washington, DC 20024 by express mail or overnight courier service. If sent via the U.S. Postal Service, they must be sent to the following address: U.S. Department of Agriculture, Forest Service, Forest Management, National Forest System, Mail Stop 1103, 1400 Independence Avenue, SW., Washington, DC 20250–1123.

FOR FURTHER INFORMATION CONTACT: Thomas Peterson, U.S. Department of Agriculture, National Forest System, Forest Management; telephone 202–205–0893, fax 202–205–1045, e-mail: *tpeterson01@fs.fed.us,* or contact William Timko, U.S. Department of Agriculture; National Forest System, Forest Management, telephone 202–205–0893, fax 202–205–1045, e-mail: *btimko@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. II), notice is hereby given that the Secretary of Agriculture intends to establish the charter of the Collaborative Forest Landscape Restoration Advisory Committee (Committee). The purpose of the Committee is to evaluate, and provide recommendations on, the selection of collaborative forest landscape restoration proposals to the Secretary of Agriculture for approval as provided in Title IV, Section 4003(e) of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11).

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that:

1. Encourages ecological, economic, and social sustainability;
2. Leverages local resources with national and private resources;
3. Facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and
4. Demonstrates the degree to which:
a. Various ecological restoration techniques;
(1) Achieve ecological and watershed health objectives; and
(2) Affect wildfire activity and management costs; and
b. The use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

The Committee is being established in accordance with Section 4003(e) of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Secretary has determined that the work of the Committee is in the public interest and relevant to the duties of the U.S. Department of Agriculture.

The Committee will meet on an annual basis or as needed; determined by the Committee, and its primary duties will include:

1. Evaluating Collaborative Forest landscape Restoration project proposals with special consideration given to:
a. The strength of the proposal and strategy;
b. The strength of the ecological case of the proposal and the proposed ecological restoration strategies;
c. The strength of the collaborative process and the likelihood of successful collaboration throughout implementation;
d. Whether the proposal is likely to achieve reductions in long-term wildfire management costs:
e. Whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and
f. Whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.
2. Provide recommendations on each proposal to the Secretary of Agriculture through the Chief of the Forest Service.

Advisory Committee Organization

The Committee shall be comprised of no more than 15 members and fairly balanced in terms of the points of view represented. The Committee shall include experts in:

1. Ecological Restoration,
2. Fire Ecology,
3. Fire Management,
4. Rural Economic Development,
5. Strategies for Ecological Adaptation to Climate Change,
6. Fish and Wildlife Ecology, and
7. Woody Biomass and Small-Diameter Tree Utilization.

Term and Vacancies

Committee members will be appointed by the Secretary to 2-year terms. Vacancies will be filled in the manner in which the original appointment was made.

Nomination and Application Information for the Forest Resource Coordinating Committee

The appointment of members to the Committee will be made by the Secretary of Agriculture. Any individual or organization may nominate one or more qualified persons to represent the vacancies listed above to serve on the Collaborative Forest Landscape Restoration Advisory Committee. To be considered for membership, nominees must:

1. Identify what expertise they would represent and how they are qualified to represent that skill;
2. State why they want to serve on the committee and what they can contribute;
3. Show their past experience in working successfully as part of a coordinating group; and
4. Complete form AD–755, Advisory Committee Membership Background Information.

Letters of recommendation are welcome. Individuals may also nominate themselves. Form AD–755 may be obtained from Forest Service contact persons or from the following Web site: *http://www.fsa.usda.gov/Internet/FSA_File/ad755.pdf.* All nominations will be vetted by the Agency. The Secretary of Agriculture shall appoint committee members to the Collaborative Forest Landscape Restoration Advisory Committee from the list of qualified applicants. Applicants are strongly encouraged to submit nominations via overnight mail or delivery to ensure timely receipt by the U.S. Department of Agriculture.

Non-Federal members of the Committee shall serve without pay as special government employees (SGEs), but will be reimbursed for reasonable costs incurred while performing duties on behalf of the Committee. SGEs will be subject to appropriate conflict of interest statutes and standards of ethical conduct. All SGE nominees who are selected must complete the Office of Government Ethics (OGE) 450 Confidential Financial Disclosure Report before rendering any advice or prior to their first meeting. All members will be reviewed for conflict of interest pursuant to 18 U.S.C. 208 in relation to specific Committee work charges. Financial disclosure updates will be required annually. Members must report any changes in financial holdings requiring additional disclosure. OGE 450 forms are available on-line at: *http://www.usoge.gov/forms/form_450.aspx.*

Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendation of the Committee has taken into account the needs of the diverse groups served by the Department, membership includes, to the extent practicable, individuals with demonstrated ability to represent minorities, women, persons with disabilities, and senior citizens.

Dated: February 24, 2010.

Pearlie S. Reed,

Assistant Secretary of Administration.

[FR Doc. 2010–4686 Filed 3–4–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0002]

Codex Alimentarius Commission: Meeting of the Codex Committee on General Principles

AGENCY: Office for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office for Food Safety, U.S. Department of Agriculture (USDA), is sponsoring a public meeting on March 23, 2010. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the 26th session of the Codex Committee on General Principles (CCGP) of the Codex Alimentarius Commission (Codex), which will be held in Paris, France, April 12–16, 2010. The Office for Food Safety recognizes the importance of providing interested parties the opportunity to obtain background information on the 26th Session of the CCGP and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, March 23, 2010, from 1:30–4 p.m.

ADDRESSES: The public meeting will be held at USDA, Room 107–A, Jamie L. Whitten Building, 1200 Independence Ave SW., Washington, DC 20250. Documents related to the 26th Session of the CCGP will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/web/current.jsp?lang=en.*

The U.S. Delegate to the 26th Session of the CCGP, Karen Stuck, USDA, Food Safety and Inspection Service (FSIS), invites interested U.S. parties to submit their comments electronically to the following e-mail address: *uscodex@fsis.usda.gov.*

Registration:

If you would like to participate in the public meeting for the 26th Session of the CCGP by teleconference, please use the following call in number and passcode:

Call In Number: 1–866–692–3158.

Passcode: 5986642.

For Further Information about the 26th Session of the CCGP Contact: Barbara McNiff, USDA, 1400 Independence Ave SW., Room 4861, Washington, DC 20250. Phone: (202) 690–4719, Fax: (202) 720–3157, E-mail: *Barbara.McNiff@fsis.usda.gov.*

For Further Information about the Public Meeting Contact: Kenneth Lowery, 1400 Independence Ave SW., Room 4861, Washington, DC 20250. Phone: (202) 690–4042, Fax: (202) 720–3157, E-mail: *Kenneth.Lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCGP deals with rules and procedures referred to it by the Codex including the establishment of principles which define the purpose and scope of the Codex and the nature of Codex standards. The development of mechanisms to address any economic impact statements is also the responsibility of the CCGP.

The CCGP is hosted by France.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 26th Session of the CCGP will be discussed during the public meeting:

- Draft Revised Code of Ethics for International Trade in Foods
- Proposal to amend the Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces
- Review of the Risk Analysis Policies of Codex Committees
- Definition of the Term "Competent Authority"
- Proposed Amendment to the Terms of Reference of the Committee
- Discussion Paper on the Development of Joint Codex and World Organization for Animal Health Standards

- Discussion Paper on Co-Hosting of Codex Sessions
- Distribution of Documents and Length and Content of Reports
- Structure and Presentation of the Procedural Manual

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the meeting. Members of the public may access copies of these documents (see **ADDRESSES**).

Public Meeting

At the March 23, 2010, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to U.S. Delegate, Karen Stuck for the 26th Session of the CCGP (see **ADDRESSES**). Written comments should state that they relate to activities of the 26th Session of the CCGP.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2010_Notices_Index/.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/e-mail_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC on March 1, 2010.

Karen Stuck,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2010–4693 Filed 3–4–10; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0007]

Codex Alimentarius Commission: Meeting of the Codex Committee on Contaminants in Food

AGENCY: Office of Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on March 29, 2010. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 4th Session of the Codex Committee on Contaminants in Food (CCCF) of the Codex Alimentarius Commission (Codex), which will be held in Izmir, Turkey, April 26–30, 2010. The Office of Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 4th Session of the CCCF and to address items on the agenda.

DATES: The public meeting is scheduled for Monday, March 29, 2010, from 10 a.m.–12 p.m.

ADDRESSES: The public meeting will be held at Harvey W. Wiley Federal Building, Room 1A–001, FDA, Center for Food Safety and Applied Nutrition (CFSAN), 5100 Paint Branch Parkway, College Park, MD 20740. Documents related to the 4th Session of the CCCF will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/current.asp.*

The U.S. Delegate to the CCCF, Dr. Nega Beru, invites interested U.S. parties to submit their comments electronically to the following e-mail address: *Henry.Kim@fda.hhs.gov.*

Registration: Register electronically to the same e-mail address above. Early registration is encouraged because it will expedite entry into the building and its parking area. If you require parking, please include the vehicle make and tag number, if known, when you register. Because the meeting will be held in a Federal building, you should also bring photo identification and plan for adequate time to pass through the security screening system.

If you would like to participate in the public meeting for the 4th session of the CCCF by telephone conference, please use the following call in number and passcode:

Call In Number: 1–866–859–5767.

Passcode: 2225276.

For Further Information about the 4th Session of the CCCF Contact: Dr. Henry Kim, Office of Food Safety, CFSAN, FDA, 5100 Paint Branch Parkway (HFS–317), College Park, MD 20740, Phone: 301–436–2023, Fax: 301–436–2651, E-mail: *Henry.Kim@fda.hhs.gov.*

For Further Information about the Public Meeting Contact: Dr. Henry Kim, Office of Food Safety, CFSAN, FDA, 5100 Paint Branch Parkway (HFS–317), College Park, MD 20740, Phone: 301–436–2023, Fax: 301–436–2651, E-mail: *Henry.Kim@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCCF establishes and endorses permitted maximum levels (MLs) for contaminants and naturally occurring toxicants in food and feed; prepares a priority list of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); considers methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed; considers and elaborates standards or codes of practice for related subjects; and considers other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee is chaired by the Netherlands.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 4th Session of the CCCF will be discussed during the public meeting:

- Matters Referred to the CCCF by Codex and other Codex Committees and Task Forces
- Matters of Interest Arising from FAO and WHO (including JECFA)
- Matters of Interest Arising from other International Organizations—International Atomic Energy Agency (IAEA)
- Proposed Draft Code of Practice for the Reduction of Ethyl Carbamate in Stone Fruit Distillates
- Proposed Draft Maximum Levels for Melamine in Food and Feed
- Proposed Draft Maximum Levels for Total Aflatoxins in Brazil Nuts
- Proposed Draft Revision of the Code of Practice for the Prevention and Reduction of Aflatoxin in Tree Nuts (Additional Measures for Brazil Nuts)
- Proposed Draft Maximum Levels for Fumonisins in Maize and Maize Products and Associated Sampling Plans
- Discussion Paper on Mycotoxins in Sorghum
- Priority List of Contaminants and Naturally Occurring Toxicants Proposed for Evaluation by JECFA

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the meeting. Members of the public may access copies of these documents (see **ADDRESSES**).

Public Meeting

At the March 29, 2010, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Henry Kim for the 4th Session of the CCCF (see **ADDRESSES**). Written comments should state that they relate to activities of the 4th Session of the CCCF.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/Regulations_&_Policies/2010_Notices_Index/index.asp.* FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done in Washington, DC on March 1, 2010.

Karen Stuck,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2010–4694 Filed 3–4–10; 8:45 am]

BILLING CODE 3410–DM–P

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 May 4, 2010.

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 *ssegal@usaid.gov* or mail comments to: Sabrina Segal, Office of the General Counsel (A/GC) United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523 (202) 712–5409.

SUPPLEMENTARY INFORMATION: The U.S. Agency for International Development (USAID) has previously sought emergency clearance from OMB and has received it.

OMB No.: OMB 0412–New.

Form No.: N/A.

Title: Disaster and Emergency Relief Information.

Type of Review: New Information Collection.

Purpose: The purpose of this Information Collection is to enable the U.S. Agency for International Development (USAID) to collect information from members of the public as it relates to in-kind donations or expressions of interest to volunteer in response to an international disaster or emergency where USAID has been tasked with relief or recovery responsibilities.

Annual Reporting Burden:

Respondents: 2,000.

Total annual responses: 2,000.

Total annual hours requested: 500 hours.

Dated: February 24, 2010.

Roberto Miranda,

Director, Office of Administrative Services, Bureau for Management.

[FR Doc. 2010–4426 Filed 3–3–10; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–836]

Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part

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

SUMMARY: On September 24, 2009, the Department of Commerce published the

preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate from the Republic of Korea and the intent to rescind the administrative review in part. The review covers three manufacturers/exporters. The period of review is February 1, 2008, through January 31, 2009. We have rescinded the review with respect to one company and we have made no changes for the final results of review. The final margins are listed below in the "Final Results of the Review" section of this notice.

DATES: *Effective Date:* March 5, 2010.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5760 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2009, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate (CTL plate) from the Republic of Korea (Korea) and intent to rescind the administrative review in part. See *Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind Administrative Review in Part*, 74 FR 48716 (September 24, 2009), as corrected in *Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Correction to the Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind Administrative Review in Part*, 74 FR 51834 (October 8, 2009) (collectively *Preliminary Results*).

We invited interested parties to comment on the *Preliminary Results*. On October 26, 2009, we received a case brief from Hyosung Corporation (Hyosung). On November 2, 2009, we received a rebuttal brief from Nucor Corporation (Nucor). Because Hyosung's case brief contained untimely filed new factual information and Nucor's rebuttal brief cited the untimely filed new factual information Hyosung included in its case brief, we rejected and returned Hyosung's case brief and Nucor's rebuttal brief on January 6, 2010, and requested that Hyosung and Nucor resubmit their case and rebuttal briefs by January 13, 2010, and January 19, 2010, respectively.

On January 8, 2010, Hyosung submitted its revised case brief. In its January 8, 2010, case brief, Hyosung removed most of the new factual information we had rejected but the brief still contained new factual information. On January 19, 2010, Nucor submitted its revised rebuttal brief. In its revised rebuttal brief, Nucor identified several of Hyosung's statements in the revised case brief as new factual information and requested that the Department reject Hyosung's case brief.

On January 26, 2010, we rejected and returned the revised case and rebuttal briefs for Hyosung and Nucor, respectively, because the case brief contained the new factual information and the rebuttal brief addressed the new factual information. We allowed Hyosung and Nucor to resubmit their revised case and rebuttal briefs which did not include the new factual information by the close of business on January 28, 2010. Hyosung and Nucor resubmitted their revised case and rebuttal briefs, respectively, within the specified due date omitting the new factual information we identified in our January 26, 2010, rejection letters. These resubmitted briefs are the final case and rebuttal briefs Hyosung and Nucor submitted respectively for this administrative review. No other parties submitted either a case brief or a rebuttal brief.

On January 14, 2010, we extended the due date for the final results of this administrative review to February 22, 2010. See *Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Extension of the Final Results of Antidumping Duty Administrative Review*, 75 FR 2107 (January 14, 2010). As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, we have exercised our discretion to toll deadlines for the duration of the closure of the Federal Government from February 5 through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the final results of this administrative review is now March 1, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

Scope of the Order

The products covered by the antidumping duty order are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to length (not in coils) and without patterns in relief), of iron or non-alloy quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products included in the scope of the order are of rectangular, square, circular, or other shape and of rectangular or non-rectangular cross section where such non-rectangular cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished, or coated with plastic or other non-metallic substances are included within the scope. Also, specifically included in the scope of the order are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products included in the scope, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of the order unless otherwise specifically excluded. The following products are specifically excluded from the order: (1) Products clad, plated, or

coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

Imports of steel plate are currently classified in the HTSUS under subheadings 7208.40.30.30, 7208.40.30.60, 7208.51.00.30, 7208.51.00.45, 7208.51.00.60, 7208.52.00.00, 7208.53.00.00, 7208.90.00.00, 7210.70.30.00, 7210.90.90.00, 7211.13.00.00, 7211.14.00.30, 7211.14.00.45, 7211.90.00.00, 7212.40.10.00, 7212.40.50.00, 7212.50.00.00, 7225.40.30.50, 7225.40.70.00, 7225.50.60.00, 7225.99.00.90, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the merchandise covered by the order is dispositive.

Rescission of Review in Part

In the *Preliminary Results*, we preliminarily found that the claim by Daewoo International Corporation (Daewoo) that it made no shipments of subject merchandise during the period of review was consistent with import data provided by U.S. Customs and Border Protection (CBP) and we stated our intent to rescind the administrative review with respect to this company. See *Preliminary Results*, 74 FR at 48717. We have received no comment concerning our intent to rescind. We continue to find that Daewoo had no shipments of CTL plate from Korea for the final results of this review and we are rescinding the review with respect to Daewoo.

Analysis of the Comments Received

All issues raised in Hyosung's case brief and Nucor's rebuttal brief are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Acting Deputy Assistant Secretary Edward C. Yang to Acting Deputy Assistant Secretary Carole A. Showers dated concurrently with this notice, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded is in the Decision Memo and attached to this notice as an Appendix. The Decision Memo, which is a public document, is on file in the Central Records Unit of the main Department of Commerce building, Room 1117, and is accessible on the Web at *http://ia.ita.doc.gov/frn/index.html*. The paper copy and electronic version of the Decision Memo are identical in content.

Use of Adverse Facts Available

The Department found in the *Preliminary Results* that Hyosung, Hyundai Mipo Dockyard Co., Ltd. (Hyundai Mipo), and JeongWoo Industrial Machine Co., Ltd. (JeongWoo), failed to cooperate to the best of their ability in responding to the Department's requests for information and thereby impeded the Department's proceeding. See *Preliminary Results*, 74 FR at 48717. Therefore, in accordance with section 776(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.308(c), the Department preliminarily selected 32.70 percent as the adverse facts-available dumping margin. This rate is the rate we assigned as adverse facts available to Tae Chang Steel Co., Ltd., which failed to submit its response to our antidumping questionnaire in the administrative review of this proceeding for the period February 1, 2006, through January 31, 2007. See *Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind Administrative Review in Part*, 72 FR 65701, 65702–03 (November 23, 2007), unchanged in *Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part*, 73 FR 15132, 15133 (March 21, 2008).

The Department received comments regarding its preliminary application of the adverse facts-available dumping margin to Hyosung. The Department did not receive any comments regarding its preliminary application of the adverse facts-available dumping margin to Hyundai Mipo and JeongWoo. For the final results, the Department has not altered its analysis or decision to apply the adverse facts-available dumping margin to Hyosung, Hyundai Mipo, and JeongWoo. See the Decision Memo for the issues parties raised and the Department's positions concerning those issues.

Final Results of the Review

As a result of our review, we determine that the weighted-average dumping margins for CTL plate from Korea for the period February 1, 2008, through January 31, 2009, are as follows:

Company	Margin (percent)
Hyosung	32.70
Hyundai Mipo	32.70
JeongWoo	32.70

Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. Because we are relying on total adverse facts available to establish the dumping margins for Hyosung, Hyundai Mipo, and JeongWoo, we will instruct CBP to apply a dumping margin of 32.70 percent to CTL plate from Korea that was produced and/or exported by Hyosung, Hyundai Mipo, and JeongWoo and entered, or withdrawn from warehouse, for consumption during the period of review. We will issue appropriate assessment instructions to CBP 15 days after publication of the final results of review.

Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of CTL plate from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit rates for Hyosung, Hyundai Mipo, and JeongWoo will be 32.70 percent; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 0.98 percent,[1] the all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate in the companion countervailing duty investigation. These deposit requirements shall remain in effect until further notice.

Notification to Importer

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to

[1] See *Preliminary Results*, 74 FR at 48719.

liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the APO itself. See 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: March 1, 2010.

Carole A. Showers,

Acting Deputy Assistant Secretary for Import Administration.

Appendix

List of Issues in the Issues and Decision Memorandum

1. Acceptance of Untimely Response
2. Rescission of Review Based on the CBP Data
3. Alleged New Factual Information

[FR Doc. 2010–4711 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 100301119–0119–01; I.D. GF001]

Market Development Cooperator Program 2010

AGENCY: Office of Planning, Coordination and Management (OPCM), Manufacturing and Services (MAS), International Trade Administration (ITA), Commerce.

ACTION: Notice of funding availability.

SUMMARY: ITA requests that eligible organizations submit proposals (applications) for the fiscal year (FY) 2010 competition for Market Development Cooperator Program (MDCP) awards. ITA creates economic opportunity for U.S. workers and firms by promoting international trade and investment, strengthening industry competitiveness, and ensuring fair trade.

DATES: *Applications:* The Department must receive completed applications by 5 p.m. Eastern Daylight Time, April 19, 2010. Late applications will not be accepted. Applicants whose applications have been accepted will be notified via e-mail or fax within ten days of the submission deadline.

Public Meeting: The Department will hold a public meeting to discuss MDCP proposal preparation, procedures, and selection process on Tuesday, March 16, 2010. The ninety-minute meeting will begin at 2 p.m. in Room 6029, at the Herbert Clark Hoover Building, 14th and Constitution Avenue, NW., Washington, DC. The Department will not discuss specific proposals at this meeting. Attendance is not required. Interested parties may participate via telephone conference. Dial-in instructions will be posted on the Internet at *trade.gov/mdcp.* Interested parties can also obtain dial-in instructions from Ms. Catherine Land at 202–482–3858.

ADDRESSES: Applicants are strongly encouraged to submit their applications via *http://www.grants.gov.* Application packages are available from *http://www.grants.gov* or may obtained at *trade.gov/mdcp* or by contacting Mr. Brad Hess, U.S. Department of Commerce, HCHB 3215, 14th Street and Constitution Avenue, NW., Washington, DC 20230. This is also the address where applicants may submit an application if they cannot submit online or choose not to submit online.

FOR FURTHER INFORMATION CONTACT: Mr. Brad Hess, Manager, Market Development Cooperator Program, Manufacturing and Services, ITA, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 3215, Washington, DC 20230. E-mail address: *Brad.Hess@trade.gov.*

SUPPLEMENTARY INFORMATION: Through Market Development Cooperator Program (MDCP) cooperative agreements, the Department provides technical and financial assistance to trade associations, state departments of trade, and other non-profit industry organizations to help to underwrite the start-up costs of new ventures that organizations are often reluctant to undertake without federal government support. These organizations are particularly effective in reaching small- and medium-size enterprises (SMEs). The mission goals of the MDCP strengthens the competitiveness of U.S. industry by fostering projects that result in increased exports and/or market share for non-agricultural goods and services produced in the United States. As an active partner, ITA will, as appropriate, guide and assist organizations in achieving project objectives.

ITA publishes this notice to solicit applications for MDCP funds. ITA encourages organizations to propose projects that: (1) Best strengthen their industry through market development; and (2) leverage the partnership between the organization and ITA.

1. Definitions

Several definitions are provided in section VIII. Other Information of the Federal Funding Opportunity announcement (see Electronic Access).

2. Examples of Project Activity

Applicants should propose market development activities tailored to strengthen the competitiveness of a U.S. industry. Examples from prior years are set forth below and, in greater detail, at *trade.gov/mdcp.* These are provided only for illustration: Promotion of standards that ensure market access for U.S. products; helping business leaders to leverage free trade agreements to the advantage of U.S. industry; demonstration of U.S. products abroad; development of a shared Internet-based distribution system in a target market; establishment of technical servicing of U.S. products abroad; joint promotion of U.S. products with foreign partners; establishment of a trade association office in a target market; education of foreign users of U.S. technology concerning intellectual property rights; training foreign staff for after-sale service of U.S. products in target markets; increasing trust in U.S. products in foreign markets by safeguarding non-U.S. elements of the supply chain with an ingredient testing system; publication of product brochures and company directories; and development of product quality standards and designations along with target-market promotion of same.

Electronic Access: The full text of the Federal funding opportunity (FFO) announcement for this program can be accessed via the Grants.gov Web site at *http://www.grants.gov.* The FFO announcement will also be available by contacting the program officials identified under **FOR FURTHER INFORMATION CONTACT**. Applicants must comply with all requirements contained in the FFO announcement.

Statutory Authority: MDCP is provided for in 15 U.S.C. 4723. The program strengthens U.S. industry's competitiveness by developing, maintaining, and expanding foreign

markets for non-agricultural goods and services produced in the United States.

CFDA: 11.112, Market Development Cooperator Program

Funding Availability: Approximately $1,500,000 is expected to be available through this announcement for fiscal year 2010. The total number of awards made will depend on the amounts requested by top-scoring applicants and the availability of funds. No award will exceed $500,000. The Department anticipates concluding three to thirty cooperative agreements.

Program Priorities

ITA seeks to promote trade and strengthen the global competitiveness of U.S. industry. MDCP projects should be designed to meet this objective. The primary measurements of effectiveness of MDCP projects in meeting this objective are exports and U.S. jobs created or sustained by these exports. Listed below are more specific priorities that help ITA to achieve this objective. Applicants should demonstrate how their proposed projects are compatible with or complementary to these ITA priorities. An applicant does not need to focus on a specific number of these priorities to qualify for an award. Strong compatibility or complementarity on one priority can be sufficient for an application to score high enough to be funded. The Department is interested in receiving proposals that include but are not limited to projects that:

1. Create or sustain U.S. jobs by increasing or maintaining exports;
2. Address impediments to innovation and reduce the cost of doing business in foreign countries;
3. Address standards, intellectual property rights, and other non-tariff barriers, especially in large markets like China, India, and Brazil;
4. Help U.S. industry to capitalize on effective global supply chain management strategies;
5. Increase U.S. market share in China's clean energy sector and improve the business environment for U.S. companies in China;
6. Facilitate ease of travel to the United States and promote U.S. higher education and training opportunities to non-U.S. entities;
7. Increase overall export awareness and awareness of ITA programs and services among U.S. companies, by making SMEs export-ready or by facilitating deal-making; and
8. Expand exports of U.S. emerging technologies.

Eligibility: Trade associations, state departments of trade and their regional associations, and non-profit industry organizations, including organizations such as World Trade Centers, centers for international trade development and small business development centers are eligible to apply for an MDCP award. Private industry firms or groups of firms may be eligible to apply for an MDCP award in cases where an entity listed above does not exist to represent the industry. Such private industry firms or groups of firms must provide in their applications, documentation demonstrating that a trade association, non-profit industry organization, or state department of trade or their regional association does not exist to represent the industry.

Definitions of each eligible entity are provided below:

1. *Trade Association:* A fee-based organization consisting of member firms in the same industry, or in related industries, or which share common commercial concerns. The purpose of the trade association is to further the commercial interests of its members through the exchange of information, legislative activities, and other forms of representation.

2. Non-Profit Industry Organization

a. A non-profit small business development center operating under agreement with the Small Business Administration; or

b. A non-profit World Trade Center chartered or recognized by the non-profit World Trade Centers Association; or

c. An organization granted status as a non-profit organization under 26 U.S.C. 501(c)(3), (4), (5), or (6), which operates as one of the following: (1) Chamber of commerce; (2) Board of trade; (3) Business, export or trade council/interest group; (4) Visitors bureau or tourism promotion group; (5) Economic development group; (6) Small business development center; or (7) Port authority. Organizations with 501(c)(4) status that engage in lobbying are not eligible.

3. State Departments of Trade and Their Regional Associations

a. Department of a state government tasked with promoting trade, tourism, or other types of economic development; or

b. Associations of the departments of trade (as defined above) of two or more states; or

c. Entities within a state or within a region that are associated with a state department of trade, tourism, or other types of economic development including non-profit, non-private, non-commercial entities which are at least partially funded by, directed by, or tasked by a state government to promote trade, tourism, or other types of economic development.

Clarification Regarding Eligibility of Educational Institutions

Educational institutions, such as schools, colleges, and universities, are generally not eligible. However, organizations that are part of or affiliated with an educational institution for administrative, accounting, financial, legal, or logistical reasons may be eligible. Such organizations that are not independent legal entities—for example, an unincorporated organization—that otherwise may be classified as a trade association; non-profit industry association; or. state department of trade or their regional association are eligible. In such a case, the eligible entity will include in its application a signed letter from the educational institution stating that MDCP funds will be used only by the eligible entity for the purposes outlined in its application, and that no such funds will be used by or retained by the educational institution, even though the funds may need to go through the educational institution because of the eligible entity's lack of a separate accounting system or lack of status as a separate legal entity.

Cost Sharing Requirements: A cooperator must contribute at least two dollars for each Federal dollar received. The first dollar's-worth of contribution must be cash, the second can be either cash or in-kind contribution worth one dollar. See section VIII.B. Supplemental Explanation of Cost Share and Match of the FFO announcement for more information.

Evaluation and Selection Procedures: The general evaluation criteria and selection factors that apply to full applications to this funding opportunity are summarized below. Further information about the evaluation criteria and selection factors can be found in the FFO announcement.

Evaluation Criteria for Projects: The Department is interested in projects that demonstrate the possibility of both significant progress during the award period and lasting benefits extending beyond the award period. To that end, the selection panel reviews each application for financial assistance under MDCP based upon the evaluation criteria listed below.

1. *Potential to Strengthen Competitiveness (20 points):*

A project's potential to strengthen competitiveness is evaluated primarily on the likelihood that it will result in export initiatives by U.S. firms, particularly small- and medium-sized enterprises. Such initiatives are

normally characterized by a significant expenditure of resources by the chief executive officer of a company in the active pursuit of export sales. As noted in the Examples of Project Activity, many different kinds of activity can strengthen the competitiveness of U.S. industry; however, an applicant can earn the maximum number of points under this criterion only by demonstrating how its proposed project is expected to result in increased export initiatives by individual U.S. firms and exports by those firms.

2. *Performance Measurement (20 points):*

Applicants must provide quantifiable estimates of projected export and market share increases and explain how they are derived. No application that lacks an estimate of exports can receive a performance measurement score that exceeds ten (10). Applicants must detail the methods they will use to gather and report performance information. The Department will evaluate each applicant's proposed performance measures and proposed performance goals to determine how reasonable they are and to determine the likelihood that the applicant will gather and report useful data.

3. *Partnership and Priorities (20 points):*

This criterion evaluates the degree to which the project initiates or enhances partnership with ITA and the degree to which the proposal furthers or is compatible with ITA's priorities stated under Program Priorities above.

4. *Creativity and Capacity (20 points):*

This criterion evaluates the creativity, innovation, and realism displayed by the work plan as well as the institutional capacity of the applicant to carry out the work plan.

a. *Demonstrating Creativity:* Applicants might propose ideas not previously tried to promote a particular industry in a market. Creativity can be demonstrated by the manner in which techniques are customized to meet the specific needs of certain client groups.

b. *Table Comparing Proposal to Current or Past MDCP Projects:* Applicants that have received an MDCP award in the past must submit a table comparing their current or past MDCP project(s) and their proposed project. The need for this table and the requested format are described below. MDCP awards are designed to help underwrite the start-up costs of new projects. Accordingly, current or past cooperators can be in a position to earn the maximum number of points under this criterion only if they propose projects that are entirely new. In order to determine whether a project is entirely new, the current or past cooperator must provide, as a separate appendix, a comparison between the elements of the proposed project and the elements of its current or past MDCP-funded projects. Current or past cooperators that propose projects that are not entirely new will receive fewer points under this criterion than they would receive otherwise. In determining the number of points under this criterion, the selection panel will consider the level to which a particular applicant has incorporated elements of its previously funded MDCP projects. To do this, current or past cooperators should submit a table wherein they approximate the amount of resources devoted to each project element. See VIII.C. Example Table Comparing Proposal to Current or Past MDCP Projects of the FFO announcement for more information.

c. *Institutional Capacity:* The Department measures institutional capacity by what each applicant submits. A current or past cooperator should not assume that success with a prior MDCP project will automatically be taken into account by the Department when reviewing its application. Each applicant must document its institutional capacity in its application.

5. *Budget and Sustainability (20 points):*

This criterion encompasses the reasonableness of the itemized budget for project activities, the amount of the cash match that is readily available at the beginning of the project, and the probability that the project can be continued on a self-sustained basis after the completion of the award. Current or past cooperators must show how the proposed project will achieve self-sustainability independent of any current or past MDCP projects. ITA does not assume that prior MDCP projects are self-sustaining. As noted in the section entitled Institutional Capacity, ITA assesses each application based on what each applicant chooses to include in its application. If an applicant wants ITA to consider the self-sustainability of a prior project when evaluating a new project proposal, it should include relevant information in its application.

Each of the above criteria is worth a maximum of 20 points. The five criteria together constitute the application score. At 20 points per criterion, the total possible score is 100.

Review and Selection Process: The applicant is responsible for submitting a complete application in a timely manner. Prior to selection, each complete application receives an evaluation as set forth below.

Eligibility Determination

The MDCP staff of the Office of Planning, Coordination and Management (OPCM) in ITA's Manufacturing and Services (MAS), in consultation with the Department's Office of General Counsel, reviews all applications to determine the eligibility of each applicant.

Program Area Review

All eligible applicants are forwarded to the relevant program areas, including ITA's MAS, Market Access and Compliance (MAC), and Commercial Service, for review. This allows experts in the industry sector or geographical region to assess applicant claims. These reviewers provide insights into both the potential benefits and the potential difficulties associated with the applications.

OPCM Review

Representatives of OPCM will also review and comment on applications using the evaluation criteria identified above.

Selection Panel

The MDCP Manager prepares for the selection panel a review packet including the applications and OPCM reviewer and program area reviewer comments. The OPCM reviewer and program area review comments afford the selection panel the insights and breadth of experience of Department professionals. Although their comments are made available to the selection panel, it is only the selection panel's scores that determine the top ranked applications that are forwarded to the Assistant Secretary for Manufacturing and Services with the recommendation for selection as award recipients. The MDCP Manager forwards all of the eligible applications, along with all related materials, to the selection panel, which is comprised of at least three senior ITA managers, for review and selection recommendation. This panel is chaired by the OPCM Director and typically includes three other members, one each from MAS, MAC, and the Commercial Service. Panel members are office directors or higher.

Each selection panel member reviews each eligible application using the evaluation criteria and assigns a score for each of the five criteria stated above. Panel members have the discretion to take into consideration the OPCM staff and program area comments when assigning a score for each application. The scores of each selection panel member for each application reviewed are maintained in the files for three years. The individual criteria scores are

averaged to determine the total score for each application. The evaluation criteria scores assigned by the panel determine which applications are recommended for funding.

Based on the scores assigned by selection panel members and deliberations by the selection panel, the selection panel ranks all applications based on scores and forwards the applications with the ten highest total scores ("top-ranked applications") to the Assistant Secretary for Manufacturing and Services, and recommends which of the top applications should receive funding. If the amount of funds requested by the top ten applicants is less than the funding available, the selection panel recommends additional applications for funding in rank order. The selection panel's recommendation will not deviate from the rank order. For example, the selection panel cannot recommend funding for the application ranked seventh without recommending funding for applicants ranked first through sixth. The selection panel recommendation includes the panel's written assessment of the strengths and weaknesses of the top-ranked applications.

Selection Factors for Projects: From the top-ranked applications forwarded by the selection panel, the Assistant Secretary for Manufacturing and Services selects those applications that will receive funding. In addition to the evaluation criteria, the Assistant Secretary for Manufacturing and Services may consider the selection factors listed below:

1. The selection panel's written assessments;
2. Degree to which applications satisfy the ITA priorities established under Program Priorities;
3. Geographic distribution of the proposed awards;
4. Diversity of industry sectors and overseas markets covered by the proposed awards;
5. Diversity of project activities represented by the proposed awards;
6. Avoidance of redundancy and conflicts with the initiatives of other federal agencies; and
7. Availability of funds.

Intergovernmental Review: There are no intergovernmental review requirements beyond those already noted.

Limitation of Liability: In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF–LLL and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

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

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act: Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: March 2, 2010.

Robert W. Pearson,

Director, Office of Planning, Coordination and Management, Manufacturing and Services, International Trade Administration, Department of Commerce.

[FR Doc. 2010–4715 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG18

Identification of Nations Whose Fishing Vessels are Engaged in Illegal, Unreported, or Unregulated Fishing and/or Bycatch of Protected Living Marine Resources

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

ACTION: Notice and request for information.

SUMMARY: NMFS is seeking information regarding nations whose vessels are engaged in illegal, unregulated, or unreported (IUU) fishing or bycatch of protected living marine resources (PLMRs). Such information will be reviewed for the purposes of the identification of nations pursuant to the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act).

DATES: Information should be received on or before April 5, 2010.

ADDRESSES: Information should be submitted to NMFS Office of International Affairs, Attn.: MSRA Information, 1315 East-West Highway, Silver Spring, MD 20910. E-mail address: *IUU.PLMR.INFO@noaa.gov* or fax (301) 713–9106.

FOR FURTHER INFORMATION CONTACT: NMFS Office of International Affairs, e-mail address: *IUU.PLMR.INFO@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) amended the Moratorium Protection Act (16 U.S.C. 1826d-k) to require actions be taken by the United States to strengthen international fishery management organizations and address IUU fishing and bycatch of PLMRs. Specifically, the Moratorium Protection Act requires the Secretary of Commerce (Secretary) to identify in a biennial report to Congress those nations whose fishing vessels are engaged, or have been engaged at any point during the preceding 2 years, in IUU fishing. In this context, IUU fishing is defined (16 U.S.C. 1826j; 50 CFR 300.200–201) as:

(1) Fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch

limits or quotas, capacity restrictions, and bycatch reduction requirements;

(2) Overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

(3) Fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

Additionally, the Secretary must identify in the biennial report those nations whose fishing vessels are engaged, or have been engaged during the preceding calendar year, in fishing activities either (1) in waters beyond any national jurisdiction that result in bycatch of a PLMR, or (2) beyond the U.S. exclusive economic zone (EEZ) that result in bycatch of a PLMR shared by the United States. In this context, PLMRs are defined as non-target fish, sea turtles, or marine mammals that are protected under U.S. law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna. PLMRs do not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement. (A list of species considered as PLMRs for this purpose is available online at: *http://www.nmfs.noaa.gov/msa2007/mrip.htm*)

The first biennial report was submitted to Congress in January 2009 and is available online at *http://www.nmfs.noaa.gov/msa2007/docs/msra__biennial__report__011309.pdf*. The report identified six nations for IUU fishing.

The Moratorium Protection Act also requires the Secretary to establish procedures to certify whether each nation identified in the biennial report is taking appropriate corrective action to address IUU fishing and/or bycatch of PLMRs by fishing vessels of that nation. If a nation does not receive a positive certification by the Secretary, they could be subject to sanctions under the High Seas Driftnet Fisheries Enforcement Act (Enforcement Act)(16 U.S.C. 1826a). On January 14, 2009, NMFS published a proposed rule to implement both the identification and certification procedures. (That proposed rule is available online at *http://www.nmfs.noaa.gov/msa2007/docs/iuu__bycatch__rule011409.pdf*.)The rule provides information regarding the identification process and how the information solicited here will be used in that process.

In fulfillment of its requirements under the Moratorium Protection Act, NMFS is preparing the second biennial report to Congress, which will identify nations whose fishing vessels are engaged in IUU fishing, or fishing practices that result in bycatch of PLMRs. NMFS is soliciting information from the public that could assist in its identification of nations engaged in activities that meet one or more of the three criteria described above for IUU fishing or one or more of the two criteria described above for PLMR bycatch. Information that may prove useful to NMFS includes:

- Documentation (photographs, etc.) of IUU activity or PLMR bycatch;
- Fishing vessel records;
- Reports from off-loading facilities, port-side government officials, enforcement agents, military personnel, port inspectors, transshipment vessel workers and fish importers;
- Government vessel registries;
- IUU vessel lists from RFMOs;
- RFMO catch documents and statistical document programs;
- Appropriate certification programs; and
- Reports from governments, international organizations, or nongovernmental organizations.

NMFS will consider all available information, as appropriate, when making a determination whether or not to identify a particular nation in the biennial report to Congress. NMFS is particularly interested in information on IUU fishing activity and bycatch of PLMRs that occurred during 2009–2010. NMFS will consider several criteria when determining whether information is appropriate for use in making identifications, including but not limited to:

- Corroboration of information;
- Whether multiple sources have been able to provide information in support of an identification;
- The methodology used to collect the information;
- Specificity of the information provided;
- Susceptibility of the information to falsification and alteration; and
- Credibility of the individuals or organization providing the information.

Information should be as specific as possible as this will assist NMFS in its review.

Dated: March 1, 2010.

Rebecca Lent,

Director, Office of International Affairs, NOAA Fisheries Service.

[FR Doc. 2010–4680 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews

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

EFFECTIVE DATE: March 5, 2010.

SUMMARY: The Department of Commerce ("Department") has determined that three requests for new shipper reviews of the antidumping duty order on wooden bedroom furniture from the People's Republic of China ("PRC") meet the statutory and regulatory requirements for initiation. The period of review ("POR") for the three new shipper reviews is January 1, 2009, through December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Jeffrey Pedersen, Rebecca Pandolph, or David Edmiston, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230, telephone: (202) 482–2769, (202) 482–3627, or (202) 482–0989 respectively.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty order on wooden bedroom furniture from the PRC was published on January 4, 2005. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China*, 70 FR 329 (January 4, 2005). On January 21, and 29, 2010, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214(c), the Department received timely requests for new shipper reviews from Dongguan Huansheng Furniture Co., Ltd. ("Dongguan Huansheng"); Hangzhou Cadman Trading Co., Ltd. ("Cadman"); and Wanvog Furniture (Kunshan) Co., Ltd. ("Wanvog").

Dongguan Huansheng and Wanvog certified that they are each the exporter and producer of, and Cadman certified that it is the exporter of, the subject merchandise upon which their respective request for a new shipper review was based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i) and (b)(2)(ii)(A), Dongguan Huansheng, Cadman, and Wanvog certified that they did not export wooden bedroom furniture to the United States during the period of investigation ("POI"). Further, pursuant to 19 CFR 351.214(b)(2)(ii)(B), Haining Changbei Furniture Co., Ltd. ("Haining Changbei"), the producer of subject merchandise exported by Cadman, certified that it did not export subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Dongguan Huansheng, Cadman, and Wanvog certified that, since the initiation of the investigation, they have never been affiliated with any PRC exporter or producer who exported wooden bedroom furniture to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Dongguan Huansheng, Cadman, and Wanvog, also certified that their export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Dongguan Huansheng, Cadman, and Wanvog submitted documentation establishing the following: (1) the date on which Dongguan Huansheng, Cadman, and Wanvog first shipped wooden bedroom furniture for export to the United States and the date on which the wooden bedroom furniture was first entered, or withdrawn from warehouse, for consumption; (2) the volume of their first shipment;[1] and (3) the date of their first sale to an unaffiliated customer in the United States.

The Department conducted U.S. Customs and Border Protection ("CBP") database queries and confirmed that shipments of subject merchandise from Dongguan Huansheng, Cadman, and Wanvog had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties. The Department also confirmed by examining CBP data that Dongguan Huansheng, Cadman, and Wanvogs' entries were made during the POR as specified by the Department's regulations. *See* 19 CFR 351.214(g)(1)(i)(B). After examining CBP data, the Department requested additional information from Wanvog. See letter to Wanvog regarding, "Request for New Shipper Review of Wooden Bedroom Furniture from the People's Republic of China," dated February 18, 2010. On February 25, 2010, Wanvog submitted its response to the Department's request for additional information. *See* Wanvog's letter regarding, "New Shipper Review Request on Behalf of Wanvog Furniture (Kunshan) Co., Ltd.: Response to Supplemental Information Requests," dated February 25, 2010. For a detailed discussion regarding Wanvog's CBP data, *see* Memorandum to the File through Abdelali Elouaradia, Director, AD/CVD Operations, Office 4: Initiation of AD New Shipper Review of Wanvog Furniture (Kunshan) Co., Ltd.: Wooden Bedroom from the People's Republic of China ("Wanvog Checklist"), dated concurrently with this notice.

Pursuant to 19 CFR 351.221(c)(1)(i), the Department will publish the notice of initiation of a new shipper review no later than the last day of the month following the anniversary month of the order. As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, the deadline for publishing this notice of initiation has been extended by seven days. The revised deadline for publishing this notice is March 8, 2010, which is the first business day after the extended deadline. *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Dongguan Huansheng, Cadman, and Wanvog meet the threshold requirements for initiation of new shipper reviews of their shipments of wooden bedroom furniture from the PRC. *See* Memorandum to the File through Abdelali Elouaradia, Director, AD/CVD Operations, Office 4: Initiation of AD New Shipper Review of Dongguan Huansheng Furniture Co., Ltd.: Wooden Bedroom from the People's Republic of China, dated concurrently with this notice; Memorandum to the File through Abdelali Elouaradia, Director, AD/CVD Operations, Office 4: Initiation of AD New Shipper Review of Hangzhou Cadman Trading Co., Ltd.: Wooden Bedroom from the People's Republic of China, dated concurrently with this notice; and Wanvog Checklist.

The POR for the new shipper reviews of Dongguan Huansheng, Cadman, and Wanvog is January 1, 2009, through December 31, 2009. *See* 19 CFR 351.214(g)(1)(i)(B). The Department intends to issue the preliminary results of these reviews no later than 180 days from the date of initiation, and the final results of these reviews no later than 270 days from the date of initiation.*See* section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non–market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country–wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Dongguan Huansheng, Cadman, and Wanvog, which will include a separate rate section. The review of each exporter will proceed if the response provides sufficient indication that the exporter is not subject to either *de jure* or *de facto* government control with respect to its exports of wooden bedroom furniture.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise from Dongguan Huansheng, Cadman, and Wanvog in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Dongguan Huansheng, and Wanvog certified that they both produce and export the subject merchandise, the sales of which form the basis for their new shipper review requests, we will instruct CBP to permit the use of a bond only for entries of subject merchandise which the respondent both produced and exported. Because Cadman certified that it exported subject merchandise produced by Haining Changbei, the sales of which form the basis for Cadman's request for a new shipper review, we will instruct CBP to permit the use of a bond only for entries of the subject merchandise produced by Haining Changbei and exported by Cadman in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e).

Interested parties requiring access to proprietary information in these new

[1] Dongguan Huansheng, Cadman, and Wanvog made no subsequent shipments to the United States.

shipper reviews should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 1, 2010.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–4709 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR83

Marine Mammals; File No. 358–1787

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the Alaska Department of Fish and Game, Division of Wildlife Conservation, 1255 West 8th Street, Juneau, AK 99802 (Principal Investigator: Robert Small, Ph.D.), has been issued a major amendment to Permit No. 358–1787–02.

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Amy Sloan, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On September 25, 2009, notice was published in the **Federal Register** (74 FR 48909) that a request for an amendment to Permit No. 358–1787–02 to conduct research on harbor seals (*Phoca vitulina*), spotted seals (*P. largha*), ringed seals (*P. hispida*), ribbon seals (*P. fasciata*), and bearded seals (*Erignathus barbatus*) in Alaska had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The amended permit allows an increase in the number of ringed, bearded, spotted, and ribbon seals that may be captured, from 50 per year to 100 per year, to allow for selection of animals of specific age, sex, and molt condition. The amendment also includes permission to (1) administer diazepam as needed to sedate seals acting aggressively during handling, (2) pull a whisker for stable isotope analyses of diet; and (3) use a dip net from a boat as an additional capture method. The amendment is valid for the duration of the permit, which expires on December 31, 2011.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: March 1, 2010.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–4683 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Meeting of the Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a meeting to discuss a variety of issues affecting the U.S. manufacturing industry. The Council was re-chartered on April 10, 2008, to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry.

DATES: March 22, 2010.

Time: 1:30–3 p.m. (ET).

ADDRESSES: Department of Commerce, 1401 Constitution Avenue, NW., Room 4830, Washington, DC, 20230. Because of building security, all non-government attendees must pre-register. This program will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than March 15, 2010, to J. Marc Chittum, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230, telephone 202–482–4501, *Marc.Chittum@trade.gov.*

FOR FURTHER INFORMATION CONTACT: J. Marc Chittum, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230, telephone: 202–482–4501, e-mail: *Marc.Chittum@trade.gov*.

Dated: March 1, 2010.

J. Marc Chittum

Executive Secretary, the Manufacturing Council.

[FR Doc. 2010–4797 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–881]

Malleable Cast Iron Pipe Fittings from the People's Republic of China: Notice of Rescission of the 2008–2009 Administrative Review of the Antidumping Duty Order

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

EFFECTIVE DATE: March 5, 2010.

FOR FURTHER INFORMATION CONTACT: FOR FURTHER CONTACT INFORMATION: Brian D. Behringer, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–6810.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2009, the Department of Commerce ("the Department") published a notice of opportunity to request an administrative review of the antidumping duty order on malleable cast iron pipe fittings from the People's Republic of China ("PRC"). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 62743 (December 1, 2009). On December 31, 2009, Mueller Comercial de México, S. De R.L. de C.V. ("Mueller") and Southland Pipe Nipples Company, Inc. ("Southland") requested that the Department conduct an administrative review of Mueller's exports to the

United States for the period December 1, 2008, through November 30, 2009. Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on malleable cast iron pipe fittings from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 4770 (January 29, 2010).

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the requests within 90 days of the date of publication of the notice of initiation. On January 12, 2010, Mueller and Southland timely withdrew their request that the Department conduct an administrative review of Mueller's entries of subject merchandise, and no other interested party requested a review of this company. Therefore, the Department is rescinding this administrative review of the antidumping duty order on malleable cast iron pipe fittings from the PRC covering the period December 1, 2008, through November 30, 2009, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO, in accordance with 19 CFR 351.305 and as explained in the APO itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 25, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–4713 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XU40

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: NMFS announces free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops to be held in April, May, and June of 2010. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and have also been issued shark or swordfish limited access permits. Additional free workshops will be held in 2010 and announced in the **Federal Register**.

DATES: The Atlantic Shark Identification Workshops will be held April 8, May 20, and June 10, 2010.

The Protected Species Safe Handling, Release, and Identification Workshops will be held April 7, April 28, May 20, May 26, June 16, and June 30, 2010.

See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Stuart, FL; Foxborough, MA; and Alvin, TX.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Daytona Beach, FL; Kenner, LA; Kitty Hawk, NC; Warwick, RI; Charleston, SC; and Manahawkin, NJ.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson by phone:(727) 824–5399, or by fax:(727) 824–5398.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: *http://www.nmfs.noaa.gov/sfa/hms/workshops/*.

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit which first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Approximately 43 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Currently permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who: is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and fills out dealer reports. Atlantic shark dealers are prohibited from renewing a federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location which first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances - which are

extensions of a dealer's place of business -- must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

Workshop Dates, Times, and Locations

1. April 8, 2010, 12 p.m. - 5 p.m., Florida Oceanographic Coastal Center, 890 NE Ocean Boulevard, Stuart, FL 34996.
2. May 20, 2010, 12 p.m. - 5 p.m., Boyden Library - Fuller Room, 10 Bird Street, Foxborough, MA 02035.
3. June 10, 2010, 12 p.m. - 5 p.m., Alvin Library, 105 South Gordon Street, Alvin, TX 77511.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at esander@peoplepc.com or at (386) 852–8588.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The shark identification workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited access permit applicants who intend to fish with longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 82 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. The certificate(s) are valid for 3 years. As such, vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited-access permits that uses with longline or gillnet gear.

Workshop Dates, Times, and Locations

1. April 7, 2010, 9 a.m. - 5 p.m., Holiday Inn, 137 Automall Circle, Daytona Beach, FL 32124.
2. April 28, 2010, 9 a.m. - 5 p.m., Hilton Hotel (at Louis Armstrong New Orleans airport), 901 Airline Drive, Kenner, LA 70062.
3. May 20, 2010, 9 a.m. - 5 p.m., Hilton Garden Inn, 5353 Virginia Dare Trail, Kitty Hawk, NC 27949.
4. May 26, 2010, 9 a.m. - 5 p.m., Hilton Garden Inn (at T. F. Green Providence airport), 1 Thurber Street, Warwick, RI 02886.
5. June 16, 2010, 9 a.m. - 5 p.m., Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407.
6. June 30, 2010, 9 a.m. - 5 p.m., Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050.

Registration

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 290–8955.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.
- Representatives of a business owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.
- Vessel operators must bring proof of identification.

Workshop Objectives

The Protected Species Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. The proper identification of protected species will also be taught at these workshops in an effort to improve reporting. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species, which may prevent additional regulations on these fisheries in the future.

Grandfathered Permit Holders

Participants in the industry-sponsored workshops on safe handling and release of sea turtles that were held in Orlando, FL (April 8, 2005), and in New Orleans, LA (June 27, 2005), were issued a NOAA workshop certificate in December 2006 that was valid for 3 years. These workshop certificates have expired.

Vessel owners and operators whose certificates expire prior to the next permit renewal or fishing trip must attend a workshop, successfully complete the course, and obtain a new certificate in order to fish with or renew their limited-access shark and limited-access swordfish permits. Failure to

provide a valid NOAA workshop certificate could result in a permit denial.

Dated: March 1, 2010.

Emily Menashes,

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

[FR Doc. 2010–4682 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 100210082–0082–01]

Solicitation of Applications for the FY 2010 University Center Economic Development Program Competition in EDA's Austin and Denver Regional Offices

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Notice and request for applications.

SUMMARY: EDA is soliciting competitive applications from accredited institutions of higher education, including community colleges, and from consortia of accredited institutions of higher education for FY 2010 University Center Economic Development Program funding in the geographic areas served by its Austin and Denver regional offices. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Institutions of higher education have many assets and are able to establish and operate University Centers in partnership with EDA. These EDA-sponsored University Centers conduct research; provide technical assistance to tribal entities, local governments, and public and private sector organizations; and undertake other activities with the goal of enhancing regional economic development by promoting a favorable business environment to attract private capital investment and higher-skill, higher-wage jobs.

DATES: The closing date and time for receipt of applications for funding under the FY 2010 University Center Economic Development Program competition is June 1, 2010 at 5 p.m. CST for applicants in the Austin regional office's service area and 5 p.m. MST for applicants in the Denver regional office's service area. The Austin regional office will hold an informational teleconference for prospective applicants on April 1, 2010 at 1 p.m. CST. The Denver regional office will hold its informational teleconference call on March 19, 2010 at 1 p.m. MST. For instruction regarding these teleconferences, please see the information provided below under "Informational Teleconferences."

Subject to the availability of funding, successful applicants should expect to receive grant awards within approximately sixty days from the application closing date and time(s) set out in this notice and request for applications. The anticipated initial award will have a twelve-month duration with an estimated start date on or about August 1, 2010.

Application Submission Requirements: Applicants are advised to read carefully the instructions contained in section IV of the Federal Funding Opportunity (FFO) announcement for this request for applications. To access the FFO announcement, please see the Web sites listed below under "Electronic Access."

Applications may be submitted in two formats: (i) Electronically in accordance with the procedures provided on *www.grants.gov;* or (ii) in paper format to the addresses provided below. EDA will not accept facsimile transmissions of applications. The content of the application is the same for paper submissions as it is for electronic submissions. A complete application must contain all the items listed in the *Checklist of Application Materials,* which is attached as an Exhibit to the FFO announcement.

You may obtain a paper application package by contacting the designated point of contact listed below under "For Further Information Contact" for the EDA regional office servicing your geographic area. Applicants applying electronically through *www.grants.gov* may access the application package by following the instructions provided on *www.grants.gov.*

Paper Submissions: Applicants in Arkansas, Louisiana, New Mexico, Oklahoma or Texas should submit paper submissions (via postal mail, overnight delivery, or hand-delivery) to: FY 2010 University Center Program Competition, Economic Development Administration, Austin Regional Office, 504 Lavaca, Suite 1100, Austin, Texas 78701–2858.

Applicants in Colorado, Iowa (excluding Muscatine and Scott counties), Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah or Wyoming should submit paper submissions (via postal mail, overnight delivery, or hand-delivery) to: FY 2010 University Center Program Competition, Economic Development Administration, Denver Regional Office, 410 17th Street, Suite 250, Denver, Colorado 80202.

Department of Commerce mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants who submit paper submissions are advised to use a guaranteed overnight delivery service.

Electronic Submissions: Applicants may submit applications electronically in accordance with the instructions provided at *www.grants.gov.* EDA strongly encourages that applicants not wait until the application closing date to begin the application process through *www.grants.gov.* The preferred file format for electronic attachments (*e.g.*, the Project Narrative and attachments to Form ED–900) is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Excel formats.

Applicants should access the following link for assistance in navigating *www.grants.gov* and for a list of useful resources: *http://www.grants.gov/help/help.jsp.* If you do not find an answer to your question under "Applicant FAQs," try consulting the "Applicant User Guide." If you still cannot find an answer to your question, contact *www.grants.gov* via email at *support@grants.gov* or telephone at 1–800–518–4726. The hours of operation for www.grants.gov are Monday-Friday, 7 a.m. to 9 p.m. Eastern Time (except for federal holidays).

FOR FURTHER INFORMATION CONTACT: For additional information or for a paper copy of the application package, the designated contact person in the Austin regional office is Camille Osborne. Ms. Osborne may be reached at *cosborne@eda.doc.gov* or at 512.381.8145. The designated contact person in the Denver regional office is Forlesia S. Willis. Ms. Willis may be reached at *fwillis@eda.doc.gov* or at 303.844.5452. EDA's website at *http://www.eda.gov* also has information on EDA and its programs, including the University Center Economic Development Program.

SUPPLEMENTARY INFORMATION:

Program Information: EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA fulfills its mission by helping our partners across the nation create wealth and minimize poverty by promoting a favorable business environment to attract private capital investment and higher-skill, higher-wage jobs through capacity-building, planning,

infrastructure, research grants and strategic initiatives. Institutions of higher education have many assets that can help address regional economic problems and opportunities, such as faculty, staff, students, libraries, laboratories, facilities, and computer systems. With funding from EDA, institutions of higher education and consortia of institutions of higher education establish and operate University Centers. These EDA-sponsored University Centers conduct applied research, provide technical assistance to public and private sector organizations, and conduct other activities with the goal of enhancing regional economic development.

EDA began administering the University Center Economic Development Program as a competitive multi-year program in FY 2004. Under this multi-year program designation, EDA holds University Center Economic Development Program competitions each fiscal year in two of its six regional offices. For example, in FY 2004 and 2007, EDA solicited applications under a competition held in the Austin and Denver regional offices, and in FY 2005 and 2008, EDA solicited applications in the Philadelphia and Chicago regional offices. In FY 2006 and 2009, EDA solicited applications in the Atlanta and Seattle regional offices. Pursuant to its fiscal year schedule, for FY 2010, EDA announces that it will hold the competition in the Austin and Denver regional offices.

EDA encourages the submission of applications that will significantly benefit regions with distressed economies. Distress may exist in a variety of forms, including high levels of unemployment, low income levels, large concentrations of low-income families, and significant declines in per capita income because of large numbers (or high rates) of business failures, sudden major layoffs or plant closures, military base closures, natural or other major disasters, depletion of natural resources or reduced tax bases, and substantial loss of population because of the lack of employment opportunities. Under the University Center Economic Development Program, EDA seeks to support university-based programs that provide for regional, Statewide or multi-State programs to help foster the creation and retention of higher-skill, higher-wage jobs; attract private capital investment to the region served by the proposed University Center; address regional economic development challenges and opportunities; and enhance long-term regional and national competitiveness in the worldwide marketplace. EDA encourages projects that will collaborate with, interact with, and benefit other EDA investment partners, recipients, and stakeholders, and create synergies with EDA's Public Works, Economic Adjustment, and Planning programs.

To obtain the maximum effect of available program funds, EDA will strive to fund a portfolio of University Centers that, as a group, offer the widest possible coverage in the Austin and Denver regional offices' geographic areas and offer a full range of services tailored appropriately to the region's needs and each sponsoring institution's (or consortium's) strengths. EDA will strive to avoid funding duplicative services wherever practicable.

EDA will not fund University Centers that operate in isolation from other resources at the institution of higher education (or consortium) receiving the award. University Center programs not focused on economic development activities that foster higher-skill, higher-wage job creation and private sector investments are encouraged to seek financial support from other sources.

Electronic Access: The FFO announcement for the FY 2010 University Center Economic Development Program competition is available at *www.grants.gov* and at *http://www.eda.gov/InvestmentsGrants/FFON.xml.*

Statutory Authority: EDA's authorizing statute is the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*) (PWEDA). The specific authority for the University Center Economic Development Program is section 207 of PWEDA (42 U.S.C. 3147), which authorizes EDA to make grants for the establishment of University Centers. EDA's regulations at 13 CFR parts 300–302 and subpart B of 13 CFR part 306 set out the general and specific regulatory requirements applicable to the University Center Economic Development Program.

EDA's regulations are codified at 13 CFR chapter III. The regulations and PWEDA are accessible on EDA's website at *http://www.eda.gov/InvestmentsGrants/Lawsreg.xml.*

Funding Availability: Funding appropriated under the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, 123 Stat. 3034 at 3114 (2009)) is available for the economic development assistance programs authorized by PWEDA and for the Trade Adjustment Assistance for Firms Program under the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*). Funds in the amount of $255,000,000 have been appropriated for FY 2010 and shall remain available until expended.

The funding periods and funding amounts referenced in this competitive solicitation are subject to the availability of funds at the time of award, as well as to Department of Commerce and EDA priorities at the time of award. The Department of Commerce and EDA will not be held responsible for application preparation costs if the University Center Economic Development Program fails to receive funding or is cancelled because of agency priorities. Publication of this competitive solicitation does not obligate the Department of Commerce or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds.

In accordance with Congressional guidance, EDA hopes to be able to fund at least one University Center grant in each State. For FY 2010, EDA expects to allocate $7,437,408 to the University Center Economic Development Program. The amount of University Center funding available for competition in FY 2010 is expected to be $1,128,502 for the Austin regional office and $1,380,000 for the Denver regional office. The remaining FY 2010 University Center Economic Development Program funds will be used to continue to support current University Centers selected during the FY 2008 and 2009 competitions in EDA's other four regional offices. Annual awards for the University Centers selected in past years generally have been in the range of $80,000 to $200,000, although regional offices may choose to fund awards under this competition outside of these ranges. Subject to the availability of funding at the time of award, the funds allocated to the University Center Economic Development Program are anticipated to be available until expended.

Catalog of Federal Domestic Assistance (CFDA) Number: 11.303, Economic Development—Technical Assistance.

Applicant Eligibility: An accredited institution of higher education, including a community college, or a consortium of accredited institutions of higher education is eligible to apply for and to receive funding under the University Center Economic Development Program. *See* section 3(12) of PWEDA (42 U.S.C. 3122(12)) and 13 CFR 300.3. A university-affiliated research foundation also is eligible to apply for and to receive funding under this competitive solicitation, provided it demonstrates that it maintains the full and integral support of the university with respect to its economic development activities, through a letter or other documentation from a university President or Chancellor. For

applicants applying as a consortium, one accredited institution must be identified as the lead agent that would have lead responsibility to EDA and to the other members of the consortium for implementing an award. A non-profit organization, in good standing and participating in the institution's proposed project in connection with an application under this competitive solicitation, may partner with a consortium provided that the organization itself is affiliated with and directed by an accredited institution of higher education.

For FY 2010, the University Center Economic Development Program competition is open to eligible applicants in the geographic areas served by EDA's Austin and Denver regional offices. The Austin regional office serves Arkansas, Louisiana, New Mexico, Oklahoma and Texas. The Denver regional office serves Colorado, Iowa (excluding Muscatine and Scott counties), Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

Project Period: The Austin and Denver regional offices will provide a three-year project period for each University Center selected for funding under the FY 2010 University Center Economic Development Program competition, with the initial award being made for the first year of the project period. The selected University Centers will not have to compete for the second and third years of funding. Funding beyond the initial year is dependent upon the availability of funds, satisfactory performance, and satisfactory progress in achieving milestones and program goals set forth in the three-year scope of work, as determined by EDA and expressed in written notice.

Current University Center operators in the service areas of EDA's Atlanta, Chicago, Philadelphia, and Seattle regional offices will not have to compete for continuation funding in FY 2010, subject to the availability of funds, satisfactory continuing performance, and satisfactory progress in achieving milestones and program goals set forth in the three-year scope of work, as determined by EDA and expressed in a written notice. EDA regional offices will contact current University Center operators in those service areas regarding the procedures for securing FY 2010 continuation funding.

Cost Sharing Requirement: Generally, the amount of the EDA grant may not exceed fifty percent of the total cost of the project. Projects may receive an additional amount that shall not exceed thirty percent, as determined by EDA, based on the relative needs of the region in which the project will be located. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). The Assistant Secretary of Commerce for Economic Development has the discretion to establish a maximum EDA investment rate of up to one-hundred percent where the project (i) merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. *See* section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4).

In the application review process, EDA will consider the nature of the contribution (cash or in-kind) and the amount of the matching share funds. In-kind contributions, fairly evaluated by EDA, may provide the non-federal share of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. 3144) and section III.B of the FFO announcement for this request for applications. In-kind contributions, which may include assumptions of debt and contributions of space, equipment, and services, are eligible to be included as part of the non-federal share of eligible project costs if they meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards are considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 CFR 300.3. The applicant must show that the matching share is committed to the project for the entire project period, will be available as needed, and is not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 CFR 301.5.

Intergovernmental Review: Applications for funding under the University Center Economic Development Program are subject to the State review requirements imposed by Executive Order 12372, "*Intergovernmental Review of Federal Programs,*" where applicable.

Evaluation and Selection Procedures: Staff in EDA's Austin or Denver regional office, as applicable, first will undertake a technical review of each application to ensure that all required forms, signatures, and documentation are present and that the application is in compliance with the requirements of this competitive solicitation. Applications failing to meet the technical requirements of this competitive solicitation will not be referred to the review panel for merit review.

Following the technical review, each regional office will convene a panel to review the merits of each application based on the criteria provided under "Evaluation Criteria" below. The review panel will consist of federal employees and may include others recommended by the Regional Director of the applicable regional office. At least three members of the review panel will be EDA staff members. The review panel will evaluate and rate and rank competitively all technically sufficient applications based on the evaluation criteria provided under "Evaluation Criteria" below.

The review panel's rating and ranking of the applications then will be presented to the regional office's Investment Review Committee (IRC). Applications deemed eligible and consistent with EDA's mission and funding priorities are referred to the IRC, which is comprised of EDA staff, to determine which applications for funding are recommended to the Regional Director. Under this notice and request for applications, after reviewing the panel's process and recommendations, the IRC may either (i) forward the panel's ranked list, unaltered and in its entirety, to the Selecting Official, who is the Regional Director of the applicable regional office; or (ii) identify any deficiencies in the review process and direct the review panel (or convene a new panel) to begin the process anew. If the IRC directs the panel to re-evaluate the applications, the review panel will undertake the process again and submit a revised rating and ranking of the applications to the IRC.

Evaluation Criteria: EDA will evaluate applications based on the following criteria. Each criterion is detailed below with an assigned weight.

1. *Responsiveness to Objectives of Federal Funding Opportunity (35%).* This section shall assess the extent to which the applicant is able to:

- *Provide a wide geographic level of service.* Priority will be given to applicants whose programs will offer the widest possible coverage in the Austin and Denver regional offices' geographic service areas.
- *Leverage other university assets.* Priority will be given to University Center applicants whose proposed activities outline specific information on how they will leverage other University assets (such as economic analysis divisions, GIS capabilities, planning specialists, etc.).
- *Specifically articulate how the proposed activities of the University Center will address regional needs.* Priority will be given to applications

that clearly articulate the regional needs and propose activities which specifically address those needs.

2. *Alignment with Key Funding Priorities (35%).* In addition to meeting the requirements set out in this FFO, all EDA investments must satisfy at least one of the following key funding priorities. Applications that support more than one of the following funding priorities will receive higher priority.

• *Support science and technology.* Priority will be given to applications that propose to provide specific technical assistance to information technology industries (for example, high technology industries or investments in broadband and smart grid); scientific industries; healthcare industries; or environmental technologies, including technology commercialization.

• *Address sudden economic dislocation.* Priority will be given to proposed activities in which the University Center will engage to support investments in communities that experienced sudden or severe economic dislocation and job loss due to either auto-industry restructuring or natural disasters.

• *Support small and medium-size businesses.* Priority will be given to applications that propose specific activities that will support small and medium-size businesses (*e.g.,* ≤ 500 employees or ≤ $7 million in average annual sales).

• *Encourage collaborative regional innovation.* Priority will be given to proposed activities that will cultivate multi-jurisdictional solutions to regional needs; encourage regional collaboration among economic development organizations; and identify and implement programs that encourage regional stakeholders to link to and build upon unique assets of the region, such as the development and support of innovation clusters.

• *Foster global competitiveness.* Priority will be given to proposed activities that will help strengthen industry competitiveness through innovation, entrepreneurship, global trade, and rapid growth.

• *Environmentally sustainable development.* Priority will be given to proposed activities that will promote renewable energy; energy efficiency; or reuse, recycling, or natural resource restoration efforts across the region.

3. *Provides High Return on Investment (20%).* All applications will be evaluated to determine whether they represent a high return on investment, as measured by the:

• *Extent to which the proposed University Center will leverage public-private partnerships.* Priority will be given to proposed activities that will generate strong public-private support across the region and leverage private funds.

• *Degree to which the proposed University Center and its activities build upon other local, State, regional, federal, and private sector development initiatives.* Priority will be given to applications that clearly specify how the proposed activities will build upon the array of local, State, regional, federal, and private sector development efforts occurring in the region to more effectively meet regional needs.

4. *Significantly Benefits Regions with Distressed Economies (10%).* While all applicants must show how the proposed activities will benefit distressed regions within the service area, EDA will give additional consideration to those applicants that provide concrete evidence outlining how their proposed programs are especially well designed to significantly benefit distressed regions. As outlined in section I.B of the FFO announcement, distress may be defined by areas experiencing high levels of unemployment, low income levels, large concentrations of low-income families, or significant declines in per capita income because of large numbers (or high rates) of business failures, sudden major layoffs or plant closures, military base closures, natural or other major disasters, depletion of natural resources, reduced tax bases, or substantial loss of population because of the lack of employment opportunities.

Selection Factors: EDA expects to fund the highest ranking applications. The Selecting Official normally will follow the recommendations of the review panel. However, the Selecting Official may decide not to make a selection, or he may select an application out of rank order for several reasons, including: (i) A determination that the application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (ii) availability of program funding; (iii) geographic balance in distribution of program funds; (iv) balanced funding for a diverse group of institutions, to include smaller and rural institutions, which may form part of a broader consortium to serve diverse populations and areas within the regional office's territory; (v) the program objectives as provided in section I of the FFO announcement; (vi) the applicant's performance under previous federal financial assistance awards; or (vii) the overall mix of services, service areas, and target audiences in the regional office's University Center portfolio. If the Selecting Official makes a selection out of rank order, he will document the rationale for the decision in writing.

Informational Teleconferences: For prospective applicants, the Austin regional office will hold an informational teleconference on April 1, 2010, at 1 p.m. CST. The Denver regional office will hold its informational teleconference call on March 19, 2010, at 1 p.m. MST. These teleconferences will provide general program information and information regarding the preparation of applications for funding under this competitive solicitation. To ensure the integrity of this competition, EDA will not provide substantive information regarding the competition to prospective applicants outside of these scheduled teleconferences.

To ensure that enough incoming lines are available for each caller, the Austin regional office requires interested parties planning to participate on the teleconference to register no later than 5 p.m. CST on March 25, 2010; the Denver regional office requires interested parties planning to participate on the teleconference to register no later than 5 p.m. MST on March 16, 2010. To register, please send an email with "FY 2010 University Center Teleconference Registration" in the subject line to the designated contact person in the Austin or Denver regional office as provided above under **FOR FURTHER INFORMATION CONTACT.** The telephone number and pass code for each teleconference will be provided upon registration.

Please be advised that the informational teleconferences may be audio-taped and the actual recordings or a transcript of the actual recording may be made available online or otherwise for the benefit of prospective applicants unable to participate. Prospective applicants who participate on the teleconferences are deemed to consent to the taping.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: Administrative and national policy requirements for all Department of Commerce awards are applicable to this competitive solicitation. These requirements may be found in the *Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements,* which was published in the **Federal Register** on February 11, 2008 (73 FR 7696). This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Web site: *http://www.gpoaccess.gov/fr/index.html.*

Paperwork Reduction Act: This document contains the following collections of information subject to the Paperwork Reduction Act (PRA) and approved by the Office of Management and Budget (OMB): (i) Form ED–900 (OMB Control No. 0610–0094); (ii) Form SF–424 (OMB Control No. 4040–0004); (iii) Form SF–424A (OMB Control No. 4040–0006); (iv) Form SF–424B (OMB Control No. 4040–0007); (v) Form SF–LLL (OMB Control No. 0348–0046). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

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

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act: Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: February 26, 2010.

Brian P. McGowan,

Deputy Assistant Secretary of Commerce for Economic Development Economic Development Administration.

[FR Doc. 2010–4591 Filed 3–4–10; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN25

Whaling Provisions; Aboriginal Subsistence Whaling Quotas

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

ACTION: Notice; notification of quota for bowhead whales.

SUMMARY: NMFS provides notification of the aboriginal subsistence whaling quota for bowhead whales that it has assigned to the Alaska Eskimo Whaling Commission (AEWC), and other limitations deriving from regulations adopted at the 59th Annual Meeting of the International Whaling Commission (IWC). For 2010, the quota is 75 bowhead whales struck. This quota and other limitations govern the harvest of bowhead whales by members of the AEWC.

DATES: Effective March 5, 2010.

ADDRESSES: Office of International Affairs, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Ryan Wulff, (202) 482–3689.

SUPPLEMENTARY INFORMATION: Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (16 U.S.C. 916 *et seq.*). Regulations that implement the Act, found at 50 CFR 230.6, require the Secretary of Commerce (Secretary) to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the IWC.

At the 59th Annual Meeting of the IWC, the Commission set catch limits for aboriginal subsistence use of bowhead whales from the Bering-Chukchi-Beaufort Seas stock. The bowhead catch limits were based on a joint request by the United States and the Russian Federation, accompanied by documentation concerning the needs of two Native groups: Alaska Eskimos and Chukotka Natives in the Russian Far East.

This action by the IWC thus authorized aboriginal subsistence whaling by the AEWC for bowhead whales. This aboriginal subsistence harvest is conducted in accordance with a cooperative agreement between NOAA and the AEWC.

The IWC set a 5–year block quota of 280 bowhead whales landed. For each of the years 2008 through 2012, the number of bowhead whales struck may not exceed 67, except that any unused portion of a strike quota from any year, including 15 unused strikes from the 2003 through 2007 quota, may be carried forward. No more than 15 strikes may be added to the strike quota for any one year. At the end of the 2009 harvest, there were 15 unused strikes available for carry-forward, so the combined strike quota for 2010 is 82 (67 + 15).

This arrangement ensures that the total quota of bowhead whales landed and struck in 2010 will not exceed the catch limits set by the IWC. Under an arrangement between the United States and the Russian Federation, the Russian natives may use no more than seven strikes, and the Alaska Eskimos may use no more than 75 strikes.

Through its cooperative agreement with the AEWC, NOAA has assigned 75 strikes to the Alaska Eskimos. The AEWC will allocate these strikes among the 11 villages whose cultural and subsistence needs have been documented, and will ensure that its hunters use no more than 75 strikes.

Other Limitations

The IWC regulations, as well as the NOAA regulation at 50 CFR 230.4(c), forbid the taking of calves or any whale accompanied by a calf.

NOAA regulations (at 50 CFR 230.4) contain a number of other prohibitions relating to aboriginal subsistence whaling, some of which are summarized here. For example:

- Only licensed whaling captains or crew under the control of those captains may engage in whaling. They must follow the provisions of the relevant cooperative agreement between NOAA and a Native American whaling organization.
- The aboriginal hunters must have adequate crew, supplies, and equipment. They may not receive money for participating in the hunt.
- No person may sell or offer for sale whale products from whales taken in the hunt, except for authentic articles of Native handicrafts.
- Captains may not continue to whale after the relevant quota is taken, after the season has been closed, or if their licenses have been suspended. They may not engage in whaling in a wasteful manner.

Dated: March 1, 2010.

Rebecca Lent,

Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. 2010–4684 Filed 3–2–10; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

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

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products

and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products previously furnished by such agencies.

Comments Must be Received on or Before: 4/5/2010.

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 email *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 will be required to procure the products and services 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 and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products 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 products and services 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 and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Coast Guard Physical Fitness Uniform, T–Shirts X Small to XXX Large

NSN: 8465–00–NIB–0189—XSmall
NSN: 8465–00–NIB–0190—Small
NSN: 8465–00–NIB–0191—Medium
NSN: 8465–00–NIB–0192—Large
NSN: 8465–00–NIB–0193—XLarge
NSN: 8465–00–NIB–0194—XXLarge
NSN: 8465–00–NIB–0195—XXXLarge
NPA: The Arkansas Lighthouse for the Blind, Little Rock, AR

Coast Guard Physical Fitness Uniform, Trunks X Small to XXX Large

NSN: 8465–00–NIB–0196—XSmall
NSN: 8465–00–NIB–0197—Small
NSN: 8465–00–NIB–0198—Medium
NSN: 8465–00–NIB–0199—Large
NSN: 8465–00–NIB–0200—XLarge
NSN: 8465–00–NIB–0201—XXLarge
NSN: 8465–00–NIB–0202—XXXLarge
NPA: Assoc f/t Blind &Visually Impaired & Goodwill Ind. of Greater Rochester, Rochester, NY
Contracting Activity: Dept of Homeland Security, U.S. Coast Guard, Washington, DC
Coverage: C–List for the government requirements for the Department of Homeland Security, U.S. Coast Guard, Washington, DC

Duster, Microfiber

NSN: 7920–00–NIB–0495—Mini Microfiber Duster
NSN: 7920–00–NIB–0496—Duster, Microfiber, Utility
NSN: 7920–00–NIB–0499—Replacement Sleeves for Microfiber Utility Duster
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Federal Acquisition Service, GSA/FAS Southwest Supply Center (QSDAC), Fort Worth, TX
Coverage: B-List for the broad government requirement as aggregated by the General Services Administration.

Safety Pins

NSN: 8315–00–787–7000—2.0" with tapered points
NSN: 8315–00–787–8000—1.5" with tapered points
NPA: Genesee County Chapter, NYSARC, Batavia, NY
Contracting Activity: Federal Acquisition Service, GSA/FAS Southwest Supply Center (QSDAC), Fort Worth, TX
Coverage: B-List for the broad government requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Laundry Services, Alaska VA Healthcare System and Regional Office, Anchorage, AK
NPA: MQC Enterprises, Inc., Anchorage, AK
Contracting Activity: Department of Veterans Affairs, Network Business Office (10N20VBO), Vancouver, WA
Service Type/Location: Landscape Maintenance, Veterans Affairs Northern California Healthcare System, 4951 Arroyo Road, Livermore, CA
NPA: Rubicon Programs, Inc., Richmond, CA
Contracting Activity: Department of Veterans Affairs, VISN 21 Consolidated Contracting Activity, Mare Island, CA
Service Type/Location: Custodial and Grounds Maintenance Services, U.S. Courthouse, 525 Magoffin Ave, El Paso, TX
NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: General Services Administration, Public Buildings Service, Fort Worth, TX
Service Type/Location: Custodial Services, St. Louis Federal Complex, 4300 Goodfellow Boulevard, St. Louis, MO
NPA: MGI Services Corporation, St. Louis, MO
Contracting Activity: General Services Administration, Public Buildings Service, Kansas City, MO

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products 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 deletion from the Procurement List.

End of Certification

The following products are proposed for deletion from the Procurement List:

Products

USB Flash Drive, Flip Style

NSN: 7045–01–568–4206—1 GB, no encryption
NSN: 7045–01–568–4207—1GB, with encryption

USB Flash Drive with password protection

NSN: 7045–01–558–4983—512MB
NSN: 7045–01–558–4984—USB Flash Drive

USB Flash Drive with 256-bit AES Encryption

NSN: 7045–01–558–4989—512MB
NSN: 7045–01–558–4990—USB Flash Drive
NPA: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: GSA/FSS OFC SUP CTR—Paper Products, New York, NY

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2010–4794 Filed 3–4–10; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

Currently, the Corporation is soliciting comments concerning AmeriCorps Application Instructions: Administrative, Program Development and Training grants. State commissions will respond to the questions included in this ICR in order to apply for funding through these grants.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 4, 2010.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service; Attention Amy Borgstrom, Associate Director for Policy, Room 9515; 1201 New York Avenue, NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606–3476, Attention Amy Borgstrom, Associate Director for Policy.

(4) Electronically through the *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, (202) 606–6930, or by e-mail at *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION:

The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background: These application instructions will be used by applicants for funding through AmeriCorps State and National Administrative, Program Development and Training, and Disability grants.

Current Action: The Corporation seeks to renew and revise the current AmeriCorps Administrative, Program Development and Training, and Disability Application Instructions. The Application Instructions are being revised for increased clarity and to align with new regulations. The Application Instructions will be used in the same manner as the existing Application Instructions. The Corporation also seeks to continue using the current Application Instructions until the revised Application Instructions are approved by OMB. The current ICRs are due to expire on May 31, 2010 (3045–0099).

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps Application Instructions: State Commissions; Administrative, Program Development and Training, and Disability.

OMB Number: 3045–0099.

Agency Number: None.

Affected Public: Nonprofit organizations, State, Local and Tribal.

Total Respondents: 54.

Frequency: Annually.

Average Time Per Response: 25 hours.

Estimated Total Burden Hours: 1,350 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: *March 1, 2010.*

Kim Mansaray,

Chief of Staff, AmeriCorps State and National.

[FR Doc. 2010–4704 Filed 3–4–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Language Resource Centers Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.229A.

Dates:

Applications Available: March 5, 2010.

Deadline for Transmittal of Applications: April 20, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Language Resource Centers (LRC) program provides grants to institutions of higher education to establish, strengthen, and operate centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages.

Priorities: This notice contains one competitive preference priority and one invitational priority.

Competitive Preference Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for the LRC program (34 CFR 669.22(a)(2)). For FY 2010, this priority is a competitive preference priority. Under CFR 75.105(c)(2)(i), we award up to an additional five points to an application that meets this priority.

This priority is:

Applications that propose activities that focus on any of the seventy-eight (78) priority languages listed in the following paragraph, all of which were selected from the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs):

Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Invitational Priority: For FY 2010, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose collaborative activities designed to increase the Nation's capacity to produce Americans with advanced proficiency in the 78 priority languages identified in the competitive preference priority in this notice. These collaborative activities would include the applicant collaborating with other institutions funded under the following programs in Title VI of the Higher Education Act of 1965, as amended (HEA): National Resource Centers, Language Resource Centers, Centers for International Business Education, American Overseas Research Centers, Business and International Education Program, and the Undergraduate International Studies and Foreign Language Program.

Program Authority: 20 U.S.C. 1123.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99; and (b) The regulations for this program in 34 CFR parts 655 and 669.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $5,022,000 for new awards under this program for FY 2010.

Estimated Range of Awards: $300,000–$360,000.

Estimated Average Size of Awards: $335,000 per year.

Estimated Number of Awards: 15.

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

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* An institution of higher education or a combination of institutions of higher education.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Cynthia Dudzinski, U.S. Department of Education, 1990 K Street, NW., room 6077, Washington, DC 20006–8521. Telephone: (202) 502–7589 or by e-mail: *cynthia.dudzinski@ed.gov.*

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

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

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

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the narrative to no more than 50 pages, using the following standards:

- A "page" is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to the cover sheet; the budget section and detailed line-item budget, including the narrative budget justification; the assurances and certifications; 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.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: March 5, 2010.

Deadline for Transmittal of Applications: April 20, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. 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* of 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 of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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

6. *Other Submission Requirements:* Applications for grants under this program or competition 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 Language Resource Centers Program CFDA Number 84.229A must be submitted electronically using e-Application, accessible through the

Department's e-Grants Web site at: *http://e-grants.ed.gov.*

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.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

• You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this program or competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

• The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

• 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 you typically provide on the following forms: The 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 in this paragraph 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.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

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

Application Deadline Date Extension in Case of e-Application Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

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 e-Application because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to e-Application; *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 prevents 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: Cynthia Dudzinski, U.S. Department of Education, 1990 K Street, NW., Room 6077, Washington, DC 20006–8521. FAX: (202) 502–7860.

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 84.229A), 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 84.229A), 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 grant 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

Selection Criteria: The selection criteria for this program are from 34 CFR sections 655.31, 669.21, and 669.22 and are listed in the application package.

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 of 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. You are required to use the electronic data instrument International Resource Information System (IRIS) to submit annual and final performance reports. You may view the LRC program IRIS performance reporting screens and instructions at the following site: *http://iris.ed.gov/iris/pdfs/LRC.pdf.*

The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The performance and efficiency measures for evaluating the overall effectiveness of the LRC Program are:

LRC Performance Measure 1: Number of outreach activities that are adopted or disseminated within a year.

LRC Performance Measure 2: Percentage of LRC projects judged to be successful by the program officer, based on a review of information provided in annual performance reports.

LRC Efficiency Measure: Cost per high-quality, successfully completed LRC project.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Cynthia Dudzinski, U.S. Department of Education, 1990 K Street, NW., room 6077, Washington, DC 20006–8521. Telephone: (202) 502–7589 or by e-mail: *cynthia.dudzinski@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 under **FOR FURTHER INFORMATION CONTACT** 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.

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. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: March 2, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–4766 Filed 3–4–10; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act; Correction

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice; correction.

SUMMARY: The U.S. Election Assistance Commission published a document in the **Federal Register** on February 10, 2010, concerning Puerto Rico's amended State plan. The document contained the wrong States.

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

Correction

In the **Federal Register** of February 10, 2010, in the FR Doc. 2010–2919, on page 6643, in the second and third

column, correct the **SUMMARY** caption to read:

SUMMARY: Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** changes to the HAVA State plans previously submitted by Puerto Rico.

Dated: March 2, 2010.

Thomas R. Wilkey,

Executive Director.

[FR Doc. 2010–4707 Filed 3–4–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

[OE Docket No. PP–362]

Application for Presidential Permit; Champlain Hudson Power Express, Inc.

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

ACTION: Notice of application.

SUMMARY: Champlain Hudson Power Express, Inc. (CHPEI) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before April 5, 2010.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Dr. Jerry Pell, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dr. Jerry Pell (Program Office) at 202–586–3362 or via electronic mail at *Jerry.Pell@hq.doe.gov,* or Lot H. Cooke (Attorney-Adviser) at 202–586–0503 or via electronic mail at *Lot.Cooke@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On January 27, 2010, CHPEI filed an application with the Office of Electricity Delivery and Energy Reliability of the Department of Energy (DOE) for a Presidential permit. CHPEI is a joint venture of TDI–USA Holdings Corporation (TUHC), a Delaware corporation, and National Resources Energy, LLC (NRE). TUHC, the majority shareholder in CHPEI, is a wholly owned subsidiary of Transmission Developers Inc. (TDI), a Canadian Corporation. NRE is a wholly owned subsidiary of National RE/sources Group, a limited liability corporation duly organized under the laws of the State of Connecticut.

CHPEI proposes to construct and operate a primarily underground and submarine high-voltage direct current (HVDC) electric transmission line that will originate at an HVDC converter station in Quebec, Canada, and ultimately terminate in Yonkers, New York, and Bridgeport, Connecticut.

The proposed CHPEI project (the "Project") would be a 2,000-megawatt (MW) HVDC Voltage Source Converter (VSC) controllable transmission system, comprising two 1,000–MW HVDC bipoles, each of which would include two submarine or underground cables connected as a bipole pair. Each bipole will at all times utilize its partner in the bipole pair as a metallic return. The ground will never be used as a return. In total, four cables would be laid between Quebec and the converter stations in New York City, where two will be terminated. The remaining two would continue to Bridgeport, Connecticut.

From the U.S.-Canada border, the submarine transmission cables would be routed through Lake Champlain and travel south to the northern entrance of the Champlain Canal, near Whitehall, New York. To the extent practicable, the submerged cables would continue through the Champlain Canal to Fort Edward, where the canal joins the Hudson River. CHPEI expects that the transmission cables would exit the Champlain Canal near Lock C8, and the cables would be buried within a railroad ROW for a distance of approximately 69.9 miles (107.7 km). The cables would re-enter the Hudson River near the Town of Coeymans, downstream from the City of Albany, N.Y. South of Coeymans, the proposed alignment follows the Hudson River to the New York City metropolitan area.

Two cables (one bipole) would terminate approximately 318.7 miles (512.9 km) south of the U.S.-Canada border at an HVDC converter station near Wells Avenue in Yonkers, New York. The remaining two cables would continue along the Hudson River to the entrance of Spuyten Duyvil Creek, and then follow a 65.8-mile-long (105.9 km) route through Spuyten Duyvil Creek, the Harlem River, and the East River into Long Island Sound before terminating at a converter station near 1 W Avenue in Bridgeport, Connecticut.

Submarine or underground alternating current (AC) cables would transmit electricity from the converter stations to existing substations connected to the electrical grid. From the Yonkers converter station, 345-kV AC cables would re-enter the Hudson River and travel south along the East River, Spuyten Duyvil Creek, and the Harlem River for a distance of approximately 6.7 miles (10.8 km). The AC cables would terminate at the existing Consolidated Edison (ConEd) Sherman Creek/Academy substation, near the intersection of West 201st Street and 9th Street, in Manhattan.

From the Bridgeport converter station, 345–kV AC cables would extend for a distance of approximately 150 feet (45.7 m) to the existing Singer substation, owned and operated by the United Illuminating Company.

The applicant represents that the Project's precise final route would be subject to a number of factors, including resource issues, permitting, land acquisition, and stakeholder agreement. The 384.5-mile-long (618.8 km) portion of the Project located within the United States would be owned and operated by the applicant.

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, DOE invites comments on whether it would be appropriate to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

Procedural Matters: Any person desiring to become a party to this

proceeding or to be heard by filing comments on, or protests to, this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Additional copies of such petitions to intervene, comments, or protests should also be filed directly with Mr. Donald Jessome, President, Transmission Developers Inc., Pieter Schuyler Building, 600 Broadway, Albany, New York 12207–2283.

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE considers the environmental impacts of the proposed project pursuant to the National Environmental Policy Act of 1969, determines the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and any other factors that DOE may also consider relevant to the public interest. Also, DOE must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by emailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on February 23, 2010.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2010–4677 Filed 3–4–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–65–000]

Mississippi Hub, LLC; Notice of Amendment Application

February 25, 2010.

On February 8, 2010, Mississippi Hub, LLC (MS Hub), pursuant to section 7(c) of the Natural Gas Act, as amended, and parts 157 and 284 of the Federal Energy Regulatory Commission's (Commission) regulations, filed to amend its certificate. The amendment would expand the gas storage project certificated in CP09–19–000 on September 17, 2009, by adding 37,305 horsepower of additional compression and adding working gas capacity totaling 15 billion cubic feet (Bcf) in two new salt dome storage caverns. The amendment would expand total storage project working gas capacity to 30 Bcf and project delivery and injection capabilities, respectively to 2.8 and 1.5 Bcf per day. MS Hub also requests that the Commission reaffirm its market-based rates authority and issue all required authorizations by June 1, 2010.

Questions regarding this application should be directed to William Rapp, Mississippi Hub, LLC, 101 Ash Street, San Diego, CA 92101, (619) 699–5050.

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

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

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

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

Comment Date: 5 p.m. Eastern Time on March 18, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4606 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12783–003]

Inglis Hydropower, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

February 26, 2010.

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

a. *Type of Application:* Original Major License.

b. *Project No.:* P–12783–003.

c. *Date filed:* July 22, 2009.

d. *Applicant:* Inglis Hydropower, LLC.

e. *Name of Project:* Inglis Hydropower Project.

f. *Location:* The proposed project would be located at the existing Inglis Bypass Channel and Spillway on the Withlacoochee River, west of Lake Rousseau and Inglis dam, within the town of Inglis, in Levy, Citrus, and Marion counties, Florida. No federal lands would be occupied by the proposed project.

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

h. *Applicant Contacts:* Mr. Dean Edwards, P.O. Box 1565, Dover, FL

33527; Mr. Kevin Edwards, P.O. Box 143, Mayodan, NC 27027.

i. *FERC Contact:* Jennifer Adams at (202) 502–8087, or *jennifer.adams@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice, or April 27, 2010.

All documents may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*; call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The proposed 2.0-megawatt Inglis Hydropower Project would operate in a run-of-river mode by using flows released to maintain the surface elevation of Lake Rousseau at 27.5 feet mean sea level. Flow releases would be determined by the Southwest Florida Water Management District. The proposed powerhouse would be 60 feet long by 80 feet wide by 30 feet high, and contain three vertical shaft turbines. The penstock would be 130 feet in length. The project would generate about 12,300,000 kilowatt hours annually, which would be fed into the interconnected transmission system via an existing 3.4-mile-long, 12,470-kilovolt transmission line.

m. A copy of the application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) names in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on, or before, the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must: (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4621 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13658–000]

City of Pittsfield, MA; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

February 26, 2010.

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

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 13658–000.

c. *Date filed:* January 27, 2010.

d. *Applicant:* City of Pittsfield, Massachusetts.

e. *Name of Project:* Coltsville Flow Control Station Project.

f. *Location:* The proposed Coltsville Flow Control Station Project would be located on a flow control pipeline in the City of Pittsfield's water distribution system located in Berkshire County, Massachusetts. The land on which all the project structures are located is owned by the applicant.

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

h. *Applicant Contact:* Mr. Bruce Collingwood, P.E., Commissioner, Department of Public Works & Utilities, 70 Allen Street, Room 200, Pittsfield, Massachusetts 01201; telephone (413) 499–9330.

i. *FERC Contact:* Linda Stewart, telephone (202) 502–6680, and e-mail address *linda.stewart@ferc.gov.*

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* Due to the small size and location of the proposed project in a closed system, as well as the resource agency consultation letters filed with the application, the 60-day timeframe specified in 18 CFR 4.43(b) for filing all comments, motions to intervene,

protests, recommendations, terms and conditions, and prescriptions is shortened to 30 days from the issuance date of this notice. All reply comments filed in response to comments submitted by any resource agency, Indian tribe, or person, must be filed with the Commission within 45 days from the issuance date of this notice.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed Coltsville Flow Control Station Project would consist of: (1) A proposed new flow control station containing one turbine generating unit having an installed capacity of 66 kilowatts; and (2) appurtenant facilities. The project would have an estimated annual generation of 355,000 kilowatt-hours. The applicant plans to use the generated energy with any excess being sold to a local utility.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number, here P–13658, in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for review and reproduction at the address in item h above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a competing development application. A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

r. *Waiver of Pre-filing Consultation:* On September 9, 2009, the applicant requested the agencies support to waive the Commission's consultation requirements under 18 CFR 4.38(c). On October 23, 2009, the U.S. Department of the Interior's Fish and Wildlife Service concurred with this request. No other comments were received. Therefore, we intend to accept the consultation that has occurred on this project during the pre-filing period and we intend to waive pre-filing consultation under section 4.38(c), which requires, among other things, conducting studies requested by resource agencies, and distributing and consulting on a draft exemption application.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4617 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1121–099]

Pacific Gas and Electric Company; Notice of Application for Amendment of License, Soliciting Comments, Motions To Intervene and Protests

February 25, 2010.

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

a. *Type of Application:* Amendment of license.

b. *Project No.:* 1121–099.

c. *Date Filed:* January 26, 2010.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Battle Creek Hydroelectric Project.

f. *Location:* On Battle Creek, the North Fork and South Fork Battle Creek in Shasta and Tehama Counties, California.

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

h. *Applicant Contact:* Liv K. Imset, Senior License Coordinator, Pacific Gas and Electric Company, P.O. Box No. 770000, San Francisco, CA 94177; (415) 973–1066.

i. *FERC Contact:* Andrea Claros, telephone (202) 502–8171; e-mail: *andrea.claros@ferc.gov.*

j. Deadline for filing comments, motions to intervene and protests is March 25, 2010.

Please include the project number (P–1121–099) on any comments or motions

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

Motions to intervene, protests, comments and recommendations may be filed electronically via the Internet in lieu of paper filings, see 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-filing" link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. Description of Request: Pacific Gas and Electric Company (licensee) is requesting that its license for the Battle Creek Hydroelectric Project be amended to support the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project). The Restoration Project is a collaborative effort to restore fish habitat on Battle Creek and some of its tributaries through modification of the project facilities and operations, including instream flow releases. This collaborative effort is between PG&E, the U.S. Department of the Interior, Bureau of Reclamation, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration National Marine Fisheries Service, and the California Department of Fish and Game.

The Restoration Project will reestablish approximately 42 miles of prime salmon and steelhead habitat in the North and South Forks of Battle Creek, plus an additional six miles of habitat on the tributaries of Battle Creek. The Restoration Project will be accomplished in three phases. The licensee is filing this license amendment application for approval and implementation of 1B (second phase) of the Restoration Project. Proposed work for *Phase 1B includes:* (1) Installing a slide gate on an existing outlet of the Inskip Powerhouse to block discharge into South Fork Battle Creek; (2) installing a tailrace connector from Inskip Powerhouse to Coleman Canal; (3) installing an Inskip Powerhouse bypass facility to divert overflow from Eagle Canyon and Inskip Canals; and (4) modifying the diversion at Coleman Diversion Dam.

The licensee has submitted the Battle Creek Salmon and Steelhead Restoration Project Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), prepared in July 2005, as part of its application. The referenced EIS/EIR was a collaborative effort between PG&E, the Bureau of Reclamation, California State Water Resources Control Board, California Bay-Delta Authority, and the Federal Energy Regulatory Commission (Commission), to fulfill National Environmental Policy Act (NEPA) and California Environmental Quality Act requirements. The Commission intends to use the EIS/EIR to meet the NEPA requirements under the proposed action to amend the Battle Creek Project. The EIS/EIR is available for review at the Restoration Projects Web site (link: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=99*).

l. *Location of the Application:* A copy of the licensee's filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docsfiling/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free at 1–866–208–3676 or e-mail *ferconlinesupport@ferc.gov,* or for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address listed in item (h) above.

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

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application (*see* item (j) above).

o. Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", "MOTION TO INTERVENE", or "RECOMMENDATIONS", as applicable, and the Project Number of the particular application to which the filing refers.

p. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4613 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

February 25, 2010.

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

Docket Numbers: ER99–3822–017; ER01–140–013; ER01–141–013; ER03–42–018; ER05–1266–011; ER07–842–007; ER09–629–006; ER99–4160–022.

Applicants: Casco Bay Energy Company, LLC; Dynegy Danskammer, LLC; Dynegy Roseton, LLC; Sithe/Independence Power Partners, L.P.; Ontelaunee Power Operating Company, LLC; Dynegy Kendall Energy, LLC; Dynegy Marketing and Trade, LLC; Dynegy Power Marketing, Inc.

Description: Notice of Change in Status of Casco Bay Energy Company, LLC, *et al.* and Request to File Out of Time.

Filed Date: 02/22/2010.

Accession Number: 20100222–5143.

Comment Date: 5 p.m. Eastern Time on Monday, March 15, 2010.

Docket Numbers: ER07–125–001.

Applicants: Keystone Energy Partners, LP.

Description: Keystone Energy Partners, LP submits the Updated Market Power Analysis.

Filed Date: 02/24/2010.

Accession Number: 20100224–0063.

Comment Date: 5 p.m. Eastern Time on Monday, April 26, 2010.

Docket Numbers: ER07–1358–013; ER00–2885–028; ER01–2765–027; ER02–2102–027; ER03–1283–022; ER05–1232–023; ER07–1112–012; ER07–1113–012; ER07–1116–011; ER07–1117–014; ER07–1118–013; ER07–1356–014; ER09–1141–007; ER09–609–005.

Applicants: BE Louisiana LLC; Cedar Brakes I LLC; Cedar Brakes II, LLC; Utility Contract Funding, LLC; Vineland Energy LLC; J.P. Morgan Ventures Energy Corporation; BE Allegheny LLC; BE CA LLC; BE Ironwood LLC; BE KJ LLC; BE Rayle LLC; BE Alabama LLC; J.P. Morgan Commodities Canada Corporation; Central Power & Lime LLC.

Description: Notice of Non-Material Change in Status of J.P. Morgan Ventures Energy Corporation, Pursuant to Order 697–C.

Filed Date: 02/01/2010.

Accession Number: 20100201–5023.

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Docket Numbers: ER10–305–001.

Applicants: Xcel Energy Services Inc.

Description: Xcel Energy Services, Inc submits revised rate sheets to properly reflect the effective date of PSCo's Electric Coordination Service Tariff.

Filed Date: 02/19/2010.

Accession Number: 20100219–0218.

Comment Date: 5 p.m. Eastern Time on Friday, March 12, 2010.

Docket Numbers: ER10–374–002.

Applicants: Medicine Bow Power Partners, LLC.

Description: Medicine Bow Power Partners, LLC submits Refund Report.

Filed Date: 02/22/2010.

Accession Number: 20100222–0228.

Comment Date: 5 p.m. Eastern Time on Monday, March 15, 2010.

Docket Numbers: ER10–559–002.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits errata filing of amendment to amended and restated interconnection and operating agreement.

Filed Date: 02/24/2010.

Accession Number: 20100224–0211.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 17, 2010.

Docket Numbers: ER10–587–001.

Applicants: Fortis Energy Marketing & Trading GP.

Description: Fortis Energy Marketing and Trading GP submits Substitute Original Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 1, First Revised Volume 1.

Filed Date: 02/24/2010.

Accession Number: 20100225–0201.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 17, 2010.

Docket Numbers: ER10–726–000.

Applicants: DPL Energy Resources, Inc.

Description: DPL Energy Resources, Inc submits an application for market based rate authorization and request for waivers and blanket approvals.

Filed Date: 02/18/2010.

Accession Number: 20100219–0213.

Comment Date: 5 p.m. Eastern Time on Thursday, March 11, 2010.

Docket Numbers: ER10–735–000.

Applicants: S.J. Energy Partners, Inc.

Description: S.J. Energy Partners, Inc Petition for Acceptance of Initial Tariff, Waivers and Blanket Authorization, Rate Schedule FERC 1, to be effective 4/20/10.

Filed Date: 02/18/2010.

Accession Number: 20100219–0212.

Comment Date: 5 p.m. Eastern Time on Thursday, March 11, 2010.

Docket Numbers: ER10–770–000.

Applicants: CCES LLC.

Description: CCES LLC submits the Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

Filed Date: 02/19/2010.

Accession Number: 20100222–0227.

Comment Date: 5 p.m. Eastern Time on Friday, March 12, 2010.

Docket Numbers: ER10–775–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits amendments to the ISO's FERC Electric Tariff.

Filed Date: 02/12/2010.

Accession Number: 20100219–0005.

Comment Date: 5 p.m. Eastern Time on Friday, March 05, 2010.

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

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

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4639 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 29, 2010.

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

Docket Numbers: RP10–330–000.

Applicants: Mojave Pipeline Company.

Description: Mojave Pipeline Company submits Third Revised Sheet No. 1 *et al.* to FERC Gas Tariff, Second Revised Volume No. 1, to be effective 3/22/10.

Filed Date: 01/27/2010.

Accession Number: 20100127–0213.

Comment Date: 5 p.m. Eastern Time on Monday, February 08, 2010.

Docket Numbers: RP10–331–000.

Applicants: Alliance Pipeline L.P.

Description: Alliance Pipeline, LP submits First Revised Sheet No. 1 *et al.* to FERC Gas Tariff, Original Volume No. 1, to be effective 2/1/10.

Filed Date: 01/27/2010.
Accession Number: 20100127–0214.
Comment Date: 5 p.m. Eastern Time on Monday, February 08, 2010.

Docket Numbers: RP10–332–000.
Applicants: Questar Southern Trails Pipeline Company.
Description: Questar Southern Trails Pipeline Company submits Twelfth Revised Sheet 4 *et al.* to its FERC Gas Tariff, Original Volume 1, to be effective 2/28/10.
Filed Date: 01/28/2010.
Accession Number: 20100128–0208.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

Docket Numbers: RP10–333–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Southern Star Central Gas Pipeline, Inc submits Second Revised Sheet 1 to FERC Gas Tariff, Original Volume 2, to be effective 3/1/2010.
Filed Date: 01/28/2010.
Accession Number: 20100128–0207.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

Docket Numbers: RP10–334–000.
Applicants: Southern Natural Gas Company.
Description: Southern Natural Gas Company submits Twelfth Revised Sheet 23 to its FERC Gas Tariff, Seventh Revised Volume 1, to be effective 1/1/10.
Filed Date: 01/28/2010.
Accession Number: 20100128–0219.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

Docket Numbers: RP10–335–000.
Applicants: Southern LNG Inc.
Description: Southern LNG Inc submits Twenty-Seventh Revised Sheet 5 *et al.* to its FERC Gas Tariff, Original Volume, to be effective 3/1/10.
Filed Date: 01/28/2010.
Accession Number: 20100128–0220.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

Docket Numbers: RP10–336–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits First Revised Sheet 1 380I to its FERC Gas Tariff, First Revised Volume 1, to be effective 3/1/2010.
Filed Date: 01/28/2010.
Accession Number: 20100128–0221.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

Docket Numbers: RP10–337–000.
Applicants: Wyoming Interstate Company, Ltd.
Description: Wyoming Interstate Company, Ltd submits Ninth Revised Sheet 72 *et al.* to its FERC Gas Tariff, Second Revised Volume 2, to be effective 3/1/2010.
Filed Date: 01/28/2010.
Accession Number: 20100128–0222.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 09, 2010.

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

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Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–4636 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

February 4, 2010.

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

Docket Numbers: RP10–340–000.
Applicants: Wyoming Interstate Company, Ltd.
Description: Wyoming Interstate Company, Ltd submits Twenty Seventh Revised Sheet 4C *et al.* to FERC Gas Tariff, Second Revised Volume 1, to be effective 3/1/10.
Filed Date: 02/01/2010.
Accession Number: 20100201–0217.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–341–000.
Applicants: Stingray Pipeline Company, LLC.
Description: Stingray Pipeline Company, LLC submits Eighth Revised Sheet 0 to its FERC Gas Tariff, Third Volume 1, to be effective 3/510.
Filed Date: 01/29/2010.
Accession Number: 20100201–0216.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–352–000.
Applicants: El Paso Natural Gas Company.
Description: El Paso Natural Gas Company submits its maximum delivery obligation/maximum hourly obligation Variance Activity Report to be effective 4/1/10.
Filed Date: 02/01/2010.
Accession Number: 20100202–0206.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–353–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits First Revised Sheet 7C.01 *et al.* to First Revised Volume 1, to be effective 6/1/09.
Filed Date: 02/01/2010.
Accession Number: 20100202–0205.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–354–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits 79 Revised Sheet 50 *et al.* to its FERC Gas Tariff, Fifth Revised Volume 1, to be effective 4/1/10.
Filed Date: 02/01/2010.
Accession Number: 20100202–0204.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–355–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits Eighth Revised Sheet No. 8C *et al.* to FERC Gas Tariff, Second Revised Volume No. 1, to be effective 2/1/20.
Filed Date: 02/01/2010.
Accession Number: 20100202–0249.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–356–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company submits First Revised Sheet No. 310 *et al.* to FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective 3/3/10.
Filed Date: 02/01/2010.
Accession Number: 20100202–0250.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–357–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company, LLC submits First Revised Sheet 1001 to FERC Gas Tariff, Sixth Revised Volume 1, to be effective 3/4/10.
Filed Date: 02/02/2010.
Accession Number: 20100203–0204.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–358–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits Twenty Third Revised Sheet No. 66B *et al.* to FERC Gas Tariff, Fifth Revised Volume No 1, to be effective 2/3/10.
Filed Date: 02/02/2010.
Accession Number: 20100203–0205.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–359–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits Fifteenth Revised Sheet 10 to its FERC Gas Tariff, Second Revised Volume 1, to be effective 2/2/10.
Filed Date: 02/02/2010.
Accession Number: 20100203–0206.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–360–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits Second Revised Sheet 1 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 3/4/10.
Filed Date: 02/02/2010.
Accession Number: 20100203–0207.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

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

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4635 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No 2

February 2, 2010.

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

Docket Numbers: RP91–143–060.
Applicants: Great Lakes Gas Transmission LP.
Description: Great Lakes Gas Transmission's Revenue Sharing Report from November 2008 to October 2009.
Filed Date: 01/15/2010.
Accession Number: 20100115–5125.
Comment Date: 5 p.m. Eastern Time on Friday, February 5, 2010.

Docket Numbers: RP04–274–021.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits part of its FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 01/29/2010.
Accession Number: 20100201–0211.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP09–427–003.
Applicants: Southern Natural Gas Company.
Description: Southern Natural Gas Company submits Twenty-First Revised Sheet 2 *et al.* to its FERC Gas Tariff, Seventh Revised Volume 1 to be effective 3/1/10.
Filed Date: 01/29/2010.
Accession Number: 20100201–0210.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP09–89–001.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company submits report of activities during the first year of service under Rate Schedule EFT.
Filed Date: 01/29/2010.
Accession Number: 20100129–0213.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP09–995–002.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Sea Robin Pipeline Company, LLC submits a motion to place Second Revised Sheet 2 *et al.,* to be effective 3/1/10/.
Filed Date: 01/29/2010.
Accession Number: 20100129–0202.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–141–001.
Applicants: T.W. Phillips Pipeline Corporation.

Description: TW Phillips Pipeline Corp submits First Revised Sheet No 2 *et al.* to FERC Gas Tariff, Original Volume No 1, to be effective January 1, 2010.

Filed Date: 01/19/2010.

Accession Number: 20100120–0202.

Comment Date: 5 p.m. Eastern Time on Friday, February 5, 2010.

Docket Numbers: RP10–160–002.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits Substitute Fourth Revised Sheet No 107 *et al.* to FERC Gas Tariff, Second Revised Volume No 1, to be effective 12/19/09.

Filed Date: 01/19/2010.

Accession Number: 20100120–0203.

Comment Date: 5 p.m. Eastern Time on Friday, February 5, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern Time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

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

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

Nathaniel J. Davis,

Deputy Secretary.

[FR Doc. 2010–4634 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

February 2, 2010.

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

Docket Numbers: RP10–342–000.

Applicants: Elba Express Company, LLC.

Description: Elba Express Company, LLC submits Original Sheet 1 *et al.* to its FERC Gas Tariff, Original Volume 1 to be effective 3/1/10.

Filed Date: 01/29/2010.

Accession Number: 20100201–0209.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–343–000.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits 132nd Revised Sheet No. 9 to its FERC Gas Tariff, Fourth Revised Volume No. 1 with a proposed effective date of 2/1/2010.

Filed Date: 01/29/2010.

Accession Number: 20100201–0201.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–344–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits Fifty-First Revised Sheet No. 9 *et al.* to its FERC Gas Tariff, First Revised Volume No. 1 to be effective 2/1/2010.

Filed Date: 01/29/2010.

Accession Number: 20100201–0202.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–345–000.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Great Lakes Gas Transmission Limited Partnership submits its Transporter's Use Percentages Report for the six-month period from July 1, 2009 through December 31, 2009.

Filed Date: 01/29/2010.

Accession Number: 20100129–5244.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–346–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits amendment to a negotiated rate letter agreement executed by Texas Gas and Northern Illinois Gas Company.

Filed Date: 01/29/2010.

Accession Number: 20100201–0203.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–347–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits Fifteenth Revised Sheet No. 11 *et al.*

Filed Date: 01/29/2010.

Accession Number: 20100201–0204

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–348–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits Second Revised Sheet No. 318 to FERC Gas Tariff, Original Volume 1, to be effective 2/1/2010.

Filed Date: 01/29/2010.

Accession Number: 20100201–0205.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–349–000.

Applicants: Kinder Morgan Interstate Gas Trans. LLC.

Description: Kinder Morgan Interstate Gas Transmission LLC submits petition for limited waiver of tariff provision.

Filed Date: 01/29/2010.

Accession Number: 20100201–0206.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–350–000.

Applicants: Southern LNG, Inc.

Description: Southern LNG, Inc submits Exhibit F to SLNG–1 Service Agreement SLNG11 dated May 27, 2003 and Exhibit F to SLNG–3 Service Agreement SLNG25 dated October 5, 2007.

Filed Date: 01/29/2010.

Accession Number: 20100201–0207.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Docket Numbers: RP10–351–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Transcontinental Gas Pipe Line Company, LLC submits Second Revised Sheet No. 396 *et al.* to its FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective 3/1/2010.

Filed Date: 01/29/2010.

Accession Number: 20100201–0208.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 10, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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

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

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

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4633 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

February 4, 2010.

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

Docket Numbers: RP04–274–022.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits pro forma tariff sheets and supporting schedules.

Filed Date: 02/01/2010.

Accession Number: 20100202–0237.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP10–272–001.

Applicants: Millennium Pipeline Company, LLC.

Description: Millennium Pipeline Co, LLC submits Substitute Second Revised Sheet No. 233 to FERC Gas Tariff, Original Volume No. 1, effective 2/1/10.

Filed Date: 02/01/2010.

Accession Number: 20100202–0238.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Docket Numbers: RP85–60–002.

Applicants: Questar Overthrust Pipeline Company.

Description: Questar Overthrust Pipeline Company's Annual Deferred Income Tax, Statement of Refunds.

Filed Date: 02/02/2010.

Accession Number: 20100202–5160.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 16, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern Time on the specified comment dates. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

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

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4632 Filed 3–4–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No 1

Thursday, February 25, 2010.

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

Docket Numbers: RP10–379–000.

Applicants: Transcontinental Gas Pipe Line Company,

Description: Transcontinental Gas Pipe Line Co, LLC submits Seventh Revised Sheet No. 21 *et al* to FERC Gas Tariff, Fourth Revised Volume No. 1.

Filed Date: 02/16/2010.

Accession Number: 20100217–0225.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 02, 2010.

Docket Numbers: RP10–390–000.

Applicants: Crossroads Pipeline Company.

Description: Crossroads Pipeline Company submits Thirteenth Revised Sheet 6 to its FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/2010.

Filed Date: 02/23/2010.

Accession Number: 20100223–0211.

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Docket Numbers: RP10–391–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Penalty Revenue Crediting Report of Natural Gas Pipeline Company of America LLC.

Filed Date: 02/24/2010.

Accession Number: 20100224–5027.

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Docket Numbers: RP10–392–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Annual Report of Operational Purchases and Sales of Natural Gas Pipeline Company of America LLC.

Filed Date: 02/24/2010.

Accession Number: 20100224–5032.

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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

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

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

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4642 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No 2

February 25, 2010.

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

Docket Numbers: RP10–141–002.

Applicants: T.W. Phillips Pipeline Corporation.

Description: TW Phillips Pipeline Corp submits Substitute First Revised Sheet No 86 to replace First Revised Sheet No 86 with the January 19, 2010 filing.

Filed Date: 02/18/2010.

Accession Number: 20100219–0207.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 02, 2010.

Docket Numbers: RP10–372–001.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits Substitute Eleventh Revised Sheet No 8A to correct the error found on the previously-tendered sheet, to be effective 2/13/10.

Filed Date: 02/23/2010.

Accession Number: 20100224–0201

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Docket Numbers: RP10–325–001.

Applicants: Millennium Pipeline Company, LLC.

Description: Millennium Pipeline Company, LLC submits Substitute First Revised Sheet No 485 to FERC Gas Tariff, Original Volume No 1, to be effective 2/18/210.

Filed Date: 02/24/2010.

Accession Number: 20100224–0212.

Comment Date: 5 p.m. Eastern Time on Monday, March 08, 2010.

Docket Numbers: RP09–921–001; RP09–1042–001.

Applicants: CenterPoint Energy—Mississippi River Corporation

Description: CenterPoint Energy—Mississippi River Transmission Corporation submits Sub Sixty-Fifth Revised Sheet No. 5 *et al* to FERC Gas Tariff, Third Revised Volume No. 1.

Filed Date: 02/16/2010.

Accession Number: 20100217–0224.

Comment Date: 5 p.m. Eastern Time on Monday, March 01, 2010.

Docket Numbers: RP10–192–001.

Applicants: T. W. Phillips Pipeline Corp.

Description: TW Phillips Pipeline Corp submits its compliance filing of First Revised Sheet No.104 *et al* to FERC Gas Tariff, Original Volume No. 1.

Filed Date: 02/16/2010.

Accession Number: 20100217–0226.

Comment Date: 5 p.m. Eastern Time on Monday, March 01, 2010.

Docket Numbers: CP97–738–009.

Applicants: Enogex LLC.

Description: Petition for Order Amending Limited Jurisdiction Certificate of Enogex LLC.

Filed Date: 1/19/2010.

Accession Number: 20100119–5163.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 03, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

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

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

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4641 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

March 1, 2010.

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

Docket Numbers: RP10–394–000

Applicants: Quest Pipelines (KPC)

Description: Quest Pipelines (KPC) submits Second Revised Sheet No. 1 *et al* to FERC Gas Tariff, Second Revised Volume No. 1, to be effective 4/1/10.

Filed Date: 02/25/2010

Accession Number: 20100225–0208

Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–395–000

Applicants: Transcontinental Gas Pipe Line Company,

Description: Transcontinental Gas Pipeline Company submits Eighth Revised Sheet No. 21 *et al* to FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective 4/1/10.

Filed Date: 02/25/2010

Accession Number: 20100225–0209

Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–396–000
Applicants: Cameron Interstate Pipeline, LLC
Description: Waiver Request of Cameron Interstate Pipeline, LLC.
Filed Date: 02/25/2010
Accession Number: 20100225–5122
Comment Date: 5 p.m. Eastern Time on Tuesday, March, 2010

Docket Numbers: RP10–397–000
Applicants: Natural Gas Pipeline Company of America LLC
Description: Natural Gas Pipeline Company of America LLC submits Second Revised Sheet 35C.05 *et al* to its FERC Gas Tariff, Seventh Revised Volume 1, to be effective 3/1/09.
Filed Date: 02/25/2010
Accession Number: 20100226–0301
Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–398–000
Applicants: Sabine Pipe Line, LLC
Description: Sabine Pipe Line LLC submits Fourteenth Revised Sheet 20 to its FERC Gas Tariff, Original Volume 1, to be effective 4/1/10.
Filed Date: 02/25/2010
Accession Number: 20100226–0302
Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–399–000
Applicants: Colorado Interstate Gas Company
Description: Colorado Interstate Gas Company submits Second Revised Sheet 11E *et al* to its FERC Gas Tariff, First Revised Volume 1, to be effective 3/29/10.
Filed Date: 02/25/2010
Accession Number: 20100226–0306
Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–400–000
Applicants: Stingray Pipeline Company, LLC.
Description: Stingray Pipeline Company, LLC. updated event surcharge to be effective 4/1/10.
Filed Date: 02/25/2010
Accession Number: 20100225–5123
Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–401–000
Applicants: Columbia Gas Transmission, LLC
Description: Columbia Gas Transmission, LLC submits FERC Gas Tariff, Third Revised Volume 1 to Tenth Revised Sheet 25 *et al,* to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100226–0026
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–402–000
Applicants: Columbia Gas Transmission, LLC
Description: Columbia Gas Transmission, LLC submits Ninth Revised Sheet No. 25 *et al* to FERC Gas Tariff, Third Revised Volume No. 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100226–0029
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–403–000
Applicants: High Island Offshore System, LLC.
Description: High Island Offshore System, LLC submits FERC Gas Tariff, Tenth Revised Sheet 11, to be effective 4/1/2010.
Filed Date: 02/26/2010
Accession Number: 20100226–0028
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–404–000
Applicants: Northern Natural Gas Company
Description: Petition of Northern Natural Gas Company for Limited Waiver of Tariff Provisions.
Filed Date: 02/26/2010
Accession Number: 20100226–0027
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–405–000
Applicants: Wyoming Interstate Company, Ltd.
Description: Wyoming Interstate Company, Ltd submits Sixteenth Revised Sheet 1 to its FERC Electric Gas Tariff, Second Revised Volume 2, to be effective 3/29/10.
Filed Date: 02/25/2010
Accession Number: 20100226–0030
Comment Date: 5 p.m. Eastern Time on Tuesday, March 9, 2010

Docket Numbers: RP10–406–000
Applicants: Dominion Cove Point LNG, LP
Description: Dominion Cove Point LNG, LP submits Thirteenth Revised Sheet 10 to its FERC Gas Tariff, Original Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100226–0041
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–407–000
Applicants: CenterPoint Energy Gas Transmission Company
Description: CenterPoint Energy Gas Transmission Company submits Second Revised Sheet 686 to its FERC Gas Tariff, Sixth Revised Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100226–0040
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–408–000
Applicants: Dominion Cove Point LNG, LP
Description: Dominion Cove Point LNG, LP submits Thirteenth Revised Sheet No 11 *et al* to FERC Gas Tariff, Original Volume No 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100226–0036
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–409–000
Applicants: Colorado Interstate Gas Company
Description: Quarterly Lost, Unaccounted For and Other Fuel Gas Reimbursement Percentage FL&U of Colorado Interstate Gas Company.
Filed Date: 02/26/2010
Accession Number: 20100226–5083
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–410–000
Applicants: Rockies Express Pipeline LLC
Description: Rockies Express Pipeline submits their annual FL & U percentage reconciliation and adjustment report for the 12/31/09 ending year.
Filed Date: 02/26/2010
Accession Number: 20100226–0037
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–411–000
Applicants: TransColorado Gas Transmission Company
Description: TransColorado Gas Transmission Company submits Annual Fuel Gas Reimbursement Percentage Report for the year ended 12/31/09.
Filed Date: 02/26/2010
Accession Number: 20100226–0039
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–413–000
Applicants: Transcontinental Gas Pipe Line Company, LLC
Description: Transcontinental Gas Pipe Line Company, LLC submits the eighteen executed amendments to previously filed service agreements that contain negotiated rates under Rate Schedule FT with Atlanta Gas Light Co.
Filed Date: 02/26/2010
Accession Number: 20100301–0025
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–414–000
Applicants: National Fuel Gas Supply Corporation
Description: National Fuel Gas Supply Corporation submits their 133rd Revised Sheet 9 to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 3/1/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0021

Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–415–000
Applicants: Tennessee Gas Pipeline Company
Description: Tennessee Gas Pipeline Company submits their Fifteenth Revised Sheet 1 *et al* to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 3/29/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0022
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–416–000
Applicants: Egan Hub Storage, LLC
Description: Egan Hub Storage, LLC submits Fifth Revised Sheet 110 to its FERC Gas Tariff, Fifth Revised Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0023
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–417–000
Applicants: Egan Hub Storage, LLC
Description: Egan Hub Storage, LLC submits Sixth Revised Sheet 104 *et al* to its FERC Gas Tariff, First Revised Volume 1, to be effective 3/28/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0024
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–418–000
Applicants: Viking Gas Transmission Company
Description: Viking Gas Transmission Company submits Twenty-Eight Revised Sheet 5B to its FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0044
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–419–000
Applicants: Viking Gas Transmission Company
Description: Viking Gas Transmission Company submits Fifteenth Revised Sheet 5C to its FERC Gas Tariff, First Revised Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0045
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

Docket Numbers: RP10–421–000
Applicants: Guardian Pipeline, LLC
Description: Guardian Pipeline, LLC submits Sixth Revised Sheet 1 *et al* to its FERC Gas Tariff, Original Volume 1, to be effective 4/1/10.
Filed Date: 02/26/2010
Accession Number: 20100301–0057
Comment Date: 5 p.m. Eastern Time on Wednesday, March 10, 2010

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

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

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–4640 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI10–7–000]

Town of Dexter; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

February 25, 2010.

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

a. *Application Type:* Declaration of Intention.
b. *Docket No:* DI10–7–000.
c. *Date Filed:* February 16, 2010.
d. *Applicant:* Town of Dexter.
e. *Name of Project:* Dexter Hydroelectric Project.
f. *Location:* The proposed Dexter Hydroelectric Project will be located on the East Branch, Sebasticook River, in the town of Dexter, Penobscott County, Maine.
g. *Filed Pursuant to:* section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).
h. *Applicant Contact:* Ruth Fogg, 20 Prospect Street, Dexter, ME 04930; telephone: (207) 924–0180; e-mail: *http://www.ron_ruth@myfairpoint.net.*
i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton, (202) 502–8768, or E-mail address: *henry.ecton@ferc.gov.*
j. *Deadline for filing comments, protests, and/or motions:* March 25, 2010.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings, please go to the Commission's Web site at *http://www.ferc.gov.filing-comments.asp.* Please include the docket number (DI10–7–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The proposed Dexter Hydroelectric Project will consist of: (1) A one-acre mill pond; (2) a 14-foot-high, 30-foot-long dirt and scree mill pond dam; (3) a 1,450-foot long, 24-inch-diameter HDPE pipe penstock; (4) a 10-foot-long, 10-foot-wide concrete powerhouse, containing an 82-kW Turgo turbine, an 80-kW induction generator, and a transformer;

(5) a transmission line connected to an electric meter; (6) a short tailrace connected to the East Branch, Sebasticook River; and (7) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

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

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

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4607 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–444–000]

Tennessee Gas Pipeline Company; Notice of Availability of the Environmental Assessment for the Proposed 300 Line Project

February 25, 2010.

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared an environmental assessment (EA) for the 300 Line Project proposed by Tennessee Gas Pipeline Company (TGP) in the above referenced docket. TGP requests authorization to expand its natural gas pipeline system in Pennsylvania and New Jersey in order to increase the natural gas delivery capacity to the northeast region of the United States by approximately 350,000 dekatherms per day and improve the reliability of it's existing 300 Line system.

The EA assesses the potential environmental effects of the construction and operation of the 300 Line Project in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The U.S. Bureau of Land Management, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers participated as cooperating agencies in the preparation of this EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by TGP's proposal and participate in the NEPA analysis. These cooperating agencies will adopt and use the EA to consider the issuance of right-of-way grants on federally administered lands.

The proposed 300 Line Project includes the following facilities:

- Installation of approximately 127.4 miles of new 30-inch-diameter pipeline loop [1] in seven separate segments in Potter, Tioga, Bradford, Susquehanna, Wayne, and Pike Counties, Pennsylvania; and Sussex and Passaic Counties, New Jersey;
- Construction of new compressor stations in Venango and McKean Counties, Pennsylvania;
- Modifications to seven existing compressor stations in Potter, Tioga, Bradford, Susquehanna, and Pike Counties, Pennsylvania, and Sussex County, New Jersey;
- Installation of associated appurtenant aboveground facilities including mainline valves and pig [2] launchers/receivers; and
- Contractor/pipe yards and access roads.

The EA has been placed in the public files of the FERC and is available for public viewing on the FERC's Web site at *http://www.ferc.gov* using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Regulatory Energy Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers in the project area; intervenors to the FERC's proceeding; and affected landowners, potentially affected landowners, and other interested individuals and groups.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. The Notice of Schedule for

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[1] A loop is a segment of pipe that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

[2] A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

Environmental Review issued on December 8, 2009, indicated that the EA would be issued on February 19, 2010 and the 90-day Federal authorization decision deadline was May 20, 2010. Due to the unprecedented weather circumstances and subsequent closing of Federal government offices in Washington, DC, during the week of February 8, 2010, issuance of the EA was delayed from February 19, 2010, until February 25, 2010. Therefore, the 90-day Federal authorization decision deadline is extended until May 26, 2010. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that FERC receives your comments in Washington, DC on or before March 29, 2010.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP09–444–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "*Sign up*" or "*eRegister*." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[3] Only intervenors have the right to seek rehearing of the Commission's decision.

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

Additional information about the project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site *(http://www.ferc.gov)* using the eLibrary link. Click on the eLibrary link, then on "General Search" and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP09–444). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notifications of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4615 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR10–7–000]

Enbridge Energy, Limited Partnership; Notice of Filing of Supplement to Facilities Surcharge Settlement

February 25, 2010.

Take notice that on February 19, 2010, Enbridge Energy, Limited Partnership (Enbridge Energy), with the support of the Canadian Association of Petroleum Producers (CAPP), submitted a Supplement to the Facilities Surcharge Settlement approved by the Commission on June 30, 2004, in Docket No. OR04–2–000.[1]

Any person desiring to intervene and comment on this Supplement to the Settlement should submit an original and 14 copies of its comments and motion to intervene with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, no later than March 8, 2010. Reply comments will be due no later than March 15, 2010.

The Commission encourages electronic submission of comments and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. The filings in this proceeding is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubcription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4612 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

[1] *Enbridge Energy, Limited Partnership,* 107 FERC ¶ 61,336 (2004).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–40–001]

Southwest Power Pool, Inc.; Notice of Filing

February 25, 2010.

Take notice that on February 22, 2010, Southwest Power Pool, Inc. filed a revision to its Open Access Transmission Tariff to conform the matching requirement in its Tariff provisions allowing incumbent transmission customers to renew, or "rollover," Their contracts for transmission service to the matching requirement of the Commission's *pro forma* OATT, to be effective January 21, 2010, in compliance with the Commission's January 21, 2010 order, *Sw. Power Pool, Inc.,* 130 FERC ¶ 61,049 (2010) (January 21 Order).

Any person desiring to intervene or to protest this filing must file in

accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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

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

Comment Date: 5 p.m. Eastern Time on March 15, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4608 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–3716–001]

Ellsworth, David C.; Notice of Filing

February 25, 2010.

Take notice that on February 12, 2010, David C. Ellsworth filed an informational report for authority to hold interlocking positions, pursuant to section 45.9 of the Commission's Regulations, 18 CFR 45.9 (2009).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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

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

Comment Date: 5 p.m. Eastern Time on March 5, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4611 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–792–000]

TC Energy Trading, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 25, 2010.

This is a supplemental notice in the above-referenced proceeding of TC Energy Trading, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 17, 2010.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4610 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–735–000]

S.J. Energy Partners, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 26, 2010.

This is a supplemental notice in the above-referenced proceeding of S.J. Energy Partners, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 18, 2010.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4618 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–726–000]

DPL Energy Resources, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request For Blanket Section 204 Authorization

February 26, 2010.

This is a supplemental notice in the above-referenced proceeding of DPL Energy Resources, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 18, 2010.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4622 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–770–000]

CCES LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 26, 2010.

This is a supplemental notice in the above-referenced proceeding of CCES LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 18, 2010.

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

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4619 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–769–000]

Glenwood Energy Partners, Ltd.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 25, 2010.

This is a supplemental notice in the above-referenced proceeding of Glenwood Energy Partners, Ltd.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 17, 2010.

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

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

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

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4609 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Nationwide Categorical Waivers Under Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (Recovery Act)

AGENCY: Office of Energy Efficiency and Renewable Energy (EERE), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: The Office of Energy Efficiency and Renewable Energy of the U.S. Department of Energy hereby provides notice that on February 11, 2010, the Assistant Secretary for EERE granted nationwide categorical waivers of the Buy American requirements of the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (Recovery Act) under the authority of section 1605(b)(2) [iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] for the purchase of LED traffic lights, arrows, and crosswalk signals (excluding the metal or plastic fixtures); fluorescent electronic lighting ballasts (with the exception of electronic dimming ballasts for fluorescent lamps that are capable of operating the lamps below 50 percent of their rated light output); and screw-base and pin-base compact fluorescent lamps (CFLs) (with the exception of plug-in CFLs longer than 10 inches). These nationwide categorical waivers apply to all projects using EERE Recovery Act funds for the construction, alteration, maintenance and repair of a public building or public work. EERE reserves the right to revisit and amend these nationwide categorical waivers based on new developments or changes in the domestic manufacturing capacity for these three technologies.

DATES: Effective Date: February 11, 2010.

FOR FURTHER INFORMATION CONTACT: Benjamin Goldstein, Energy Technology Program Specialist, Office of Energy Efficiency and Renewable Energy (EERE), (202) 287–1553, Department of Energy, 1000 Independence Avenue, SW., Mailstop EE–2K, Washington, DC 20585.

SUPPLEMENTARY INFORMATION: Section 1605 of the Recovery Act requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, or unless a waiver is granted by the head of the Federal department or agency. A waiver may be granted if the head of the Federal department or agency determines that one of three listed exceptions applies: (1) The application of Section 1605 requirements would be inconsistent with the public interest; (2) the iron, steel, or relevant manufactured good is not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the cost of domestic iron, steel, or relevant manufactured goods will increase the cost of the overall project by more than 25 percent.

In accordance with Section 1605(c) of the Recovery Act and Section 176.80 of Title 2 of the Code of Federal

Regulations, DOE hereby provides notice that, pursuant to a delegation of authority by the Secretary of Energy, dated November 10, 2009, the Assistant Secretary, EERE, has granted three nationwide categorical waivers of the requirements of Section 1605(b)(2) of the Recovery Act for LED traffic lights, arrows, and crosswalk signals (excluding the metal or plastic fixtures); fluorescent electronic lighting ballasts (with the exception of electronic dimming ballasts for fluorescent lamps that are capable of operating the lamps below 50 percent of their rated light output); and screw-base and pin-base compact fluorescent lamps (CFLs) (with the exception of plug-in CFLs longer than 10 inches). The Assistant Secretary, EERE, has determined that these three categories of manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The Assistant Secretary, EERE, reserves the right to revisit and amend these nationwide categorical waivers based on new developments or changes in the domestic manufacturing capacity for these three technologies.

The domestic nonavailability determination for these three products is based on extensive market research and a thorough investigation of the domestic manufacturing landscape. This research revealed that these three products are manufactured almost exclusively in China and Mexico.

EERE corresponded with a wide range of lighting industry stakeholders, including the National Electrical Manufacturers Association, three major lighting companies (GE, Osram Sylvania, and Phillips), the IUE–CWA labor union, and many smaller lighting manufacturers, in establishing the domestic nonavailability determinations. The specific exceptions to these categorical waivers (for electronic dimming ballasts and 10-inch and longer CFLs) are evidence of the very detailed research effort undertaken to support the formulation of these nonavailability determinations.

The nonavailability determination was also informed by the large number of inquiries and petitions that EERE received from recipients of EERE Recovery Act funds ("grantees"), suppliers, and trade associations—all stating that their individual efforts to locate domestic manufacturers had been unsuccessful.

The purpose of the Recovery Act is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are "shovel ready," or otherwise valid, by requiring grantees to revise their specifications or choose a different, more costly, or less energy efficient project. The absence of a waiver of section 1605 for these three categories of manufactured goods would result in unreasonable delay for the project and would directly conflict with a fundamental economic purpose of Recovery Act, which is to create or retain jobs.

The installation of LED traffic lights, arrows, and crosswalk signals, fluorescent electronic lighting ballasts, and CFLs is a proven strategy to achieve impressive energy savings, reduce energy expenditures, and to create immediate jobs in the building, construction, and electrical trades. All three of these attributes can support near-term economic recovery and long-term sustainability in diverse locations across the country. Hence, the installation of LED traffic lights, arrows, and crosswalk signals, fluorescent electronic lighting ballasts, and CFLs is a popular use of Recovery Act funds by EERE grantees, and any further delay in granting nationwide categorical waivers for these three technologies would unjustifiably impede the ability of these meritorious projects to move forward.

Finally, EERE is implementing a strategy that involves collaborating with multiple stakeholders in the manufacturing community to disseminate technical specifications for hard-to-find products to ascertain whether or not there are any domestic manufacturers for these products. This strategy will ensure that all future determinations of nonavailability are developed through a thorough, transparent, and expedited process. However, while this larger strategy is unfolding, it is critical to move forward with the nationwide categorical waivers for these three manufactured goods, where domestic nonavailability has been ascertained and is currently impeding the progress of numerous Recovery Act projects funded by EERE.

The specific products detailed below are excluded from the nationwide categorical waivers because some domestic manufacturing capacity does exist. If an EERE grantee believes that the excluded products are not available for its Recovery Act project in sufficient and reasonably available commercial quantities of a satisfactory quality in the timeframe required by their project, the grantee can submit a specific waiver request to EERE using the established channels and format outlined in 2 CFR 176.140(c) and 176.160(c); and summarized in guidance available on the EERE Buy American Web page: *http://www1.eere.energy.gov/recovery/pdfs/eere_program_guidance_buy_american.pdf.*

(1) Electronic dimming ballasts for fluorescent lamps.

Electronic dimming ballasts for fluorescent lamps that are capable of operating the lamps below 50 percent of their rated light output.

(2) Plug-In CFLs longer than 10 inches.

CFLs greater than 10 inches in length have a 4-pin base and are rated from 18 to 27 watts. They are available in a range of color temperatures and are used, for example, in facilities, offices, warehouses and display cases. Lengths range from 10.5 in (266.7 mm) to 22.5 in (571.5 mm). Rated life ranges from 10,000 to 20,000 hours.

(3) Traffic light fixtures (also referred to as the "housing" or "shell").

The nationwide categorical waiver for LED traffic lights, arrows, and crosswalk signals covers the LED lights and any adjacent wires and electronic parts necessary for the functionality of the lights themselves; but excludes the metal or plastic fixtures (also referred to as the "housing" or "shell").

Having established a proper justification based on domestic nonavailability, EERE hereby provides notice that on February 11, 2010, three nationwide categorical waivers of section 1605 of the Recovery Act were issued for LED traffic lights, arrows, and crosswalk signals; fluorescent electronic lighting ballasts (with the exception of electronic dimming ballasts for fluorescent lamps that are capable of operating the lamps below 50 percent of their rated light output); and screw-base and pin-base compact fluorescent lamps (with the exception of plug-in CFLs longer than 10 inches). This **SUPPLEMENTARY INFORMATION** constitutes the detailed written justification required by section 1605(c) for waivers based on a finding under subsection (b).

This waiver determination is pursuant to the delegation of authority by the Secretary of Energy to the Assistant Secretary for Energy Efficiency and Renewable Energy with respect to expenditures within the purview of her responsibility. Consequently, this waiver applies to EERE projects carried out under the Recovery Act.

Authority: Pub. L. 111–5, section 1605.

Dated: February 22, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–4679 Filed 3–4–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12613–003]

Tygart LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

February 26, 2010.

On February 1, 2010, the Tygart LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Tygart Project, to be located the U.S. Army Corps of Engineers Tygart Dam, on the Tygart River, Taylor County, West Virginia.

The proposed project would utilize the existing U.S. Army Corps of Engineers' Tygart Dam and would consist of: (1) A proposed intake structure to be built on the upstream face of the dam; (2) two 180-inch-diameter, 460-foot-long penstocks through the dam; (3) a proposed powerhouse containing 2 generating units with a total generating capacity of 29.0 MW; (4) a proposed 6,700-foot-long, 138 kV transmission line; (5) a tailrace, and (6) appurtenant facilities. The project would have an estimated average annual generation of 92.0 gigawatts-hours.

Applicant Contact: Mr. M. Clifford Phillips, Advanced Hydro Solutions LLC, 150 North Miller Road, Suite 450 C, Fairlawn, OH 44333, phone (330) 869–8451.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp*.

More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–12613) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4620 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13642–000]

GB Energy Park, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

February 25, 2010.

On December 11, 2009 and revised on January 14, 2010, GB Energy Park, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Gordon Butte Pumped Storage Project, which would be located near Martinsdale in Meagher County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) A new upper reservoir with a surface area of 50 acres and a storage capacity of 4,050 acre-feet at a normal maximum surface elevation of 6,020 feet; (2) a new 50-foot-high, 9,000-foot-long earthen and roller compacted concrete embankment at the upper reservoir; (3) a new lower reservoir, with a surface area of 80 acres and a storage capacity of 4,050 acre-feet at a normal maximum surface elevation of 4,990 feet; (4) a new 50-foot-high, 10,000-foot-long earthen and roller compacted concrete embankment at the lower reservoir; (5) a new 25-foot-diameter, 4,000-foot-long steel-lined tunnel connecting to; (6) a new powerhouse containing two reversible turbine generator units having a total installed capacity of 350 megawatts; (7) an existing 4-foot-wide by 4-foot-deep, 3-mile-long canal carrying flows diverted from Cottonwood Creek by an existing diversion structure, or a new 3-foot-diameter, 2,400-foot-long pipeline carrying flows from an existing collection point on the South Fork of the Musselshell River, terminating at; (8) a new pumphouse delivering initial fill and make-up flows to the lower reservoir via a 3-foot-diameter, approximately 250-foot-long pipeline; (9) a new substation; (10) a new 500-kilovolt (kV), 5.7-mile-long transmission line interconnecting with an existing 500-kV line, or a new 100-kV, 1.1-mile-long transmission line interconnecting to an existing 100-kV line; (11) 7.4 miles of new 20-foot-wide gravel access roads; and (12) appurtenant facilities. The proposed project would have an average annual generation of 1,300 gigawatt-hours.

Applicant Contact: Carl Borgquist, GB Energy Park, LLC, 1970 Stadium Drive, Suite 3, Bozeman, MT 59715; phone: (406) 585–3006.

FERC Contact: Dianne Rodman, (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp)* under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13642) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4605 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12686–003]

Baker County; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

February 25, 2010.

On February 25, 2010, Baker County filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the 3.4 megawatt Mason Dam Hydroelectric Project, located on the Powder River, in Baker County, Oregon. The proposed project would use the Bureau of Reclamation's existing Mason Dam, which impounds Phillips Lake. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) A proposed intake structure and penstock, (2) a proposed powerhouse with generating unit(s) having a total installed capacity of 3.4 MW, (3) an existing transmission line and possible additional new transmission line(s), and (4) appurtenant facilities. The project would have an annual generation of 7,982 MWh, which would be sold to a local utility.

Applicant Contact: Jason Yencopal, Baker County Project Manager, 1995 Third Street, Baker City, OR 97814.

FERC Contact: Kenneth Hogan, 202–502–8434 or *Kenneth.hogan@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*; call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–12686) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–4614 Filed 3–4–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9123–2]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or e-mail at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 2014.04; Reporting and Recordkeeping Requirements of the HCFC Allowance System (Renewal); 40 CFR part 82, subpart A; was approved on 02/01/2010; *OMB Number 2060–0498;* expires on 02/28/2013; Approved with change.

EPA ICR Number 2335.02; Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators; 40 CFR part 60, subpart Ce; was approved on 02/02/2010; OMB Number 2060–0628; expires on 02/28/2013; Approved without change.

EPA ICR Number 1062.12; NSPS for Coal Preparation and Processing Plants; 40 CFR part 60, subpart Y; was approved on 02/02/2010; OMB Number 2060–0122; expires on 02/28/2013; Approved without change.

EPA ICR Number 2193.02; Energy Star Program in the Residential Sector (Renewal); was approved on 02/02/2010; OMB Number 2060–0586; expires on 02/28/2013; Approved with change.

EPA ICR Number 2055.03; Data Submissions for the Voluntary Children's Chemical Evaluation Program (VCCEP); 40 CFR part 790; was approved on 02/11/2010; OMB Number 2070–0165; expires on 02/28/2013; Approved without change.

EPA ICR Number 1487.10; Cooperative Agreements and Superfund State Contracts for Superfund Response Actions (Renewal); 40 CFR part 35, subpart O; was approved on 02/18/2010; OMB Number 2050–0179; expires on 02/28/2013; Approved without change.

EPA ICR Number 2334.02; NESHAP for Petroleum Refineries (Final Rule); 40 CFR part 63, subpart A and 40 CFR part 63, subpart CC; was approved on 02/18/2010; OMB Number 2060–0619; expires on 02/28/2013; Approved without change.

EPA ICR Number 2323.02; National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (Final Rule); 40 CFR part 63, subpart A and 40 CFR part 63, subpart VVVVVV; was approved on 02/18/2010; OMB Number 2060–0621; expires on 02/28/2013; Approved without change.

EPA ICR Number 1800.06; Information Requirements for Locomotives and Locomotive Engines (Renewal); 40 CFR parts 92.203, 92.208, 92.210, 92.215, 92.306, 92.308, 92.309, 92.309, 92.508, 92.509, 92.511–92.513, and 92.607; was approved on 02/19/2010; OMB Number 2060–0392; expires on 02/28/2013; Approved without change.

EPA ICR Number 1847.05; Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994; 40 CFR part 60, subpart Cb; was approved on 02/19/2010; OMB Number 2060–0390; expires on 02/28/2013; Approved without change.

EPA ICR Number 2343.01; Focus Group Research for Fuel Economy Label Designs for Advanced Technology Vehicles (New Collection); was approved on 02/25/2010; OMB Number

2060–0632; expires on 05/31/2010; Approved with change.

EPA ICR Number 1573.12; Part B Permit Application, Permit Modifications and Special Permits (Renewal); 40 CFR part 264 and 40 CFR part 270; was approved on 02/26/2010; OMB Number 2050–0009; expires on 02/28/2013; Approved without change.

EPA ICR Number 2348.02; NESHAP for Paints and Allied Products Manufacturing Area Source Category; 40 CFR part 63, subpart A and 40 CFR part 63, subpart CCCCCCC; was approved on 02/26/2010; OMB Number 2060–0633; expires on 02/28/2013; Approved without change.

EPA ICR Number 2352.02; NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing; 40 CFR part 63, subpart A and 40 CFR part 63, subpart AAAAAAA; was approved on 02/26/2010; OMB Number 2060–0634; expires on 02/28/2013; Approved without change.

EPA ICR Number 2279.02; National Primary Drinking Water Regulations: Aircraft Drinking Water Rule; 40 CFR part 141; was approved on 02/25/2010; OMB Number 2040–0277; expires on 02/28/2013; Approved without change.

EPA ICR Number 1969.04; NESHAP for Miscellaneous Organic Chemical Manufacturing; 40 CFR part 63, subpart FFFF; was approved on 02/26/2010; OMB Number 2060–0533; expires on 02/28/2013; Approved without change.

Comment Filed

EPA ICR Number 0783.56; Certification and In-use Testing of Motor Vehicles: Revisions to Reduce Emissions of Greenhouse Gasses (Proposed Rule); in 40 CFR parts 85 and 86, 40 CFR 86.412, 40 CFR 86.1845, 40 CFR 85.1901–1908, 40 CFR part 600,; OMB filed comment on 02/19/2010.

EPA ICR Number 2326.01; Effluent Guidelines and Standards for the Airport Deicing Category (Proposed Rule); in 40 CFR part 449; OMB filed comment on 02/25/2010. EPA ICR Number 1715.11; Opt-out and Recordkeeping Proposed Rule ICR Addendum; in 40 CFR part 745, subpart L, 40 CFR 745.225; OMB filed comment on 02/26/2010.

EPA ICR Number 1361.14; Withdrawing the Comparable Fuels Exclusion under RCRA (Proposed Rule); in 40 CFR 261.38; OMB filed comment on 02/26/2010.

Short Term Extensions of Expiration Date

EPA ICR Number 1363.20; Toxic Chemical Release Reporting (Form R); 40 CFR 372; OMB Number 2025–0009; expires on 07/31/2011; a short term extension of the expiration date was approved on 02/17/2010.

EPA ICR Number 1704.12; Toxic Chemical Release Reporting, Alternate Threshold for Low Annual Reportable Amounts (Form A); 40 CFR 372; OMB Number 2025–0010; expires on 07/31/2011; a short term extension of the expiration date was approved on 02/17/2010.

Dated: March 1, 2010.

John Moses,

Director, Collections Strategies Division.

[FR Doc. 2010–4698 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0179; FRL–8815–3]

Kasugamycin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Oregon Department of Agriculture to use the pesticide kasugamycin (CAS No. 6980–18–3) to treat up to 2,000 acres of newly planted, non-bearing sweet or sour cherry orchards to control bacterial canker. The applicant proposes the use of a new chemical which has not been registered by the EPA.

EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 15, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0179, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2010–0179. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Keri Grinstead, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200

Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8373; fax number: (703) 605–0781; e-mail address: *grinstead.keri@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice*. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Oregon Department of Agriculture has requested the Administrator to issue a specific exemption for the use of kasugamycin on newly planted, non-bearing sweet or sour cherry orchards to control bacterial canker. Information in accordance with 40 CFR part 166 was submitted as part of this request and may be found in the docket for this notice.

As part of this request, the applicant asserts that kasugamycin is needed to control alternative chemical-resistant strains of *Pseudomonas syringae* pv. *syringae*, the major causal pathogen of bacterial canker of young sweet and sour cherry trees. Bacterial canker is a risk to the establishment of new cherry orchards and has become resistant to the alternative chemical products. The applicant states that the use of kasugamycin "in 2,000 acres of newly planted, high density sweet cherry orchards could help growers avert economic losses of nearly $5.1 million due to bacterial canker."

The Applicant proposes to make no more than two applications of Kasumin 2L (2.0% kasugamycin) on a maximum of 2,000 acres of newly planted, non-bearing sweet or sour cherry orchards between March 1, 2010 and November 30, 2010 in Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, Yamhill, Hood River, Sherman, Wasco, Umatilla, and Union counties in Oregon. As currently proposed, the maximum amount of product to be applied would be 2,000 gallons. EPA has decided to open a shortened comment period and solicit input and comments from the public for 10 days. In general, the length of a comment period for an emergency exemption application is 15 days. However, EPA is shortening this comment period to 10 days due to the limited time available to consider this request with regard to the requested use season. Because of these factors, EPA determined that a 10–day comment period is appropriate.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by EPA.

The notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Oregon Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 1, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010–4816 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2008–0015; FRL–9119–7]

Release of Draft Documents Related to the Review of the National Ambient Air Quality Standards for Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of draft documents for public comment.

SUMMARY: On or about February 22, 2010, the Office of Air Quality Planning and Standards (OAQPS) of EPA is making available for public comment a draft assessment document: *Risk and Exposure Assessment to Support the Review of the Carbon Monoxide Primary National Ambient Air Quality Standards—Second External Review Draft.* This draft document describes the quantitative analyses that are being conducted as part of the review of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO). In addition, on or about March 1, 2010, OAQPS is making available for public comment another draft assessment document: *Policy Assessment for the Review of the Carbon Monoxide National Ambient Air Quality Standards: External Review Draft.*

DATES: Comments should be submitted on or before April 2, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0015, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2008–0015.
- *Fax:* Fax your comments to 202–566–9744, Attention Docket ID. No. EPA–HQ–OAR–2008–0015.
- *Mail:* Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2008–0015.
- *Hand Delivery or Courier:* Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2008–0015. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Docket telephone number is 202–566–1742; fax 202–566–9744.

FOR FURTHER INFORMATION CONTACT: For questions related to both of these draft documents, titled *Risk and Exposure Assessment to Support the Review of the Carbon Monoxide Primary National Ambient Air Quality Standards—Second External Review* and *Policy Assessment for the Review of the Carbon Monoxide National Ambient Air Quality Standards: External Review Draft,* please contact Dr. Ines Pagan, Office of Air Quality Planning and Standards (Mail code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: *pagan.ines@epa.gov;* telephone: 919–541–5469; fax: 919–541–0237.

General Information

A. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Make sure to submit your comments by the comment period deadline identified.

SUPPLEMENTARY INFORMATION: Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." The EPA then

issues air quality criteria for these listed pollutants, which are commonly referred to as "criteria pollutants." The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities." Under section 109 of the CAA, EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

Presently, EPA is reviewing the air quality criteria and NAAQS for CO. The EPA's overall plan and schedule for this review is presented in the *Plan for Review of the National Ambient Air Quality Standards for Carbon Monoxide.*[1] A draft of this integrated review plan was released for public review and comment in March 2008 and was the subject of a consultation with the Clean Air Scientific Advisory Committee (CASAC) on April 8, 2008 (73 FR 12998). Comments received from that consultation and from the public were considered in finalizing the plan and in beginning the review of the air quality criteria.

As part of EPA's review of the primary (health-based) CO NAAQS, the Agency is conducting qualitative and quantitative assessments characterizing the health risks associated with exposure to ambient CO. The EPA's plans for conducting these assessments, including the proposed scope and methods of the analyses, were presented in a planning document titled, *Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Health Risk and Exposure Assessment* (Scope and Methods Plan). This planning document was released for public comment in April 2009 and was the subject of a consultation with the CASAC on May 13, 2009 (74 FR 15265).

The draft exposure and risk assessment document announced today conveys the approaches taken to assess exposures to ambient CO and to characterize associated health risks, as well as present the initial key results, observations, and related uncertainties associated with the quantitative analyses performed. An earlier draft of the exposure and risk assessment document was released for CASAC review and public comment in October 2009 (74 FR 55843; October 29, 2009), and was the subject of a CASAC review meeting on November 16 and 17, 2009 (74 FR 54042). This draft document will be available on or about February 22, 2010, through the Agency's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/co/s_co_index.html.* This document may be accessed in the "Documents from Current Review" section under "Risk and Exposure Assessments."

In addition, on or about March 1, 2010, EPA will make available a second draft document: *Policy Assessment for the Review of the Carbon Monoxide National Ambient Air Quality Standards: External Review Draft.* The development of this document is a result of recent changes to the NAAQS review process which included reinstating a policy assessment document that contains staff analyses of the scientific bases for alternative policy options for consideration by senior Agency management prior to rulemaking. This document, which builds upon the historical "Staff Paper," will serve to "bridge the gap" between the scientific information and the judgments required of the Administrator in determining whether it is appropriate to retain or revise the standards. In conjunction with this change, EPA will no longer issue a policy assessment in the form of an Advance Notice of Proposed Rulemaking (ANPR).[2]

The draft Policy Assessment (PA) builds upon information presented in the *Integrated Science Assessment for Carbon Monoxide* and the draft assessment document described above. This draft document will be available on or about March 1, 2010, through the Agency's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/co/s_co_index.html.* This document may be accessed in the "Documents from Current Review" section under "Policy Assessments."

The EPA is soliciting advice and recommendations from the CASAC by means of a review of both draft documents at an upcoming public meeting of the CASAC. Information about this public meeting, including the date and location, will be published as a separate notice in an upcoming edition of the **Federal Register.** Following the CASAC meeting, EPA will consider comments received from the CASAC and the public in preparing revisions to these documents.

The draft documents briefly described above do not represent and should not be construed to represent any final EPA policy, viewpoint, or determination. The EPA will consider any public comments submitted in response to this notice when revising the documents.

Dated: February 19, 2010.

Jennifer Noonan Edmonds,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2010–4702 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

[1] EPA 452R–08–005; August 2008; Available: *http://www.epa.gov/ttn/naaqs/standards/co/s_co_cr_pd.html.*

[2] *See http://www.epa.gov/ttn/naaqs/review.html* for a copy of Administrator Jackson's May 21, 2009 memorandum and for additional information on the NAAQS review process.

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8988–7]

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 or *http://www.epa.gov/compliance/nepa/.*

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, after March 31, 2010, EPA will discontinue the publication of this notice of availability

of EPA comments in the **Federal Register**.

Draft EISs

EIS No. 20090368, ERP No. D–NSA–E11071–TN, Y–12 National Security Complex Project, to Support the Stockpile Stewardship Program and to Meet the Mission Assigned to Y–12, Oak Ridge, TN.

Summary: EPA expressed environmental concerns about storage, transportation and disposal of hazardous waste and radioactive wastes. EPA requested additional information about NPDES monitoring. Also, long-term onsite storage and disposition of wastes will need to be addressed as the project progresses. Rating EC2.

EIS No. 20090378, ERP No. D–COE–F09806–MN, NorthMet Project, Proposes to Construct and Operate an Open Pit Mine and Processing Facility, Located in Hoyt Lakes—Babbitt Area of St. Louis County, MN.

Summary: The project as proposed will have satisfactory impacts to surface water and groundwater from acid mine drainage and mobilization of metals and sulfates. The project will also have significant wetland impacts that are not adequately mitigated. In addition, the EIS does not adequately evaluate the fate and transport of pollutants between groundwater, surface water and wetlands, nor does it discuss financial assurance for closure and post-closure care. Rating EU3.

EIS No. 20090386, ERP No. D–BLM–K09811–CA, Ivanpah Solar Electric Generating System (07–AFC–5) Project, Proposal to Construct a 400-mw Megawatt Concentrated Solar Power Tower, Thermal-Electric Power Plant, San Bernardino County, CA.

Summary: EPA expressed environmental concerns about impacts to biological and aquatic resources, air quality and sensitive species. EPA also requested additional information to fully describe the project's purpose and need, broaden the range of alternatives, and further evaluate cumulative impacts from reasonably foreseeable future actions. Rating EC2.

EIS No. 20090394, ERP No. D–USN–K11126–GU, Guam and Commonwealth of the Northern Mariana Islands (CNMI) Military Relocation, Proposed Relocating Marines from Okinawa, Visiting Aircraft Carrier Berthing, and Army Air and Missile Defense Task Force, Implementation, GU.

Summary: EPA identified adverse environmental impacts to Guam's drinking water and wastewater infrastructure from construction workers and induced population growth, and to sensitive coral habitat. The DEIS does not adequately assess the impacts and infrastructure needs of the construction workers and induced growth, and does not include an adequate assessment of the impacts to the coral habitat or an adequate mitigation plan for those impacts. Rating EU3.

EIS No. 20090397, ERP No. D–USA–G39052–00, PROGRAMMATIC—Louisiana Coastal Area (LCA) Beneficial Use of Dredged Material (BUDMAT) Program Study, To Establish the Structure and Management Architecture of the BUDMAT Program, Implementation, MS, TX and LA.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20100008, ERP No. D–GSA–F65079–00, International Falls Land Port of Entry Improvements Study, Proposes to Replace the Existing Land Port of Entry, Minnesota along the U.S. and Canada Border.

Summary: EPA expressed environmental concerns about water quality impacts from stormwater runoff and hazardous materials spills. EPA recommended that appropriate runoff and spills management be incorporated into the project. Rating EC2.

Final EISs

EIS No. 20090437, ERP No. F–COE–E39077–NC, Western Wake Regional Wastewater Management Facilities, Proposed Construction of Regional Wastewater Pumping, Conveyance, Treatment, and Discharge Facilities to Serve the Towns of Apex, Cary, Holly Springs and Morrisville, Research Triangle Park, Wake County, NC.

Summary: EPA expressed concerns about environmental justice impacts and maintaining EPA-approved State of North Carolina Water Quality Standards for Surface Waters.

EIS No. 20100006, ERP No. F–AFS–L65570–00, Rogue River-Siskiyou National Forest, Motorized Vehicle Use, To Enact the Travel Management Rule, Implementation, Douglas, Klamath, Jackson, Curry, Coos and Josephine Counties, OR and Del Norte and Siskiyou Counties, CA.

Summary: EPA expressed environmental concerns about impacts to human health that could result from exposure to naturally occurring asbestos (NOA). EPA recommended that a plan be developed and implemented to address risk from NOA.

EIS No. 20100007, ERP No. F–NOA–B91005–00, Amendment 3 to the Northeast Skate Complex Fishery Management Plan, Implementation of New Management Measures to Rebuild Overfished Skate Stocks, End Overfishing of Skate Fisheries, Gulf of Maine (GOM), Georges Bank (GB), South New England and Mid-Atlantic Regions.

Summary: EPA does not object to the proposed project.

EIS No. 20100011, ERP No. F–AFS–K65376–CA, Eddy Gulch Late-Successional Reserve Fuels/Habitat Protection Project, To Protect Late-Successional Habitat used by the Northern Spotted Owl and Other Late-Successional-Dependent Species, Salmon River and Scott River Ranger District, Klamath National Forest, Siskiyou County, CA.

Summary: EPA's previous issues have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20100015, ERP No. F–USA–G39052–00, PROGRAMMATIC—Louisiana Coastal Area (LCA) Beneficial Use of Dredged Material (BUDMAT) Program Study, To Establish the Structure and Management Architecture of the BUDMAT Program, Implementation, MS, TX and LA.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20100012, ERP No. FS–AFS–K65312–CA, Pilgrim Vegetation Management Project, Updated Information to Address and Respond to the Specific Issues Identified in the Court Ruling. Implementation, Shasta-Trinity National Forest, Siskiyou County, CA.

Summary: EPA expressed environmental concerns about inadvertent exposure to humans and non-target species to the fungicide Sporax and cumulative effects to snag-dependent and late-successional species.

Dated: March 2, 2010.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–4701 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8988–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/* Weekly receipt of Environmental Impact Statements Filed 02/22/2010 Through 02/26/2010 Pursuant to 40 CFR 1506.9.

EIS No. 20100058, Final EIS, FHWA, IN, I–69 Evansville to Indianapolis, Indiana Project, Section 2, Revised to Update the Stream Impacts, Oakland City to Washington, (IN–64 to US 50), Gibson, Pike and Daviess Counties, IN, Wait Period Ends: 04/05/2010, Contact: Janice Osadczuk 317–226–7486.

EIS No. 20100059, Draft EIS, USFS, MT, East Deer Lodge Valley Landscape Restoration Management Project, To Conduct Landscape Restoration Management Activities, Pintler Ranger District, Beaverhead Deerlodge National Forest, Powell and Deerlodge Counties, MT, Comment Period Ends: 04/19/2010, Contact: Leaf Magnuson 406–683–3950.

EIS No. 20100060, Draft EIS, RUS, MN, Bemidji—Grand Rapid 230 kV Transmission Line Project, Propose to Construct and Operate, Beltrami, Hubbard, Cass, Itasca Counties, MN, Comment Period Ends: 04/19/2010, Contact: Stephanie Strength 202–720–0468.

EIS No. 20100061, Draft EIS, NOAA, 00, Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region, To Implement Long-Term Management Measures Expected to End Overfishing of the Red Snapper Stock, South Atlantic Region, Comment Period Ends: 04/19/2010, Contact: Roy E. Crabtree 727–824–5305.

Amended Notices

EIS No. 20100045, Draft Supplement, BIA, CA, Campo Regional Landfill Project, Construction and Operation, Permit Lease and Sublease Use of Reservation Land, Campo Indian Reservation, San Diego County, CA, Comment Period Ends: 05/12/2010, Contact: John Rydzik 916–978–6051 Revision to FR Notice Published 02/26/2010: Extending Comment Period from 04/28/2010 to 05/12/2010.

EIS No. 20100050, Draft EIS, BLM, CA, Stirling Energy Systems (SES) Solar 2 Project, Construct and Operate, Electric-Generating Facility, Imperial Valley, Imperial County, CA, Comment Period Ends: 06/23/2010, Contact: Erin Dreyfuss 916–978–4642 Revision to FR Notice Published 02/26/2010: Extending Comment Period from 04/12/2010 to 06/23/2010.

EIS No. 20100051, Draft EIS, USFS, UT, South Unit Oil and Gas Development Project, Master Development Plan, Implementation, Duchesne/Roosevelt Ranger District, Ashley National Forest, Duchesne County, UT, Comment Period Ends: 04/12/2010, Contact: David Herron 435–781–5218 Revision to FR Notice Published 02/26/2010: Correction to Agency Code from USAF to USFS.

Dated: March 2, 2010.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–4699 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0125; FRL–8812–2]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 4–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review a set of scientific issues related to the Re-Evaluation of Human Health Effects of Atrazine: Review of Experimental Animal and *In Vitro* Studies and Drinking Water Monitoring Frequency.

DATES: The meeting will be held on April 26–29, 2010, and will begin on Monday, April 26, 2010 at 1 p.m. On April 27-29, 2010, the meeting will be held from approximately 8:30 a.m. to 5 p.m.

Comments. The Agency encourages that written comments be submitted by April 12, 2010 and requests for oral comments be submitted by April 19, 2010. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written comments after April 12, 2010 should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT.** For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION.**

Nominations. Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before March 19, 2010.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Hamilton Crowne Plaza Hotel, located at 1001 14th St., NW., Washington, DC, 20005. The telephone number for the Hamilton Crowne Plaza Hotel is (202) 682–0111.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0125; by one of the following methods:

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

Instructions. Direct your comments to docket ID number EPA–HQ–OPP–2010–0125. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM

you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

Nominations, requests to present oral comments, and requests for special accommodations. Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special seating accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Joseph E. Bailey, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–2045; fax number: (202) 564–8382; e-mail address: *bailey.joseph@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), FIFRA, and the Food Quality Protection Act of 1996 (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

C. How May I Participate in this Meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2010–0125; in the subject line on the first page of your request.

1. *Written comments*. The Agency encourages that written comments be submitted, using the instructions in **ADDRESSES**, no later than April 12, 2010, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting, but anyone submitting written comments after April 12, 2010 should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT.** Anyone submitting written comments at the meeting should bring 30 copies for distribution to FIFRA SAP.

2. *Oral comments*. The Agency encourages that each individual or group wishing to make brief oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than April 19, 2010, in order to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to the FIFRA SAP at the meeting.

3. *Seating at the meeting*. Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting*. As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Risk assessment, mode of action analysis (particularly those with MOA framework experience), frameworks to evaluate human relevance, pharmacokinetics, neuroendocrinology (hormone-mediated health effects), HPA axis (corticosterone), immuno-toxicology, epidemiology, reproductive/developmental biology and environmental sampling and statistical modeling. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or, before March 19, 2010. The Agency will consider all nominations of prospective candidates for this meeting that are received on or, before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on FIFRA SAP is based on the function of the panel and the expertise needed to address the Agency's charge to the panel. No interested scientists shall be ineligible to serve by reason of their

membership on any other advisory committee to a Federal department or agency or, their employment by a Federal department or agency except the EPA. Other factors considered during the selection process include availability of the potential panel member to fully participate in the panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although, financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on FIFRA SAP. Numerous qualified candidates are identified for each panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately 15 ad hoc scientists.

FIFRA SAP members are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on the FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The EPA will evaluate the candidates financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP website at *http://epa.gov/scipoly/sap* or may be obtained from the OPP Regulatory Public Docket at *http://www.regulations.gov*.

II. Background

A. Purpose of FIFRA SAP

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA, as amended by FQPA, established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

B. Public Meeting

EPA is undertaking a re-evaluation of the human health effects of atrazine. The re-evaluation plan was presented to the FIFRA Scientific Advisory Panel (SAP) in November 2009 and involves three SAP meetings in 2010. The first was held in February 2010 where the Agency presented its preliminary reviews of several atrazine epidemiology studies on birth outcomes and described a project plan to evaluate atrazine epidemiology data from the Agricultural Health Study (*http://aghealth.nci.nih.gov/*). The April 2010 SAP meeting will focus on:

1. A preliminary review of mammalian *in vivo* as well as *in vitro* studies on toxicological effects and modes of action.

2. Statistical approaches for evaluating monitoring frequency in community water systems (CWS).

For the April SAP meeting, the Agency's scientific review of toxicology studies will focus on those studies used to support the reregistration of atrazine and new studies available up to January 30, 2010. Any studies that become available after January 30, 2010 will be integrated into the Agency's weight-of-the-evidence (WOE) analysis scheduled for review by the FIFRA SAP in September 2010. This WOE analysis will integrate *in vivo* and *in vitro* laboratory studies along with epidemiologic data and other human information.

At the April meeting, the Agency plans to solicit comment from the SAP on the toxicological importance and human relevance of a variety of effects including findings on the hypothalamic-pituitary-adrenal (HPA) axis, immune system, prostate, brain, and the enzyme, aromatase. In addition, the Agency plans to discuss the scientific issues associated with lifestage susceptibility and linking a chemically-induced activation of the HPA axis to other health outcomes and possible approaches to use key events in a mode of action in risk assessment. The Agency will not be proposing updated points of departure or a complete scientific analysis relevant to the FQPA Safety Factor for protection of infants and children at the April SAP meeting. The Agency will consider the advice of the April SAP, however, to help inform these issues which will be presented to the September SAP. Following the April SAP, the Agency will continue to review the scientific literature with particular emphasis on the potential for differential lifestage susceptibility and the temporal aspects of pharmacokinetic and pharmacodynamic events. This temporality is an important scientific issue for the assessment of the health effects of atrazine because the duration of exposure leading to adverse effects is a critical aspect of determining the appropriate frequency of water monitoring in CWS, which will also, be discussed in September.

As a condition of reregistration of atrazine, EPA required the registrants to implement a monitoring program in selected CWS, generally in the corn and sorghum growing area of the midwest. In implementing a monitoring program, the frequency of sampling is closely linked to the health effects of concern. If the health effects of concern relate to long-term chronic exposures, a yearly average concentration is sufficient. Less frequent sampling may provide sufficient data for EPA to be reasonably confident that the results are representative of a yearly average concentration. However, for effects that can occur after shorter exposure durations, more frequent sampling may be needed in order to be confident that the sampling has not missed a high-end or peak exposure that could significantly affect the estimate of short term exposure. The Agency will be

evaluating the temporality of toxic effects as it conducts this reevaluation of atrazine and at the April SAP will also discuss proposed statistical approaches to determine the appropriate monitoring frequency for different durations of interest.

The Agency will consider the advice and recommendations received from the SAP at the April 2010 meeting as it develops the WOE analysis integrating experimental toxicology and epidemiology studies with statistical analysis for determining the frequency of water monitoring scheduled for review by the SAP in September.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and ad hoc members for this meeting), and the meeting agenda will be available by mid-March. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at *http://www.regulations.gov* and the FIFRA SAP homepage at *http://www.epa.gov/scipoly/sap*.

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90–days after the meeting. The meeting minutes will be posted on the FIFRA SAP website or may be obtained from the OPP Regulatory Public Docket at *http://www.regulations.gov*.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 17, 2010.

Frank Sanders,

Director, Office of Science Coordination and Policy.

[FR Doc. 2010–4540 Filed 3–4–10; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9118–9]

Notice of a Project Waiver of Section 1605: (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Inland Empire Utilities Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA is hereby granting a project waiver of the Buy American requirements of ARRA Section 1605(a) under the authority of Section 1605(b)(2) (manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality) to the Inland Empire Utilities Agency (IEUA), a Clean Water State Revolving Fund/ARRA loan recipient, for the purchase of Air Release Vacuum (ARV) Valves manufactured by A.R.I. in Israel, for Project# C–06–5176–110 and C–06–5176–130 funded by the California CWSRF ARRA Loan# 08–835–550–1 and 08–850–550–1. The IEUA indicates that the design for the pipeline project at issue includes A.R.I. valves, which are the standard air relief structures used within the regional pipeline system, and that currently there is not a comparable domestic equivalent that meets the IEUA specifications. This is a project-specific waiver and only applies to the use of the specified product for the ARRA funded project being proposed. Any other ARRA project that may wish to use the same product must apply for a separate waiver based on project-specific circumstances. The Assistant Administrator of the Office of Administration and Resources Management has concurred with this decision to make an exception under section 1605(b)(2) of ARRA.

DATES: *Effective Date:* February 10, 2010.

FOR FURTHER INFORMATION CONTACT: Abimbola Odusoga, Environmental Engineer, Water Division, Infrastructure Office (WTR–4), (415) 972–3437, U.S. EPA Region 9, 75 Hawthorne, San Francisco, CA 94105 or Joshua Amaris, Life Scientist, Water Division, Infrastructure Office (WTR–4), (415) 972–3597, U.S. EPA Region 9, 75 Hawthorne, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Sections 1605(c) and 1605(b)(2), EPA hereby provides notice it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111–5, Buy American requirements, to the IEUA for the acquisition of the ARV valves manufactured in Israel by A.R.I. The head of each federal agency is authorized to issue project waivers pursuant to Section 1605(b) of ARRA. Section 1605(a) of the ARRA requires that none of the funds appropriated or otherwise made available by the ARRA may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Pursuant to Section 1605(b), a waiver from this requirement may be provided if EPA determines: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

A Delegation of Authority Memorandum was issued by the EPA Administrator on March 31, 2009 which provided EPA Regional Administrators with the authority to issue waivers to Section 1605(a) of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual recipients of ARRA financial assistance.

The IEUA operates to provide drinking water and waste water treatment services to municipalities in the Chino Basin. The IEUA is installing the ARV valves as the air relief structures for the 1630 E. Recycled Water Pipeline and the 1299 E. Recycled Water Pipeline (project #5176–110), which consists of approximately 13,000 linear feet of 36-inch diameter pipeline. The project specifications provided by the applicant state that acceptable products are A.R.I. Flow Control Accessories, Ltd. (Model D–060) or an approved equal. The functional justification for these specifications advanced by the IEUA was that the IEUA had, in years prior to the enactment of ARRA, made the ARI valves their standard air relief structures used within the regional pipeline system based on the IEUA's determination that these valves had a superior design, functionality, and ease of maintenance. Specifically:

- ARI combination valves (D–060's) have the air release on the top of the valve, whereas alternative valves have the air release on the side. A side release creates an internal air pocket on the valve, which allows the rubber seal for the vacuum component to dry out and leak over time.
- The 316SS float for the ARI vacuum component stops against a 316SS ring. The alternative valves have a float that stops against a flat rubber seal on the top of the valve, and constant pounding during closure tends to crack the seal and cause leaks.
- The ARI valves are half the weight and size of the alternative valves, which

makes installation and maintenance easier. Also, as the valves are smaller, the enclosures for the valves are less expensive.

The consequences of finding the IEUA's specifications not justified would include the following:

• Additional design costs would be incurred to change all ARV valves, including re-calculating the size of the valves based on the competitor's design criteria, modifying valve and enclosure details, and modifying the pipeline profiles to accommodate larger valves. Alternative ARV valves that must be buried would require lowering the pipeline depth several feet on each side of the valves to accommodate a deeper valve vault.

• Construction costs would be higher due to the increase in valve sizes, larger enclosures, and a deeper pipeline. The pricing through the change order process would be significantly higher than prices for a competitive bid. The cost for the material and installation of the valves is approximately $198,708. If the ARI valves are replaced with alternative valves, the estimated cost for the material and installation would be approximately $100,000 more.

• IEUA staff would have to be trained on the different types of valves installed and additional spare parts would need to be ordered and stocked. Since the IEUA has moved forward with implementing the ARI valves as the standard air relief structure, all valves that do not meet this standard would need to be replaced.

Use of alternative valves that do not meet the IEUA's specifications would thus require a substantial redesign of, delay in, and higher costs for the project. Because of the IEUA's current, extensive installations of ARI valves, the use of alternative, incompatible valves would impose continuing high costs into the future to change spare parts and staff training in operations and maintenance, as well as in inferior performance of the alternative valves. Procurement of alternative valves would be inconsistent with basic principles of sustainable infrastructure and effective asset management that EPA has consistently promoted. For all these reasons, EPA finds that the IEUA's specifications for these ARV valves were justified.

EPA also evaluated the project specifications to assess the IEUA's claim there are no known American manufacturers who can provide ARV valves of satisfactory quality to meet its technical specifications. Five domestic manufacturers of ARV valves were identified by the applicant. EPA's national contractor contacted the domestic manufacturers and inquired as to whether their products could meet the IEUA's specifications. Four of the five manufacturers responded. All four manufacturers indicated that they could provide similar products, but could not meet all of the IEUA's specifications, particularly with regard to manufacturing materials and product design.

Based on these findings, EPA concludes the IEUA's claim that there are no known American manufacturers of ARV valves meeting the IEUA's specifications is supported by the available information.

The April 28, 2009 EPA Memorandum for implementation of the ARRA Buy American provisions of P.L. 111–5, states the quantity of iron, steel, or relevant manufactured good is "reasonably available" if it is available at the time and place needed, and in the proper form or specification as specified in the project plans and design. The IEUA's waiver request articulates a reasonable and appropriate basis for choosing the type of technology it chose for this project in environmental objectives and performance specifications. Further, it provides sufficient documentation to conclude the relevant manufactured goods are not produced in the United States of a satisfactory quality to meet its technical specifications. The IEUA has incorporated specific technical design specifications for the proposed project based on their needs and provided information to the EPA indicating there are currently no ARV valves manufactured in the United States that have equivalent product specifications. The IEUA has also provided certification indicating there are no systems of comparable quality available from a domestic manufacturer to meet its specifications. Based on additional inquiry by EPA's national contractor, there do not appear to be other ARV valves available to meet the IEUA's specifications.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay shovel ready projects by requiring entities, like the IEUA, to revise their design and potentially choose a more costly and less efficient project. The imposition of ARRA Buy American requirements on such projects eligible for CWSRF assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. Further delay of this project would contravene the most fundamental economic purposes of the ARRA: To create or preserve jobs in the United States.

The EPA Region 9 Water Division, Office of Regional Counsel, EPA's Buy American consultant, and EPA's Office of Administration and Resource Management have reviewed this waiver request and have determined the supporting documentation provided by the IEUA is sufficient to meet the criteria listed under ARRA Section 1605(b)(2) and the EPA April 28, 2009, memorandum for implementation of ARRA Buy American provisions of P.L. 111–5.

Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, the IEUA is hereby granted a waiver from the Buy American requirements of Sections 1605(a) of Public Law 111–5, for the purchase of the A.R.I. valves, specified in the IEUA's request of January 21, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under Section 1605(b)(2).

Authority: Public Law 111–5, Section 1605.

Dated: February 10, 2010.

Jared Blumenfeld,

Regional Administrator, EPA Pacific Southwest Region.

[FR Doc. 2010–4053 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0097; FRL–8811–8]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing previously registered active ingredients. Pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 5, 2010.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number specified in Unit II. of the **SUPPLEMENTARY INFORMATION**, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to the docket ID number specified for the pesticide of interest as shown in the registration application summaries. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone or e-mail. The mailing address for each contact person listed is: Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

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

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date, and page number). If you are commenting on a docket that addresses multiple products, please indicate to which Registration Number(s)/File Symbol(s) your comment applies.

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing previously registered active ingredients. Pursuant to the provisions of section 3(c)(4) of FIFRA, EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

1. *Registration Numbers*: 70051–17, 70051–19. *Docket Number*: EPA–HQ–OPP–2010–0088. *Company Name and Address*: Certis USA LLC, 9145 Guilford

Road, Suite 175, Columbia, MD 21046. *Active Ingredient*: *Paecilomyces fumosoroseus* var. *Apopka* strain 97. *Proposed Uses*: All food commodities. *Contact*: Shanaz Bacchus, (703) 308–8097, *bacchus.shanaz@epa.gov*.

2. *Registration Number*: 70051–44. *Docket Number*: EPA–HQ–OPP–2010–0059. *Company Name and Address*: Certis USA LLC, 9145 Guilford Road, Suite 175, Columbia, MD 21046. *Active Ingredient*: *Cydia pomonella* granulovirus. *Proposed Uses*: Residential uses. *Contact*: Jeannine Kausch, (703) 347–8920, *kausch.jeannine@epa.gov*.

3. *Registration Numbers*: 70127–7, 70127–8, 70127–10. *Docket Number*: EPA–HQ–OPP–2010–0081. *Company Name and Address*: Novozymes Biologicals Incorporated, 5400 Corporate Circle, Salem, VA 24153. *Active Ingredient*: *Metarhizium anisopliae* F52. *Proposed Uses*: All food commodities. *Contact*: Shanaz Bacchus, (703) 308–8097, *bacchus.shanaz@epa.gov*.

4. *File Symbol*: 73049–UTR. *Docket Number*: EPA–HQ–OPP–2010–0091. *Company Name and Address*: Valent BioSciences Corporation, 870 Technology Way, Suite 100, Libertyville, IL 60048–6316. *Active Ingredient*: *Bacillus thuringiensis* subsp. *kurstaki* strain ABTS–351. *Proposed Uses*: Ornamental fruit, nut, and citrus trees; forests, shade trees, and sugar maple. *Contact*: Kathleen Martin, (703) 308–2857, *martin.kathleen@epa.gov*.

5. *File Symbol*: 84418–E. *Docket Number*: EPA–HQ–OPP–2010–0105. *Company Name and Address*: New Century Channel Group, d/b/a Pignx Incorporated, 1150 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. *Active Ingredient*: Capsaicin. *Proposed Uses*: Rodenticide. *Contact*: Cheryl Greene, (703) 308–0352, *greene.cheryl@epa.gov*.

6. *File Symbol*: 85004–G. *Docket Number*: EPA–HQ–OPP–2010–0060. *Company Name and Address*: MacIntosh and Associates Incorporated, 1203 Hartford Avenue, Saint Paul, MN 55116–1622 (on behalf of Pasteuria Bioscience Incorporated, 12085 Research Drive, Suite 185, Alachua, FL 32615). *Active Ingredient*: *Pasteuria usgae*. *Proposed Uses*: Strawberries. *Contact*: Jeannine Kausch, (703) 347–8920, *kausch.jeannine@epa.gov*.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 24, 2010.

Keith A. Matthews,

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

[FR Doc. 2010–4718 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2010–0195; FRL–9123–5]

Request for Nominations to the EPA Human Studies Review Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) Office of the Science Advisor (OSA) is soliciting nominations of people qualified in the areas of bioethics, biostatistics, human health risk assessment and human toxicology to serve on the Human Studies Review Board (HSRB). The HSRB is a Federal advisory committee, operating in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 § 9, providing advice and recommendations to EPA on scientific and ethical aspects of research with human subjects.

DATES: Nominations ("comments") should be submitted to EPA no later than March 22, 2010.

ADDRESSES: Submit your nominations, identified by Docket ID No. EPA–HQ–ORD–2010–0195, by any of the following methods:

Internet: http://www.regulations.gov: Follow the on-line instructions for submitting comments.

E-mail: ORD.Docket@epa.gov.

USPS Mail: ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Hand or Courier Delivery: EPA Docket Center (EPA/DC), Room 3304, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2010–0195. Deliveries are accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your nominations to Docket ID No. EPA–HQ–ORD–2010–0195. EPA's policy is that all nominations received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the nomination includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *http://www.regulations.gov* or e-mail that you consider to be CBI or otherwise protected from disclosure.

The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your nomination. By contrast, if you send an e-mail nomination directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the nomination that is placed in the public docket and made available on the Internet. If you submit a nomination electronically, EPA recommends that you include your name and other contact information in the body of your nomination and with any disk or CD–ROM you submit. If EPA cannot read your nomination due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider it. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index under the docket number. Even though it will be listed by title in the index, some information is not publicly available; *e.g.,* CBI or other information whose disclosure is restricted by statute. Copyright material will be publicly available only in hard copy. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the ORD Docket, EPA/DC, Room 3334, EPA West, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Jim Downing, Office of the Science Advisor, Mail Code 8105R, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–2468, fax number: (202) 564–2070, e-mail: *downing.jim@epa.gov.*

General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. This action may, however, be of particular interest to persons who conduct or assess human studies, especially studies on substances regulated by EPA, and to persons who may sponsor or conduct research with human subjects with the intention to submit it to EPA for consideration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

You may access this **Federal Register** document electronically either through *http://www.regulations.gov* or through the EPA Web site under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

C. What Should I Consider as I Prepare My Nomination for EPA?

You may find the following suggestions helpful for preparing your nomination:

1. Provide as much supporting information as possible about the nominee, including contact information.
2. Make sure to submit your nomination by the deadline in this document.
3. To ensure proper receipt by EPA, be sure to include the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date and **Federal Register** citation.

Supplementary Information

Background

On February 6, 2006, the Agency published a final rule for protection of human subjects of research (71 FR 24 6138) that called for creating a new, independent human studies review board (*i.e.,* HSRB). The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 § 9. The HSRB provides advice, information, and recommendations to EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols; (2) reports of completed research with human subjects; and (3) how to strengthen EPA's programs for protection of human subjects of research. The HSRB reports to the EPA Administrator through EPA's Science Advisor.

This notice solicits nominations of individuals with expertise in bioethics, biostatistics, human health risk assessment and/or human toxicology to fill anticipated vacancies on the Board. General information concerning the HSRB, including its charter, current membership, and activities can be found on the EPA Web site at *http://www.epa.gov/osa/hsrb/.*

Process and Deadline for Submitting Nominations

Any interested person or organization may nominate someone to be considered as prospective nominees for the HSRB. Additional avenues and resources may be utilized in the solicitation of nominees to encourage a broad pool of expertise. Nominees should be experts who have sufficient professional qualifications, by training and experience, to provide expert comment on the ethical and scientific issues that may come before the HSRB. Responsibilities of HSRB members include reviewing extensive background materials between meetings of the Board, preparing draft responses to Agency charge questions, attending Board meetings, participating in the discussion and deliberations at these meetings, drafting assigned sections of meeting reports, and reviewing and helping to finalize Board reports.

EPA seeks nominees who are nationally recognized experts in one or more of the following areas:

- *Bioethics:* expertise in the ethics of research with human subjects.
- *Biostatistics:* expertise in statistical design and analysis of research with human subjects, especially research with small sample sizes.
- *Human health risk assessment:* expertise in epidemiology, exposure analysis, public health or human research regulations.
- *Human toxicology:* expertise in toxicity of environmental substances, mechanisms of toxicity and/or clinical studies.

All nominations should include: (1) A current curriculum vitae (C.V.) providing the nominee's educational background, qualifications, leadership positions in national associations or professional societies, relevant research experience and publications; and (2) a summary of the above in a one-page biographical sketch.

The qualifications of nominees for membership on the HSRB will be assessed in terms of the specific expertise sought for the HSRB. Qualified nominees who agree to be considered further will be included in a smaller "Short List". The Short List of nominees' names and biographical sketches will be posted for 14 calendar days for public comment on the EPA Web site at *http://www.epa.gov/osa/index.htm.* The public will be encouraged to provide additional information about the nominees that EPA should consider. At the completion of this comment period, EPA will select new Board members from the Short List. Candidates not selected for HSRB membership at this time may be considered for HSRB membership as vacancies arise in the future, or for service as consultants to the HSRB. The Agency estimates that the names of Short List candidates will be posted in March 2010. However, please be advised that this is an approximate time frame and the date could change. Thus, if you have any questions concerning posting of Short List candidates on the OSA Web site, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Interested candidates who are employees of a Federal department or agency (other than EPA) or are members of another federal advisory committee are eligible to serve on the HSRB, and their nominations are welcome. Other factors that will be considered include: Availability to participate in the Board's scheduled meetings, absence of any conflicts of interest and absence of an appearance of a lack of impartiality, and independence with respect to the matters likely to come under HSRB review. Though financial conflicts of interest or the appearance of a lack of impartiality, lack of independence, or bias may lead to nonselection, the absence of such concerns does not ensure that a candidate will be selected to serve on the HSRB. Numerous qualified candidates are likely to be identified. Selection decisions will involve careful weighing of many factors, including, but not limited to, the candidates' areas of expertise and professional qualifications, and responses to the Short List in achieving the overall balance of different perspectives and areas of expertise on the Board.

Members of the HSRB are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, each nominee will be

asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The information provided is confidential and will not be disclosed to the public. Before a candidate is considered further for service on the HSRB, EPA will evaluate each candidate to assess whether there is any conflict of financial interest, appearance of a lack of impartiality, or prior involvement with matters likely to be reviewed by the Board.

Nominations should be submitted by one of the methods listed under **ADDRESSES.** The Agency will consider all nominations received on or before *March 22, 2010.* Final selection of members is a discretionary function of the Agency and will be announced on the EPA Web site at *http://www.epa.gov/osa/hsrb* as soon as they are made.

Dated: March 2, 2010.

Paul T. Anastas,

Science Advisor.

[FR Doc. 2010–4703 Filed 3–4–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission, Comments Requested

02/26/2010.

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 collections, 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; (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 and (e) ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC 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.

DATES: Persons wishing to comment on this information collection(s) should submit comments by May 4, 2010. 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), via fax at (202) 395–5167, or via e–mail to Nicholas_A._Fraser@omb.eop.gov and to Cathy Williams, Federal Communications Commission (FCC), via e–mail to Cathy.Williams@fcc.gov and to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collections send an e–mail to PRA@fcc.gov or contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0888.

Title: Section 76.7, Petition Procedures; Section 76.9, Confidentiality of Proprietary Information; Section 76.61, Dispute Concerning Carriage; Section 76.914, Revocation of Certification; Section 76.1001, Unfair Practices; Section 76.1003, Program Access Proceedings; Section 76.1302, Carriage Agreement Proceedings; Section 76.1513, Open Video Dispute Resolution.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for–profit.

Number of Respondents and Responses: 640 respondents; 640 responses.

Estimated Time per Response: 4.1 to 61.4 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information is contained in Sections 4(i), 303(r) and 628 of the Communications Act of 1934, as amended.

Total Annual Burden: 20,960 hours

Total Annual Cost: $393,600.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: A party that wishes to have confidentiality for proprietary information with respect to a submission it is making to the Commission must file a petition pursuant to the pleading requirements in Section 76.7 and use the method described in Sections 0.459 and 76.9 to demonstrate that confidentiality is warranted.

On January 20, 2010, the Commission adopted a First Report and Order In the Matter of Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements, MB Docket No. 07–198, FCC 10–17. In the First Report and Order, the Commission establishes rules, policies, and procedures for the consideration of complaints alleging unfair acts involving terrestrially delivered, cable–affiliated programming in violation of Section 628(b) of the Communications Act. The Commission also establishes procedures for the consideration of requests for a temporary standstill of the price, terms, and other conditions of an existing programming contract by a program access complainant seeking renewal of such a contract.

The following rule sections contain revised information collection requirements that the Commission is seeking approval for from the Office of Management and Budget (OMB):

47 CFR Section 76.1001(b)(2) permits any multichannel video programming distributor to commence an adjudicatory proceeding by filing a complaint with the Commission alleging that a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor, has engaged in an unfair act involving terrestrially delivered, cable–affiliated programming (which, as defined in this R&O, includes exclusive contracts, discrimination, and undue or improper influence), which must be filed and responded to in accordance with the procedures specified in Section 76.7, except to the extent such procedures are modified by Sections 76.1001(b)(2) and 76.1003. In program access cases involving terrestrially delivered, cable–affiliated programming, the defendant has 45 days from the date of service of the complaint to file an answer, unless otherwise directed by the Commission. A complainant shall have the burden of proof that the

defendant's alleged conduct has the purpose or effect of hindering significantly or preventing the complainant from providing satellite cable programming or satellite broadcast programming to subscribers or consumers; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden. In addition, a complainant alleging that a terrestrial cable programming vendor has engaged in discrimination shall have the burden of proof that the terrestrial cable programming vendor is wholly owned by, controlled by, or under common control with a cable operator or cable operators, satellite cable programming vendor or vendors in which a cable operator has an attributable interest, or satellite broadcast programming vendor or vendors; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden. In addition, the R&O provides that a complainant that wants a currently pending complaint involving terrestrially delivered, cable–affiliated programming considered under the rules adopted in the R&O must submit a supplemental filing alleging that the defendant has engaged in an unfair act after the effective date of the rules. In such case, the complaint and supplement will be considered pursuant to the rules adopted in the R&O and the defendant will have an opportunity to answer the supplemental filing, as set forth in the rules.

47 CFR Section 76.1003(c)(3) requires a program access complaint to contain evidence that the complainant competes with the defendant cable operator, or with a multichannel video programming distributor that is a customer of the defendant satellite cable programming or satellite broadcast programming vendor or a terrestrial cable programming vendor alleged to have engaged in conduct described in Section 76.1001(b)(1).

47 CFR Section 76.1003(l) permits a program access complainant seeking renewal of an existing programming contract to file a petition along with its complaint requesting a temporary standstill of the price, terms, and other conditions of the existing programming contract pending resolution of the complaint, to which the defendant will have the opportunity to respond within 10 days of service of the petition, unless otherwise directed by the Commission.

The following rule sections are also covered in this information collection but do not require additional OMB approval since the requirements have not changed since last approved by OMB:

47 CFR Section 76.7. Pleadings seeking to initiate FCC action must adhere to the requirements of Section 76.6 (general pleading requirements) and Section 76.7 (initiating pleading requirements). Section 76.7 is used for numerous types of petitions and special relief petitions, including general petitions seeking special relief, waivers, enforcement, show cause, forfeiture and declaratory ruling procedures.

47 CFR Section 76.9. A party that wishes to have confidentiality for proprietary information with respect to a submission it is making to the FCC must file a petition pursuant to the pleading requirements in Section 76.7 and use the method described in Sections 0.459 and 76.9 to demonstrate that confidentiality is warranted. The petitions filed pursuant to this provision are contained in the existing information collection requirement and are not changed by the rule changes.

47 CFR Section 76.61(a) permits a local commercial television station or qualified low power television station that is denied carriage or channel positioning or repositioning in accordance with the must–carry rules by a cable operator to file a complaint with the FCC in accordance with the procedures set forth in Section 76.7. Section 76.61(b) permits a qualified local noncommercial educational television station that believes a cable operator has failed to comply with the FCC's signal carriage or channel positioning requirements (Sections 76.56 through 76.57) to file a complaint with the FCC in accordance with the procedures set forth in Section 76.7.

47 CFR Section 76.61(a)(1) states that whenever a local commercial television station or a qualified low power television station believes that a cable operator has failed to meet its carriage or channel positioning obligations, pursuant to Section 76.56, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or position such signal on a particular channel.

47 CFR Section 76.61(a)(2) states that the cable operator shall, within 30 days of receipt of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of the must–carry rules. If a refusal for carriage is based on the station's distance from the cable system's principal headend, the operator's response shall include the location of such headend. If a cable operator denies carriage on the basis of the failure of the station to deliver a good quality signal at the cable system's principal headend, the cable operator must provide a list of equipment used to make the measurements, the point of measurement and a list and detailed description of the reception and over–the–air signal processing equipment used, including sketches such as block diagrams and a description of the methodology used for processing the signal at issue, in its response.

47 CFR Section 76.914(c) permits a cable operator seeking revocation of a franchising authority's certification to file a petition with the FCC in accordance with the procedures set forth in Section 76.7.

47 CFR Section 76.1003(a) permits any multichannel video programming distributor (MVPD) aggrieved by conduct that it believes constitute a violation of the FCC's competitive access to cable programming rules to commence an adjudicatory proceeding at the FCC to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in Section 76.7, except to the extent such procedures are modified by Section 76.1003.

47 CFR Section 76.1003(b) requires any aggrieved MVPD intending to file a complaint under this section to first notify the potential defendant cable operator, and/or the potential defendant satellite cable programming vendor or satellite broadcast programming vendor, that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in Sections 76.1001 or 76.1002 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR Section 76.1003(c) describes the required contents of a program access complaint, in addition to the requirements of Section 76.7 of this part.

47 CFR Section 76.1003(d) states that, in a case where recovery of damages is sought, the complaint shall contain a clear and unequivocal request for damages and appropriate allegations in support of such claim.

47 CFR Section 76.1003(e)(1) requires cable operators, satellite cable

programming vendors, or satellite broadcast programming vendors whom expressly reference and rely upon a document in asserting a defense to a program access complaint filed or in responding to a material allegation in a program access complaint filed pursuant to Section 76.1003, to include such document or documents, such as contracts for carriage of programming referenced and relied on, as part of the answer. Except as otherwise provided or directed by the Commission, any cable operator, satellite cable programming vendor or satellite broadcast programming vendor upon which a program access complaint is served under this section shall answer within twenty (20) days of service of the complaint.

47 CFR Section 76.1003(e)(2) requires an answer to an exclusivity complaint to provide the defendant's reasons for refusing to sell the subject programming to the complainant. In addition, the defendant may submit its programming contracts covering the area specified in the complaint with its answer to refute allegations concerning the existence of an impermissible exclusive contract. If there are no contracts governing the specified area, the defendant shall so certify in its answer. Any contracts submitted pursuant to this provision may be protected as proprietary pursuant to Section 76.9 of this part.

47 CFR Section 76.1003(e)(3) requires an answer to a discrimination complaint to state the reasons for any differential in prices, terms or conditions between the complainant and its competitor, and to specify the particular justification set forth in Section 76.1002(b) of this part relied upon in support of the differential.

47 CFR Section 76.1003(e)(4) requires an answer to a complaint alleging an unreasonable refusal to sell programming to state the defendant's reasons for refusing to sell to the complainant, or for refusing to sell to the complainant on the same terms and conditions as complainant's competitor, and to specify why the defendant's actions are not discriminatory.

47 CFR Section 76.1003(f) provides that, within fifteen (15) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR Section 76.1003(g) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three specified events occurs.

47 CFR Section 76.1003(h) sets forth the remedies that are available for violations of the program access rules, which include the imposition of damages, and/or the establishment of prices, terms, and conditions for the sale of programming to the aggrieved multichannel video programming distributor, as well as sanctions available under title V or any other provision of the Communications Act.

47 CFR Section 76.1003(j) states in addition to the general pleading and discovery rules contained in Section 76.7 of this part, parties to a program access complaint may serve requests for discovery directly on opposing parties, and file a copy of the request with the Commission. The respondent shall have the opportunity to object to any request for documents that are not in its control or relevant to the dispute. Such request shall be heard, and determination made, by the Commission. Until the objection is ruled upon, the obligation to produce the disputed material is suspended. Any party who fails to timely provide discovery requested by the opposing party to which it has not raised an objection as described above, or who fails to respond to a Commission order for discovery material, may be deemed in default and an order may be entered in accordance with the allegations contained in the complaint, or the complaint may be dismissed with prejudice.

47 CFR Section 76.1302(a) states that any video programming vendor or multichannel video programming distributor aggrieved by conduct that it believes constitute a violation of the regulations set forth in this subpart may commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint.

47 CFR Section 76.1302(b) states that any aggrieved video programming vendor or multichannel video programming distributor intending to file a complaint under this section must first notify the potential defendant multichannel video programming distributor that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in Section 76.1301 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR Section 76.1302(c) specifies the content of carriage agreement complaints.

47 CFR Section 76.1302(d) states that any multichannel video programming distributor upon which a carriage agreement complaint is served under this section shall answer within thirty (30) days of service of the complaint, unless otherwise directed by the Commission. The answer shall address the relief requested in the complaint, including legal and documentary support, for such response, and may include an alternative relief proposal without any prejudice to any denials or defenses raised.

47 CFR Section 76.1302(e) states that within twenty (20) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR Section 76.1302(f) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR Section 76.1302(g)(1) states that upon completion of such adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, mandatory carriage of a video programming vendor's programming on defendant's video distribution system, or the establishment of prices, terms, and conditions for the carriage of a video programming vendor's programming.

47 CFR Section 76.1513(a) permits any party aggrieved by conduct that it believes constitute a violation of the FCC's regulations or in section 653 of the Communications Act (47 U.S.C. 573) to commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in Section 76.7, except to the extent such procedures are modified by Section 76.1513.

47 CFR Section 76.1513(b) provides that an open video system operator may not provide in its carriage contracts with programming providers that any dispute must be submitted to arbitration, mediation, or any other alternative method for dispute resolution prior to submission of a complaint to the Commission.

47 CFR Section 76.1513(c) requires that any aggrieved party intending to file a complaint under this section must first notify the potential defendant open video system operator that it intends to file a complaint with the Commission based on actions alleged to violate one

or more of the provisions contained in this part or in Section 653 of the Communications Act. The notice must be in writing and must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR Section 76.1513(d) describes the contents of an open video system complaint.

47 CFR Section 76.1513(e) addresses answers to open video system complaints.

47 CFR Section 76.1513(f) states within twenty (20) days after service of an answer, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR Section 76.1513(g) requires that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR Section 76.1513(h) states that upon completion of the adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, the requiring carriage, awarding damages to any person denied carriage, or any combination of such sanctions. Such order shall set forth a timetable for compliance, and shall become effective upon release.

OMB Control Number: 3060–1034.

Title: Digital Audio Broadcasting Systems and their Impact on the Terrestrial Radio Broadcast Service; Digital Notification Form, FCC Form 335.

Form Number: FCC Form 335.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for–profit entities.

Number of Respondents and Responses: 1,310 respondents; 1,310 responses.

Estimated Time per Response: 1– 8 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i), 303, 310 and 533 of the Communications Act of 1934, as amended.

Total Annual Burden: 1,780 hours.

Total Annual Cost: $606,500.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On January 29, 2010, the Commission released the Order, Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service ("Order"), DA 10–208, MM Docket 99–325. The Order will allow:

(1) Eligible authorized FM stations to commence operation of FM digital facilities with operating power up to –14 dB upon notice to the Commission on either Form 335 (the licensee of a super–powered FM station must file an informal request for any increase in the station's FM Digital ERP).

(2) Licensees to submit an application to the Media Bureau, in the form of an informal request, for any increase in FM Digital ERP beyond 6 dB.

(3) Licensees submitting such a request must use a simplified method set forth in the Order to determine the proponent station's maximum permissible FM Digital ERP.

(4) In situations where the simplified method is not applicable due to unusual terrain or other environmental or technical considerations or when it produces anomalous FM Digital ERP results, the Bureau will accept applications for FM Digital ERP in excess of –14 dB on a case–by–case basis when accompanied by a detailed showing containing a complete explanation of the prediction methodology used as well as data, maps and sample calculations.

(5) Finally, the Order implements interference mitigation and remediation procedures to resolve promptly allegations of digital interference to an authorized FM analog facility resulting from an FM Digital ERP power increase undertaken pursuant to the procedures adopted in the Order. Pursuant to these procedures, the affected analog FM station may file an interference complaint with the Bureau. In order to be considered by the Bureau, the complaint must contain at least six reports of ongoing (rather than transitory) objectionable interference. For each report of interference, the affected FM licensee must submit a map showing the location of the reported interference and a detailed description of the nature and extent of the interference being experienced at that location. Interference reports at locations outside a station's protected analog contour will not be considered. The complaint must also contain a complete description of the tests and equipment used to identity the alleged interference and the scope of the unsuccessful efforts to resolve the interference.

The following rule sections contain information collection requirements that have been approved by OMB and do not require any additional OMB approval because they did not change since last approved by OMB:

47 CFR 73.404(b) states in situations where interference to other stations is anticipated or actually occurs, AM licensees may, upon notification to the Commission, reduce the power of the primary Digital Audio Broadcasting (DAB) sidebands by up to 6 dB. Any greater reduction of sideband power requires prior authority from the Commission via the filing of a request for special temporary authority or an informal letter request for modification of license.

47 CFR 73.404(e) states licensees (commercial and noncommercial AM and FM radio stations) must provide notification to the Commission in Washington, DC, within 10 days of commencing in–band, on channel (IBOC) digital operation. The notification must include the following information:

(1) Call sign and facility identification number of the station;

(2) Date on which IBOC operation commenced;

(3) Certification that the IBOC DAB facilities conform to permissible hybrid specifications;

(4) Name and telephone number of a technical representative the Commission can call in the event of interference;

(5) FM digital effective radiated power used and certification that the FM analog effective radiated power remains as authorized;

(6) Transmitter power output; if separate analog and digital transmitters are used, the power output for each transmitter;

(7) If applicable, any reduction in an AM station's primary digital carriers;

(8) If applicable, the geographic coordinates, elevation data, and license file number of the auxiliary antenna employed by an FM station as a separate digital antenna;

(9) If applicable, for FM systems employing interleaved antenna bays, a certification that adequate filtering and/or isolation equipment has been installed to prevent spurious emissions in excess of the limits specified in Section 73.317;

(10) A certification that the operation will not cause human exposure to levels of radio frequency radiation in excess of the limits specified in Section 1.1310 of the Commission's rules and is therefore categorically excluded from environmental processing pursuant to Section 1306(b). Any station that cannot certify compliance must submit an environmental assessment ("EA")

pursuant to Section 1.1311 and may not commence IBOC operation until such EA is ruled upon by the Commission.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2010–4670 Filed 3–4–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9 a.m. on Tuesday, March 2, 2010, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Martin J. Gruenberg, seconded by Director John E. Bowman (Acting Director, Office of Thrift Supervision), concurred in by Director Thomas J. Curry (Appointive), Director John C. Dugan (Comptroller of the Currency), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: March 2, 2010.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2010–4800 Filed 3–3–10; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of January 26 and 27, 2010

In accordance with § 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on January 26 and 27, 2010.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long–run objectives, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to purchase agency debt and agency MBS during the intermeeting period with the aim of providing support to private credit markets and economic activity. The timing and pace of these purchases should depend on conditions in the markets for such securities and on a broader assessment of private credit market conditions. The Desk is expected to execute purchases of about $175 billion in housing–related agency debt and about $1.25 trillion of agency MBS by the end of the first quarter. The Desk is expected to gradually slow the pace of these purchases as they near completion. The Committee anticipates that outright purchases of securities will cause the size of the Federal Reserve's balance sheet to expand significantly in coming months. The Committee directs the Desk to engage in dollar roll transactions as necessary to facilitate settlement of the Federal Reserve's agency MBS transactions to be conducted through the end of the first quarter, as directed above. The System Open Market Account Manager and the Secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.

By order of the Federal Open Market Committee, February 23, 2010.

Brian F. Madigan,

Secretary, Federal Open Market Committee.

[FR Doc. 2010–4690 Filed 3–4–10; 8:45 am]

BILLING CODE 6210–01–S

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on January 26 and 27, 2010, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0032]

Federal Acquisition Regulation; Submission for OMB Review; Contractor Use of Interagency Motor Pool Vehicles

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding a reinstatement to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning contractor use of interagency motor pool vehicles. A request for public comments published in the **Federal Register** at 74 FR 62782, December 1, 2009. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Cromer, Procurement Analyst, Contract Policy Branch, GSA (202) 501–

1448 or e-mail at *beverly.cromer@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

If it is in the best interest of the Government, the contracting officer may authorize cost-reimbursement contractors to obtain, for official purposes only, interagency motor pool vehicles and related services. Contractors' requests for vehicles must obtain two copies of the agency authorization, the number of vehicles and related services required and period of use, a list of employees who are authorized to request the vehicles, a listing of equipment authorized to be serviced, and billing instructions and address. A written statement that the contractor will assume, without the right of reimbursement from the Government, the cost or expense of any use of the motor pool vehicles and services not related to the performance of the contract is necessary before the contracting officer may authorize cost-reimbursement contractors to obtain interagency motor pool vehicles and related services.

The information is used by the Government to determine that it is in the Government's best interest to authorize a cost-reimbursement contractor to obtain, for official purposes only, interagency motor pool vehicles and related services, and to provide those vehicles.

B. Annual Reporting Burden

Respondents: 70.

Responses per Respondent: 2.

Annual Responses: 140.

Hours per Response: .5.

Total Burden Hours: *70.*

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0032, Contractor Use of Interagency Motor Pool Vehicles, in all correspondence.

Dated: February 26, 2010.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 2010–4655 Filed 3–4–10; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0034; Docket 2010–0083; Sequence 13]

Federal Acquisition Regulation; Information Collection; Examination of Records by Comptroller General and Contract Audit

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the examination of records by comptroller general and contract audit.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before May 4, 2010.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jackson, Procurement Analyst, Contract Policy Branch, GSA, (202) 208–4949 or e-mail *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Audit and Records-Negotiation clause, 52.215–2; Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause, 52.212–5(d); and Audit and Records-Sealed Bidding clause, 52.214–26, implement the requirements of 10 U.S.C. 2313, 41 U.S.C. 254, and 10 U.S.C. 2306. The statutory requirements are that the Comptroller General and/or agency shall have access to, and the right to, examine certain books, documents and records of the contractor for a period of 3 years after final payment. The record retention periods required of the contractor in the clauses are for compliance with the aforementioned statutory requirements. The information must be retained so that audits necessary for contract surveillance, verification of contract pricing, and reimbursement of contractor costs can be performed.

B. Annual Reporting Burden

Respondents: 19,142.
Responses per Respondent: 20.
Total Responses: 382,840.
Hours per Response: 0.167.
Total Burden Hours: 63,934.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0034, Examination of Records by Comptroller General and Contract Audit, in all correspondence.

Dated: February 26, 2010.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 2010–4590 Filed 3–4–10; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Pandemic Influenza Vaccines—Amendment

Authority: 42 U.S.C. 247d–6d.

ACTION: Notice of amendment to the September 28, 2009 Republished Declaration under the Public Readiness and Emergency Preparedness Act.

SUMMARY: Amendment to declaration issued on September 28, 2009 (74 FR 51153) pursuant to section 319F–3 of the Public Health Service Act ("the Act")

(42 U.S.C. 247d–6d) to revise covered countermeasures and extend effective date and republication of the declaration to reflect the declaration in its entirety, as amended.

DATES: The amendment of the republished declaration issued on September 28, 2009 is effective as of March 1, 2010.

FOR FURTHER INFORMATION CONTACT: Nicole Lurie, MD, MSPH, Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone (202) 205–2882 (this is not a toll-free number).

HHS Secretary's Amendment to the September 28, 2009 Republished Declaration for the Use of the Public Readiness and Emergency Preparedness Act for H5N1, H2, H6, H7, H9 and 2009–H1N1 Vaccines:

Whereas there are or may be multiple animal influenza A viruses, circulating in wild birds and/or domestic animals that cause, or have significant potential to cause, sporadic human infections or have mutated to cause pandemics in humans;

Whereas, these viruses may evolve into virus strains capable of causing a pandemic of human influenza because these viruses may cause infection in and spread among humans and because humans have little or no immunity to these viruses;

Whereas, one such virus is the 2009 H1N1 Influenza Virus;

Whereas, vaccination may be effective to protect persons from the threat of pandemic influenza;

Whereas, Secretary Michael O. Leavitt issued a Declaration for the Use of the Public Readiness and Emergency Preparedness Act dated January 26, 2007 ("Original Declaration"), as amended on November 30, 2007 and October 17, 2008 with respect to certain avian influenza viruses;

Whereas, I amended the declaration on June 15, 2009 with respect to 2009 H1N1 influenza virus and on September 28, 2009 to provide targeted liability protections for pandemic countermeasures to enhance distribution and to add provisions consistent with other declarations, and republished the declaration each time in its entirety;

Whereas, the September 28, 2009 declaration extended through February 28, 2010 for vaccines against influenza virus strains named in the Declaration other than 2009 H1N1 influenza vaccine;

Whereas, modifications are necessary to revise covered countermeasures and to extend the effective date of the Declaration;

Whereas, the findings I made in the declaration issued on September 28, 2009 continue to apply;

Whereas, in accordance with section 319F–3(b)(6) of the Act (42 U.S.C. 247d–6d(b)), I have considered the desirability of encouraging the design, development, clinical testing or investigation, manufacturing, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of additional covered countermeasures with respect to the category of disease and population described in sections II and IV of the September 28, 2009 Republished Declaration, as hereby amended, and have found it desirable to encourage such activities for these additional covered countermeasures, and;

Whereas, to encourage the design, development, clinical testing or investigation, manufacturing and product formulation, labeling, distribution, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of medical countermeasures with respect to the category of disease and population described in sections II and IV of the September 28, 2009 Republished Declaration, as hereby amended, it is advisable, in accordance with section 319F–3(a) and (b) of the Act, to provide immunity from liability for covered persons, as that term is defined at section 319F–3(i)(2) of the Act, and to include as such covered persons other qualified persons as I have identified in section VI of the September 28, 2009 Republished Declaration, as amended;

Therefore, pursuant to section 319F–3(b) of the Act, I have determined that there is a credible risk that the spread of influenza A viruses with pandemic potential and resulting disease could in the future constitute a public health emergency and that spread of one of these viruses (2009 H1N1 Influenza) has caused a disease that constitutes a public health emergency.

In order to extend the scope of covered countermeasures and to extend the effective date of the Declaration, the September 28, 2009 Republished Declaration, is hereby amended as follows:

In the title, delete "for H5N1, H2, H6, H7, H9 and 2009 H1N1 Vaccines" and replace with "for Vaccines Against Pandemic Influenza A Viruses and Those with Pandemic Potential".

In the recitals, delete the first through the fourth "whereas" clauses, and insert two new recitals as follows:

Whereas there are or may be multiple animal influenza A viruses circulating in wild birds and/or domestic animals that cause, or have significant potential to cause, sporadic human infections or have mutated to cause pandemics in humans;

Whereas, these viruses may evolve or have evolved into virus strains capable of causing a pandemic of human influenza because these viruses may cause infection in, and spread among, humans and because humans have little or no immunity to these viruses;

In the sixth "whereas" clause, insert "October 1, 2009, and December 28, 2009" after "July 24, 2009".

In the "therefore" clause, delete "avian influenza viruses and resulting disease could in the future constitute a public health emergency, and that 2009 H1N1 influenza constitutes a public health emergency" and replace with: "pandemic influenza A viruses and those with pandemic potential and resulting disease does or could constitute a public health emergency".

In section I, first paragraph, delete "the pandemic countermeasures influenza A H5N1, H2, H6, H7, H9, and 2009 H1N1 vaccines" each time it appears and replace with "vaccines against pandemic influenza A viruses with pandemic potential".

In section I, at the end of the second sentence, replace "IX" with "X".

In section II, delete "the virus with (1) highly pathogenic avian influenza A (H5N1, H2, H6, H7, or H9) virus; or (2) 2009 H1N1 influenza" and replace with "animal and/or human influenza A viruses against which most humans do not have immunity, except those included in seasonal influenza vaccines and/or covered under the National Vaccine Injury Compensation Program, that are circulating in wild birds and/or domestic animals causing or having significant potential to cause sporadic human infections or have mutated to cause pandemics in humans".

In section III, first paragraph, delete in its entirety and replace with: "The effective period of time of this Declaration commenced as described in the September 28, 2009 Republished Declaration, and extends through February 28, 2012.

In section III, second paragraph, delete "; except that with respect to 2009 H1N1 influenza vaccine, the effective period commences on June 15, 2009 and extends through March 31, 2013" and replace with "through February 28, 2012."

In section III, add to the end of the section as a new paragraph: "With respect to any covered countermeasure subsequently covered under the

National Vaccine Injury Compensation Program, the effective time period expires immediately upon such coverage."

In section VIII, insert "and use" after "administration in the first sentence, delete "the Act's" from the second sentence and replace with "this", and delete "Countermeasure" from the second sentence and replace with "Countermeasures".

In section IX, add to the end of the first sentence: "; and amended on September 28, 2009 to provide targeted liability protections for pandemic countermeasures to enhance distribution and to add provisions consistent with other declarations and republished in its entirety."

In section X, after the fifth paragraph, insert a new definition as follows:

Pandemic influenza A viruses and those with pandemic potential: Animal and/or human influenza A viruses, except those included in seasonal influenza vaccines and/or covered under the National Vaccine Injury Compensation Program, that are circulating in wild birds and/or domestic animals, that cause, or have significant potential to cause, sporadic or ongoing human infections, or historically have caused pandemics in humans, or have mutated to cause pandemics in humans, and for which the majority of the population is immunologically naïve.

In Appendix I, title and item 32, add "H7," after "H6".

Throughout, insert "National" before "Vaccine Injury Compensation Fund".

All other provisions of the June 15, 2009 Republished Declaration remain in full force.

Republication of HHS Secretary's September 28, 2009 Republished Declaration, as Amended, for the Use of the Public Readiness and Emergency Preparedness Act for Vaccines Against Pandemic Influenza A Viruses and Those with Pandemic Potential.

To the extent any term of the September 28 Republished Declaration, as hereby amended, is inconsistent with any provision of this Republished Declaration, the terms of this Republished Declaration are controlling.

Whereas there are or may be multiple animal influenza A viruses circulating in wild birds and/or domestic animals that cause, or have significant potential to cause, sporadic human infections or have mutated to cause pandemics in humans;

Whereas, these viruses may evolve or have evolved into virus strains capable of causing a pandemic of human influenza because these viruses may cause infection in, and spread among, humans and because humans have little immunity to these viruses;

Whereas, on April 26, 2009, Acting Secretary Charles E. Johnson determined under section 319 of the Public Health Service Act, (42 U.S.C. 247d), that a public health emergency exists nationwide involving the Swine Influenza A virus that affects or has significant potential to affect the national security (now called "2009–H1N1 influenza");

Whereas, on July 24, 2009, October 1, 2009, and December 28, 2009 I renewed the determination by the Acting Secretary that a public health emergency exists nationwide involving the Swine influenza A virus (now called "2009–H1N1 influenza virus");

Whereas, vaccination may be effective to protect persons from the threat of pandemic influenza;

Whereas, the possibility of governmental program planners obtaining stockpiles from private sector entities except through voluntary means such as commercial sale, donation, or deployment would undermine national preparedness efforts and should be discouraged as provided for in section 319F–3(b)(2)(E) of the Public Health Service Act (42 U.S.C. 247d–6d(b)) ("the Act");

Whereas, immunity under section 319F–3(a) of the Act should be available to governmental program planners for distributions of Covered Countermeasures obtained voluntarily, such as by (1) donation; (2) commercial sale; (3) deployment of Covered Countermeasures from Federal stockpiles; or (4) deployment of donated, purchased, or otherwise voluntarily obtained Covered Countermeasures from State, local, or private stockpiles;

Whereas, the extent of immunity under section 319F–3(a) of the Act afforded to a governmental program planner that obtains Covered Countermeasures except through voluntary means is not intended to affect the extent of immunity afforded other covered persons with respect to such covered countermeasures;

Whereas, to encourage the design, development, clinical testing or investigation, manufacturing and product formulation, labeling, distribution, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of medical countermeasures with respect to the category of disease and population described in section II and IV it is advisable, in accordance with section 319F–3(a) and (b) of the Act, to provide immunity from liability for covered persons, as that term is defined at section 319F–3(i)(2) of the Act, and to include as such covered persons such other qualified persons as I have identified in section VI;

Whereas, in accordance with section 319F–3(b)(6) of the Public Health Service Act (42 U.S.C. 247d–6d(b)) ("the Act"), I have considered the desirability of encouraging the design, development, clinical testing or investigation, manufacturing and product formulation, labeling, distribution, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of medical countermeasures with respect to the category of disease and population described in sections II and IV below, and have found it desirable to encourage such activities for the Covered Countermeasures;

Therefore, pursuant to section 319F–3(b) of the Act, I have determined there is a credible risk that the spread of pandemic influenza A viruses and those with pandemic potential and resulting disease does or could constitute a public health emergency.

I. Covered Countermeasures (as Required by Section 319F–3(b)(1) of the Act)

Covered Countermeasures are defined at section 319F–3(i) of the Act.

At this time, and in accordance with the provisions contained herein, I am recommending the manufacture, testing, development, distribution, dispensing; and, with respect to the category of disease and population described in sections II and IV, below, the administration and usage of vaccines against influenza A viruses with pandemic potential and any associated adjuvants. The immunity specified in section 319F–3(a) of the Act shall only be in effect with respect to: (1) Present or future Federal contracts, cooperative agreements, grants, interagency agreements, or memoranda of understanding for vaccines against pandemic influenza A viruses with pandemic potential used and administered in accordance with this declaration, and (2) activities authorized in accordance with the public health and medical response of the Authority Having Jurisdiction to prescribe, administer, deliver, distribute or dispense the pandemic countermeasures following a declaration of an emergency, as defined in section X below. In accordance with section 319F–3(b)(2)(E) of the Act, for governmental program planners, the immunity specified in section 319F–3(a) of the Act shall be in effect to the extent they obtain Covered Countermeasures through voluntary

means of distribution, such as (1) donation; (2) commercial sale; (3) deployment of Covered Countermeasures from Federal stockpiles; or (4) deployment of donated, purchased, or otherwise voluntarily obtained Covered Countermeasures from State, local, or private stockpiles. For all other covered persons, including other program planners, the immunity specified in section 319F–3(a) of the Act shall, in accordance with section 319F–3(b)(2)(E) of the Act, be in effect pursuant to any means of distribution.

This Declaration shall subsequently refer to the countermeasures identified above as Covered Countermeasures.

This Declaration shall apply to all Covered Countermeasures administered or used during the effective time period of the Declaration.

II. Category of Disease (as Required by Section 319F–3(b)(2)(A) of the Act)

The category of disease for which I am recommending the administration or use of the Covered Countermeasures is the threat of or actual human influenza that results from the infection of humans following exposure to animal and/or human influenza A viruses, against which most humans do not have immunity, except those included in seasonal influenza vaccines and/or covered under the National Vaccine Injury Compensation Program, that are circulating in wild birds and/or domestic animals causing or have significant potential to cause sporadic human infections or have mutated to cause pandemics in humans.

III. Effective Time Period (as Required by Section 319F–3(b)(2)(B) of the Act)

The effective period of time of this Declaration commenced as described in the September 28, 2009 Republished Declaration and extends through February 28, 2012.

With respect to Covered Countermeasures administered and used in accordance with the public health and medical response of the Authority Having Jurisdiction, the effective period of time of this Declaration commences on the date of a declaration of an emergency and lasts through and includes the final day that the emergency declaration is in effect including any extensions thereof through February 28, 2012.

With respect to any covered countermeasure subsequently covered under the National Vaccine Injury Compensation Program, the effective time period expires immediately upon such coverage.

IV. Population (as Required by Section 319F–3(b)(2)(C) of the Act)

Section 319F–3(a)(4)(A) confers immunity to manufacturers and distributors of the Covered Countermeasure, regardless of the defined population.

Section 319F–3(a)(3)(C)(i) confers immunity to covered persons who could be program planners or qualified persons with respect to the Covered Countermeasure only if a member of the population specified in the Declaration administers or uses the Covered Countermeasure and is in or connected to the geographic location specified in this Declaration, or the program planner or qualified person reasonably could have believed that these conditions were met.

The populations specified in this Declaration are the following:

(1) All persons who use a Covered Countermeasure or to whom such a Covered Countermeasure is administered as an Investigational New Drug in a human clinical trial conducted directly by the Federal Government, or pursuant to a contract, grant or cooperative agreement with the Federal Government; (2) all persons who use a Covered Countermeasure or to whom such a Countermeasure is administered in a pre-pandemic phase, as defined below; and/or (3) all persons who use a Covered Countermeasure, or to whom such a Covered Countermeasure is administered in a pandemic phase, as defined below.

V. Geographic Area (as Required by Section 319F–3(b)(2)(D) of the Act)

Section 319F–3(a) applies to the administration and use of a Covered Countermeasure without geographic limitation.

VI. Other Qualified Persons (as Required by Section 319F–3(i)(8)(B) of the Act)

With regard to the administration or use of a Covered Countermeasure, Section 319F–3(i)(8)(A) of the Act defines the term "qualified person" as a licensed individual who is authorized to prescribe, administer, or dispense the countermeasure under the law of the State in which such Covered Countermeasure was prescribed, administered or dispensed. Additional persons who are qualified persons pursuant to section 319F–3(i)(8)(B) are the following: (1) Any person authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction to prescribe, administer, deliver, distribute or dispense Covered Countermeasures, and their officials, agents, employees, contractors and volunteers, following a declaration of an emergency, and (2) Any person authorized to prescribe, administer, or dispense Covered Countermeasures or who is otherwise authorized under an Emergency Use Authorization.

VII. Additional Time Periods of Coverage After Expiration of Declaration (as Required by Section 319F–3(b)(3)(B) of the Act)

A. I have determined that, upon expiration of the applicable time period specified in Section III above, an additional twelve (12) months is a reasonable period to allow for the manufacturer to arrange for disposition of the Covered Countermeasure, including the return of such product to the manufacturer, and for covered persons to take such other actions as are appropriate to limit the administration or use of the Covered Countermeasure, and the liability protection of section 319F–3(a) of the Act shall extend for that period.

B. The Federal Government shall purchase the entire production of Covered Countermeasures under the contracts specifically listed by contract number in section I for the stockpile under section 319F–2 of the Act, and shall be subject to the time-period extension of section 319F–3(b)(3)(C). Production under future contracts for the same vaccine will also be subject to the time-period extension of section 319F–3(b)(3)(C).

VIII. Compensation Fund

In addition to conferring immunity to manufacturers, distributors, and administrators of the Covered Countermeasures, the Act provides benefits to certain individuals who sustain a covered injury as the direct result of the administration or use of the Covered Countermeasure. The Countermeasures Injury Compensation Program (CICP) within the Health Resources and Services Administration (HRSA) administers this compensation program. Information about the CICP is available at 1–888–275–4772 or *http://www.hrsa.gov/countermeasurescomp/default.htm.*

IX. Amendments

The Declaration for the Use of the Public Readiness and Emergency Preparedness Act for H5N1 was published on January 26, 2007; amended on November 30, 2007 to add H7 and H9 vaccines; amended on October 17, 2008 to add H2 and H6 vaccines; amended on June 15, 2009 to add 2009 H1N1 vaccines and

republished in its entirety; and amended on September 28, 2009 to provide targeted liability protections for pandemic countermeasures to enhance distribution and to add provisions consistent with other declarations and republished in its entirety. This Declaration incorporates all amendments prior to the date of its publication in the **Federal Register**. Any future amendment to this Declaration will be published in the **Federal Register**, pursuant to section 319F–2(b)(4) of the Act.

X. Definitions

For the purpose of this Declaration, including any claim for loss brought in accordance with section 319F–3 of the PHS Act against any covered persons defined in the Act or this Declaration, the following definitions will be used:

Administration of a Covered Countermeasure: As used in section 319F–3(a)(2)(B) of the Act includes, but is not limited to, public and private delivery, distribution, and dispensing activities relating to physical administration of the countermeasures to recipients, management and operation of delivery systems, and management and operation of distribution and dispensing locations.

Authority Having Jurisdiction: Means the public agency or its delegate that has legal responsibility and authority for responding to an incident, based on political or geographical (*e.g.,* city, county, Tribal, State, or Federal boundary lines) or functional (*e.g.,* law enforcement, public health) range or sphere of authority.

Covered Persons: As defined at section 319F–3(i)(2) of the Act, include the United States, manufacturers, distributors, program planners, and qualified persons. The terms "manufacturer," "distributor," "program planner," and "qualified person" are further defined at sections 319F–3(i)(3), (4), (6), and (8) of the Act.

Declaration of Emergency: A declaration by any authorized local, regional, State, or Federal official of an emergency specific to events that indicate an immediate need to administer and use pandemic countermeasures, with the exception of a Federal declaration in support of an emergency use authorization under section 564 of the FDCA unless such declaration specifies otherwise.

Pandemic influenza A viruses and those with pandemic potential: Animal and/or human influenza A viruses, except those included in seasonal influenza vaccines and/or covered under the National Vaccine Injury Compensation Program, that are circulating in wild birds and/or domestic animals, that cause, or have significant potential to cause, sporadic or ongoing human infections, or historically have caused pandemics in humans, or have mutated to cause pandemics in humans, and for which the majority of the population is immunologically naïve.

Pandemic Phase: The following stages, as defined in the National Strategy for Pandemic Influenza: Implementation Plan (Homeland Security Council, May 2006): (4) First Human Case in North America; and (5) Spread Throughout United States.

Pre-pandemic Phase: The following stages, as defined in the National Strategy for Pandemic Influenza: Implementation Plan (Homeland Security Council, May 2006): (0) New Domestic Animal Outbreak in At-Risk Country; (1) Suspected Human Outbreak Overseas; (2) Confirmed Human Outbreak Overseas; and (3) Widespread Human Outbreaks in Multiple Locations Overseas.

Dated: February 26, 2010.

Kathleen Sebelius,

Secretary.

APPENDIX

I. List of U.S. Government Contracts—Covered H5N1, H2, H6, H7, H9, and 2009–H1N1 Vaccine Contracts

1. HHSN266200400031C
2. HHSN266200400032C
3. HHSN266200300039C
4. HHSN266200400045C
5. HHSN266200205459C
6. HHSN266200205460C
7. HHSN266200205461C
8. HHSN266200205462C
9. HHSN266200205463C
10. HHSN266200205464C
11. HHSN266200205465C
12. HHSN266199905357C
13. HHSN266200300068C
14. HHSN266200005413C
15. HHSO100200600021C (formerly 200200409981)
16. HHSO100200500004C
17. HHSO100200500005I
18. HHSO100200700026I
19. HHSO100200700027I
20. HHSO100200700028I
21. HHSO100200600010C
22. HHSO100200600011C
23. HHSO100200600012C
24. HHSO100200600013C
25. HHSO100200600014C
26. HHSO100200600022C (formerly 200200511758)
27. HHSO100200600023C (formerly 200200410431)
28. CRADA No. AI–0155 NIAID/MedImmune
29. HHSO100200700029C
30. HHSO100200700030C
31. HHSO100200700031C
32. All present, completed and future Government H5N1, H2, H6, H7, H9, and 2009–H1N1 vaccine contracts not otherwise listed.

[FR Doc. 2010–4644 Filed 3–4–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice Regarding 340B Drug Pricing Program—Contract Pharmacy Services

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final notice.

SUMMARY: Section 602 of Public Law 102–585, the "Veterans Health Care Act of 1992" enacted Section 340B of the Public Health Service Act (PHS). Section 340B implements a drug pricing program by which manufacturers who sell covered outpatient drugs to particular covered entities listed in the statute must agree to charge a price that will not exceed the amount determined under a statutory formula. The purpose of this Final Notice is to inform interested parties of final guidelines regarding the utilization of multiple contract pharmacies and suggested contract pharmacy provisions, which had been previously limited to the Alternative Methods Demonstration Project program.

FOR FURTHER INFORMATION CONTACT: Mr. Jimmy Mitchell, Director, Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Parklawn Building, Room 10C–03, Rockville, Maryland 20857 or by telephone through the Pharmacy Services Support Center at 1–800–628–6297.

DATES: *Effective Date:* April 5, 2010.

SUPPLEMENTARY INFORMATION:

A. Background

Proposed guidelines for contract pharmacy services were announced in the **Federal Register** at 72 FR 1540 on January 12, 2007. A comment period of 60 days was established to allow interested parties to submit comments. HRSA, HSB, acting through the OPA, received 32 comments concerning the proposal.

In 1996, HRSA issued guidelines that permitted covered entities participating in the 340B Drug Pricing Program to contract with a pharmacy to provide services to the covered entity's patients (61 FR 43549, August 23, 1996). Those guidelines permitted a covered entity to use a single point for pharmacy services, either an in-house pharmacy or an

individual contract pharmacy. Since 2001, covered entities that have wanted to use other types of arrangements, or to blend the method of providing services (*e.g.* contract pharmacy to supplement an in-house pharmacy) have needed to apply to the OPA for an Alternative Methods Demonstration Project (AMDP) and secure approval in order to proceed.

It is important for all covered entities to keep in mind that use of a contract pharmacy arrangement (single, multiple or AMDP) does not lessen a covered entity's duty to ensure that the 340B program is being administered in compliance with the statute and HRSA guidelines. The covered entity has, and continues to bear, full responsibility and accountability for compliance with all requirements to prevent diversion of covered drugs to individuals other than patients of the covered entity, and to prevent situations in which a drug is subject to both the 340B discount and a Medicaid Rebate claim. Covered entities will be permitted to use multiple pharmacy arrangements as long as they comply with guidance developed to help ensure against diversion and duplicate discounts and the policies set forth regarding patient definition. Auditable records must be maintained to demonstrate compliance with those requirements. Such records must be maintained for as long as required by Federal, State and local law. Additionally, compliance with 340B requirements and guidelines does not excuse individual providers, covered entities, pharmacies, wholesale distributors or manufacturers from adherence to all other local, State or Federal requirements.

Covered entities should also be mindful that use of a contract pharmacy is voluntary. Covered entities are not required to use multiple contract pharmacies or any contract pharmacy at all. Each covered entity should conduct its own business review and patient assessment to determine what level of pharmacy services is needed, and the appropriate delivery mechanism for those services.

We received many comments in support of the proposal. Many of these came from covered entities that participate in 340B and highlighted how their delivery of patient care would be enhanced with a multiple contract pharmacy option. According to these comments, some patients currently face transportation barriers or other obstacles that limit their ability to fill their prescriptions. It would be a significant benefit to patients to allow the use of more easily accessible, multiple contract pharmacy arrangements by covered entities. This would permit covered entities to more effectively utilize the 340B program and create wider patient access by having more inclusive arrangements in their communities which would benefit covered entities, pharmacies and patients served.

Comments raised a number of issues: Audits; protecting against diversion; network models; limits on the number or location of contract pharmacies; and the need for model agreement provisions and certification procedures. Also addressed was the potential impact on manufacturers, pharmacies, covered entities and patients. Additional comments challenged the sufficiency of the data used to justify the changes, and questioned whether the proposed notice was in compliance with the Administrative Procedure Act.

The following section presents a summary of all major comments, grouped by subject, and a response to each grouping. All comments were considered in developing this Final Notice, and changes were made accordingly. Other changes were made to improve clarity and readability.

B. Comments and Responses

(1) Administrative Procedure Act (APA) Compliance

Comment: The proposed revisions represent a substantive rulemaking under the APA because they constitute new obligations and burdens on manufacturers. They also create new rights for covered entities under the law.

Response: HRSA disagrees. This guidance neither imposes additional burdens upon manufacturers, nor creates any new rights for covered entities under the law. HRSA has used interpretive guidance and statements of policy to provide guidance since the inception of the program and to create a working framework for its administration. Contract pharmacy service guidelines have been considered by HRSA to be "interpretative rules and statements of policy" exempt from notice and comment rulemaking under the APA. Nonetheless, HRSA has published these guidelines in the **Federal Register** and provided a public comment period to obtain input into guideline development. The present guidelines used this same process. HRSA has considered all comments, both Federal and public, in developing the Final Guidelines.

Comment: Eleven demonstration projects out of a total of 12,000 covered entities do not give HRSA enough data to expand the scope of the contract pharmacy model. An additional demonstration project, with not less than 100 sites, should be the next step to further evaluate risks and benefits of the expanded model.

Response: At the time of publication of the proposed guidance there had been 18 demonstration projects. HRSA realizes that only a small percentage of covered entities have gone through the AMDP process. HRSA is working with the data that exists, which was overwhelmingly supportive of the guidelines. Although there have been a limited number of AMDPs approved, some of the approved projects included a large number of health care sites and contract pharmacies. The number of participating health care sites exceeded 50 and the number of contract pharmacy sites was over 170. The results of the AMDP are not the only basis for issuing this guidance. The circumstances surrounding pharmacy practice and the resources available to track transactions have changed substantially over the past decade. The AMDP provides concrete examples of the ability of covered entities to utilize multiple contract pharmacies without sacrificing program integrity. Upon review of the evidence and current circumstances, HRSA does not find sufficient basis to continue limiting contract pharmacies to a single site. The restriction has imposed its own costs by restricting the flexibility of covered entities in meeting the needs of their patients. Furthermore, pharmacy and inventory management processes are available that make utilization of more than one pharmacy readily feasible for many covered entities without increasing the risk of diversion. The use of multiple contract pharmacies is not appropriate for all covered entities; however, we do not find a blanket restriction on all covered entities to be justified.

(2) Audits

Many commenters presented varying perspectives on the topic of audits. Multiple comments from drug manufacturers argued that manufacturers should be given the ability to audit covered entities that use multiple pharmacy contracting services due to the heightened risk of drug diversion and duplicate discounts. Other comments focused on HRSA audit requirements, arguing that they should be identical to the current standards required for the AMDP. Finally, some comments supported not having an audit requirement, arguing that audits would be burdensome and costly for the covered entities.

Comment: The audit requirements from the AMDP process should be applied to multiple contract pharmacies. There is no evidence of diversion and duplicate discounts

because of the audit requirements. Their elimination may lead to increased diversion and duplicate discounts. Some commenters recommended retaining the audit requirements for at least a few years until a track record of compliance with multiple contract pharmacies can be created. Audits should include a full compliance review of all mandatory contract terms/requirements including implementation of tracking system, patient status verification, and providing information about other pharmacy options.

Response: Although HRSA does not believe that precisely the same procedures are appropriate as utilized under the AMDP, HRSA agrees that independent audits can play an important role in ensuring program integrity. The guidelines have been revised to state that the covered entity must have sufficient information to meet its obligation of ensuring ongoing compliance and the recognition of any problem. Furthermore, the guidelines have been revised to indicate that it is the expectation of HRSA that covered entities will fulfill their ongoing obligation by the utilization of independent audits. However, HRSA leaves it up to covered entities to determine how to meet their compliance responsibilities. The guidelines intentionally do not specify the precise method, personnel or items for ensuring sufficient information is obtained by the covered entity. As long as covered entities comply with their obligations under the guidelines, HRSA prefers to leave the method of compliance to the judgment of the covered entities.

To the extent that any internal compliance activity or audit performed by a covered entity indicates that there has been a violation of 340B program requirements, it is HRSA's expectation that such finding be disclosed to HRSA along with the covered entity's plan to address the violation.

Comment: A copy of the audits conducted by covered entities should be submitted to OPA. The results of such audit should be made available to manufacturers.

Response: HRSA does not feel there is a need for the automatic submission of audits conducted by covered entities. HRSA believes that there are already appropriate safeguards in place. Covered entities are required to maintain auditable records sufficient to demonstrate continued compliance with 340B requirements; and, to the extent that a situation warrants, HRSA will request copies of any internal compliance documents of covered entities.

Comment: Covered entities should be required to conduct audits of their contract pharmacies and be required to terminate the contract with pharmacies found to be in violation.

Response: As noted earlier, HRSA agrees that audits can play an important role in ensuring integrity, and that covered entities are required to have sufficient information to ensure against diversion and duplicate discounts. The extent to which an audit of the contract pharmacy or other arrangement is necessary to satisfy that obligation will depend upon the individual circumstances. Covered entities have the responsibility to have agreements with contract pharmacies and procedures in place sufficient to enable the covered entity to meet its obligations under the law, including the prohibition on diversion and duplicate discounts. While an audit capability and various grounds for termination are terms that could be included in such contracts, there is no requirement in the guidelines for such terms. However, covered entities are reminded that they retain ultimate responsibility for compliance with the 340B program. Covered entities may be well-served by ensuring that compliance terms are included in their pharmacy contracts. To the extent that covered entities uncover these problems, the appropriate response is to report those problems to HRSA and ensure that they are properly addressed.

Comment: Manufacturers should be permitted to audit covered entities that use multiple contract pharmacy services. No reasonable cause should be required, due to heightened risk of diversion.

Response: We do not agree that utilization of more than one contract pharmacy creates automatic cause to suspect diversion. The issue as to whether additional audits by an outside manufacturer are permitted is addressed in the guidance published in the **Federal Register** on that issue (61 FR 65406, December 12, 1996). To the extent a manufacturer believes there is a reasonable basis to conclude that a covered entity is in breach of program requirements, it may audit a covered entity consistent with these guidelines. Additionally, HRSA has developed a dispute resolution process to provide parties with an informal mechanism to bring before the Department allegations of behavior that are in violation of 340B. For further guidance on the audit and dispute resolution process *see* 61 FR 65406 (December 12, 1996). As indicated in this guidance, covered entities and contract pharmacies must retain auditable records of 340B covered drug transactions sufficient to demonstrate compliance with the requirements to ensure against diversion to non-patients and against duplicate discounts.

Comment: It would be burdensome for covered entities to provide reports and data for audits. It is unclear who would be required to construct the actual components of the audit, what would be included, and who would pay for it.

Response: HRSA would like to remind all 340B stakeholders that it is an option for covered entities to voluntarily enter into contract pharmacy arrangements. Each covered entity is encouraged to conduct its own analysis of the costs and benefits of implementing or expanding their pharmacy services. It is the responsibility of the covered entity to ensure against diversion and duplicate discounts. Covered entities may determine how to best meet that responsibility: By performing a separate audit, including spot audits as part of pre-existing auditing responsibilities, or via other mechanisms. HRSA believes that including these issues as part of an independent audit is the best but not necessarily the only approach to meet covered entities' ongoing responsibility to know that their covered outpatient drugs are being appropriately ordered and distributed to their patients.

(3) Diversion

Comment: The proposed guidelines do not adequately describe safeguards that will combat drug diversion and duplicate discounts. There should be more severe penalties for violations, especially duplicate discounts. Reimbursement of any inappropriate discounts is insufficient and will not deter bad behavior. A covered entity should be excluded from 340B if it continues to use a pharmacy found to be in violation of the program.

Response: HRSA believes that there are appropriate safeguards in place, based on the parameters of the program. HRSA has the ability to exclude covered entities that abuse the program. HRSA has no statutory authority to assess additional penalties beyond the authority provided in section 340B. However, to the extent HRSA is aware that an action by a covered entity or contract pharmacy may be a violation of the law, such cases are referred to appropriate authorities.

Comment: The proposed guidance appears to limit the need to segregate records for easy accessibility by auditors rather than for purposes related to ensuring there is no diversion. Is this intended, or is segregation, virtual or

otherwise, still expected to be used by the contract pharmacy as a method of showing that diversion has not occurred?

Response: All covered entities are required to have auditable records sufficient to fully demonstrate compliance with all 340B requirements. Any covered entity that chooses to utilize a contract pharmacy must ensure that any such contract fully addresses that requirement and has the responsibility to ensure that the contract is actually performed and administered in compliance with those requirements. Inventory and record segregation is one of many methods that can be used to ensure compliance with the program guidelines. HRSA does not intend to limit the methods covered entities may use in order to remain in compliance with the guidelines. As noted previously, covered entities and contract pharmacies must retain auditable records of 340B covered drug transactions sufficient to demonstrate compliance with the requirements to ensure against diversion to non-patients as well as duplicate discounts.

Comment: Covered entities should be required to maintain and provide to HRSA and manufacturers written policies and procedures for preventing diversion and duplicate discounts in their contract pharmacy services.

Response: The ultimate responsibility for compliance with all aspects of the 340B program lies with each covered entity. The contract arrangements between covered entities and outside pharmacies will have various terms and procedures, which are acceptable as long as there are no violations of the program. It is expected that all covered entities will have written policies and procedures for preventing diversion and duplicate discounts as part of their obligations to prevent diversion and duplicate discounts. They are also required to maintain auditable records. HRSA will not automatically require covered entities to submit such policies and procedures for HRSA review.

(4) Contract Pharmacy Services Mechanism—Potential Alternatives to Single Location/Single Pharmacy Model

Comment: HRSA should permit separate covered entity sites to enter into one comprehensive agreement between the sites and a single contract pharmacy, instead of requiring a separate agreement for each site. Additionally, HRSA should permit a covered entity to enter into one comprehensive agreement with a chain pharmacy binding on multiple locations of the chain, instead of requiring a separate agreement for each contract pharmacy site.

Response: Each covered entity retains its own responsibility for compliance with the program. With respect to a covered entity with multiple sites, HRSA agrees that a single covered entity may contract for sites that are integral parts of the covered entity and for which it has legal control of so long as all of the requirements are met in the contract. This approach maintains and recognizes the central responsibility of the covered entity. In the case of agreements with "chain pharmacies," there appears to be potential for loss of accountability without a clearly established relationship between the actual pharmacy site and the covered entity. Covered entities are not precluded from entering into agreements with chain pharmacies, however, each participating pharmacy location must be listed on the contract and comply with the requirements.

Comment: One comment suggested that HRSA should clarify the definition of "multiple." The commenter interprets "multiple" to mean that an FQHC could contract with more than one pharmacy, including more than one site of a chain pharmacy, more than one independent pharmacy, or a combination of chain sites and independent pharmacies. Additionally, the commenter interprets "multiple" to mean that a covered entity with an in-house pharmacy could use any acceptable contract pharmacy arrangement to supplement the in-house pharmacy. The commenter encourages OPA to adopt this interpretation in the final guidance.

Response: HRSA agrees with the comment about the meaning of "multiple" and believes that the Final Notice is clear with respect to this meaning.

Comment: Does a covered entity that currently has an agreement with only one contract pharmacy need to revise its agreement with that pharmacy if the entity subsequently enters into agreements with additional pharmacies?

Response: The covered entity may need to revise its existing contract, depending on the terms that it contains. There is no requirement in the guidelines to revise contracts, as long as they meet the criteria outlined. All entities are encouraged to seek competent counsel to assess their needs.

Comment: The proposed guidelines do not provide cautionary language about possible negative results of implementing a multiple contract pharmacy model. Some small pharmacies that currently contract with covered entities may be hurt by implementation of the guidance due to reduced business. More guidance and decision analysis tools should be provided to guide the process of deciding whether to implement.

Response: HRSA notes that participation in any multiple contract pharmacy models is completely voluntary. All stakeholders are encouraged to conduct a full business analysis to determine whether to implement a multiple contract pharmacy model before moving forward. HRSA also provides free technical assistance for covered entities, including assistance with business analysis, to help navigate these issues. Ultimately, the decisions and responsibility for those decisions lies with the covered entity.

(5) Network Models

Comment: Multiple commenters proposed that network arrangements (*i.e.* arrangements involving a network of more than one covered entity) should be permitted under the guidelines without prior approval from HRSA. They argued that network arrangements would decrease the burden on covered entities and contract pharmacies by simplifying the contracting process and maintaining multiple inventory records. They also made the point that networks would also encourage parties to participate in 340B and therefore, expand access to eligible patients.

Response: HRSA understands the comments that a network model might potentially ease the administrative burden for participants in some cases. However, due to ongoing concerns about maintaining the integrity of the program with such complex arrangements, at this time, we decline to include network models in the guidelines without the added scrutiny of the AMDP process. HRSA will reassess the appropriateness of the utilization of networks outside the AMDP process as sufficient experience with them is gained in the future.

Comment: Some comments urged HRSA not to permit networks of multiple covered entities outside the framework of the AMDP process and requested confirmation that under the new guidance the development of a network of 340B covered entities will remain subject to the entire process now applicable to the AMDPs.

Response: HRSA agrees that covered entity networks should remain under the AMDP process, as indicated in the response to the prior comment.

Comment: "All covered entities participating" language is unclear. Does it mean a covered entity with multiple sites, a network model, or a DSH would need to name each covered entity that

has an agreement with a pharmacy under contract with the covered entity? If so, that would be burdensome on the entity, which would need to research and identify other covered entities that may contract with a particular pharmacy. What is the justification for requiring a covered entity to specify the names and 340B ID numbers of other participating covered entities?

Response: If a covered entity wants to use any alternative to a single location/single pharmacy model, it must submit its name and 340B identification number, and the names of all participating pharmacies to HRSA. Network models will still need to go through the AMDP process. The commenter is correct that the "all covered entities participating" language is unclear, because such arrangements only apply to a single covered entity. The language has been changed in response to this comment.

Comment: The guidelines should limit the numbers and geographical locations (not over State lines) for contract pharmacy relationships. Perhaps contract pharmacies should only be added one at a time. Monitoring various sites by the covered entity may be extremely difficult unless safeguards are in place.

Response: HRSA understands the commenter's concerns, but at this point, HRSA declines to limit the number of arrangements, as long as each arrangement meets our guidelines. Each covered entity retains the obligation to ensure its program remains compliant with the guidelines. HRSA does not intend to prescribe the methods covered entities use to run their programs or to ensure compliance at this time. Each covered entity and contract pharmacy is responsible for ensuring that its particular contracting arrangements and operations conform to the requirements of all applicable Federal, State and local laws and regulations.

(6) Model Agreement Provisions/Covered Entity Compliance Elements

In the final guidelines the phrase "Model Agreement Provisions" has been changed to "Covered Entity Compliance Elements" to better reflect the purpose of the elements and to distinguish them from model contract provisions.

Comment: Covered entities with multiple contract pharmacy arrangements should have written contracts with each pharmacy, including procedures to ensure against drug diversion and duplicate discounts, to maintain records available for audit, and to meet all other 340B requirements. Covered entities should submit these contracts and procedures to HRSA.

Response: HRSA agrees in part, which is why the guidelines do require a covered entity to have a contract that specifies all participating pharmacy locations. Such contracts must include adequate terms to ensure compliance with all aspects of the 340B program as listed in the Covered Entity Compliance Elements. However, at this time, HRSA does not have the need, or the resources to collect and review each contract. The covered entity bears responsibility for compliance with the program and will be held accountable in the event of non-compliance.

Comment: HRSA should create a single list of model contract terms, add suggested language on duplicate discount prohibition, and require covered entities to certify that their contracts use these terms or apply to HRSA for approval to use alternative terms.

Response: The Appendix of the guidelines does include a list of suggested contract provisions. HRSA has included provisions necessary to ensure that covered entities and contract pharmacies understand and agree not to violate 340B provisions. Because of the wide diversity of covered entities, it would be impossible to include provisions that would respond to the needs of all covered entities.

Comment: Manufacturers should be allowed to request copies of the contracts between the covered entities and contract pharmacies.

Response: Manufacturers are certainly permitted to request copies of such contracts, however, HRSA declines to mandate that covered entities must provide copies of contracts upon any request. In the event a manufacturer demonstrates a reasonable need for the copy of a contract and its request for a copy of the contract has been denied, the manufacturer may ask OPA to obtain a copy. The suggested Covered Entity Compliance Elements include providing a copy of the contract pharmacy service agreement upon the request of the Office of Pharmacy Affairs.

Comment: The Appendix provisions impose additional requirements not discussed in Section (3) of the proposed guidance and the suggested provisions in Section (3) do not appear in the Appendix. The Appendix does not mention the 340B prohibition on duplicate discounts.

Response: The Suggested Contract Provisions, found in the Appendix of the Guidelines, are not meant to be comprehensive, exhaustive, or required. They offer a model format and sample provisions, but are not intended to be used as the complete terms of the contract.

Comment: Covered entities should not be permitted to use alternative mechanisms other than the model agreement provisions. The use of alternatives would increase OPA's oversight responsibilities, which may lead to different standards or the potential for abuse. A commenter also cited GAO/OIG reports on lack of oversight of the program to support his/her assertion that the model provisions should be required.

Response: The Covered Entity Compliance Elements are not intended to be required contract provisions. All covered entities must certify that all of the elements have been addressed; however, HRSA gives the covered entities the discretion to negotiate contract provisions suitable to their individual circumstances and jurisdictions. The various complexities of covered entities and the pharmacies with whom they will contract led HRSA to permit flexibility between the parties in designing their contract terms. HRSA does not intend to review contracts. As under the previous guidelines, the covered entity is ultimately responsible for assuring full compliance with 340B.

HRSA disagrees with the comment that recent reports by the GAO and the OIG would support the creation of a standard uniform contract. HRSA has worked diligently to implement the recommendations of both the GAO and the OIG, and HRSA does not believe that dictating to covered entities specific contract language that must be used in all contracts regardless of individual circumstances would assist in those efforts at this time.

(7) Miscellaneous Comments

Comment: Anti-kickback provisions may prohibit pharmacies from offering Medication Therapy Management and Pharmacy by Mail activities that would be beneficial to 340B and patients.

Response: Covered entities are not exempt from anti-kickback provisions. Section 340B does not authorize HRSA to grant any exceptions whether beneficial or not. It is recommended that covered entities get competent professional legal advice when appropriate.

Comment: In section B(3)(c), the proposal states that the manufacturer is not required to offer the 340B drug price if the patient declines to use the contract pharmacy. If however, the manufacturer does extend the 340B price in this case, please clarify whether this extension sets a new best price for the drug.

Response: The 340B drug pricing program does not restrict the prices that manufacturers voluntarily choose to offer to patients outside the parameters of the program. Whether such actions serve to set a new best price for a drug is beyond the scope of this guidance. We encourage anyone with specific best price questions to consult with the Centers for Medicare & Medicaid Services.

Comment: To prevent drug diversion, an additional contract requirement should be added that the contract pharmacy may not fill or refill a prescription using 340B medications until the covered entity confirms that the individual is a patient of the entity at the time the prescription is filled. There should also be an independent, annual audit to review the covered entity's policies and procedures for patient verification.

Response: The program guidelines for 340B make it clear that only individuals who are patients of the covered entity are eligible for drugs purchased under the program. Like all other program requirements, responsibility for compliance lies with the covered entity, which must structure agreements and systems appropriately to ensure that diversion does not occur. Technical assistance may be available for help with implementation and compliance for the 340B program, and maximizing the value of comprehensive pharmacy services for their patients. However, HRSA has chosen not to require time-of-services verification as suggested in the comment.

Comment: Pharmacy records from contract pharmacies should be made available to covered entities to ensure patient safety and continuity of care.

Response: HRSA agrees that this might be beneficial for patient care and encourages the parties to include such terms in their contract agreements. However, this is a decision which will be left to the contracting parties. In any case, the covered entity must have sufficient records or direct access to records for the covered entity to meet its responsibility to ensure compliance and to provide a complete audit trail to verify that there is no diversion or duplicate discounts.

Comment: HRSA should include in its final guidance and suggested contract provisions, language to reinforce that all savings from the 340B program should remain with the covered entity. Without written guidance, all savings will not be returned to the covered entity.

Response: HRSA agrees that the intent of the 340B program was to permit the covered entities to stretch scarce Federal resources, and that the benefit of the program was intended to accrue to the covered entities. However, the covered entity is free to negotiate how it chooses to use any such funds as it sees fit. For example, the covered entity is free to choose to use those dollars to pay contract pharmacies for their services or for extra services such as delivery.

C. Contract Pharmacy Services Mechanism

These final guidelines replace all previous 340B Program guidance documents addressing non-network contract pharmacy services, including, but not limited to, the "Notice Regarding Section 602 of the Veterans Health Care Act of 1992; Contract Pharmacy Services," (61 FR 43549) and any individual correspondence issued by HRSA on the subject.

(1) Basic Compliance Issues in Utilization of Pharmacy Services Contracts

A covered entity that wishes to utilize contract pharmacy services to dispense section 340B outpatient drugs must have a written contract in place between itself and a specified pharmacy. A single covered entity that has more than one 340B eligible site at which it provides health care may have individual contracts for each such site or include multiple sites within a single pharmacy services contract. This mechanism is designed to facilitate program participation for those covered entities that do not have access to available or appropriate "in-house" pharmacy services, those covered entities that have access to "in-house" pharmacy services but wish to supplement these services; and covered entities that wish to utilize multiple contract pharmacies to increase patient access to 340B drugs. The covered entity has the responsibility to: Ensure against illegal diversion and duplicate discounts; maintain readily auditable records; and meet all other 340B Drug Pricing Program requirements (*See: http://www.hrsa.gov/opa/introduction.htm*). HRSA has provided essential covered entity compliance elements below as guidance for the type of contractual provisions expected in such agreements. Suggested contract provisions are also in the Appendix. All covered entities utilizing a contract pharmacy must comply with the certification requirements described in (5) below.

(2) Potential Alternatives to Single Location/Single Pharmacy Model

In addition to contracting with a single pharmacy for each clinical site, covered entities may pursue more complex arrangements that include multiple pharmacies only if: (a) There is a written agreement and procedures that meet the requirements outlined above in (1) between the covered entity and each pharmacy; (b) the written agreement includes, and fully addresses, all of the essential elements outlined in (3) and (4) below and a full listing of all pharmacy locations that may be utilized under that agreement; (c) the operation under the contract continues to meet all 340B Drug Pricing Program requirements and does not create diversion of covered drugs or duplicate discounts; (d) the arrangements are one of the two following models either individually or in combination: (i) The use of multiple contract pharmacy service sites, and/or (ii) the utilization of a contract pharmacy(ies) to supplement in-house pharmacy services (the use of multiple contract pharmacy service sites refers to any arrangement wherein a covered entity site seeks to provide drugs at 340B discounted prices for its patients at more than one pharmacy location). Supplementing in-house pharmacy services with a contract pharmacy refers to any arrangement wherein a covered entity site purchases drugs at 340B discounted prices for its patients at both an in-house pharmacy and at least one additional contract pharmacy location; and (e) the arrangement involves a single identifiable 340B covered entity and does not include a network, or other similar arrangement, of more than one covered entity unless specifically authorized in writing by HRSA through an AMDP or by other official written authorization.

(3) Essential Covered Entity Compliance Elements

The following are essential elements to address in contract pharmacy arrangements: (a) The covered entity will purchase the drug, maintain title to the drug and assume responsibility for establishing its price, pursuant to the terms of an HHS grant (if applicable) and any applicable Federal, State and local laws.

A "ship to, bill to" procedure is used in which the covered entity purchases the drug; the manufacturer/wholesaler must bill the covered entity for the drug that it purchased, but ships the drug directly to the contract pharmacy. *See* Section 1 of Appendix. In cases where a covered entity has more than one site, it may choose between having each site billed individually or designating a single covered entity billing address for all 340B drug purchases.

(b) The agreement will specify the responsibility of the parties to provide comprehensive pharmacy services (*e.g.,*

dispensing, recordkeeping, drug utilization review, formulary maintenance, patient profile, patient counseling, and medication therapy management services and other clinical pharmacy services). Each covered entity has the option of individually contracting for pharmacy services with a pharmacy (ies) of its choice. Covered entities are not limited to providing comprehensive pharmacy services to any particular location and may choose to provide them at multiple locations and/or "in-house."

(c) The covered entity will inform the patient of his or her freedom to choose a pharmacy provider. If the patient does not elect to use the contracted service, the patient may obtain the prescription from the covered entity and then obtain the drug(s) from the pharmacy provider of his or her choice.

When a patient obtains a drug from a pharmacy other than a covered entity's contract pharmacy or the covered entity's in-house pharmacy, the manufacturer is not required to offer this drug at the 340B price.

(d) The contract pharmacy may provide other services to the covered entity or its patients at the option of the covered entity (*e.g.,* home care, delivery, reimbursement services). Regardless of the services provided by the contract pharmacy, access to 340B pricing will always be restricted to patients of the covered entity.

(e) The contract pharmacy and the covered entity will adhere to all Federal, State, and local laws and requirements.

Both the covered entity and the contract pharmacy are aware of the potential for civil or criminal penalties if either violates Federal or State law. [The Department reserves the right to take such action as may be appropriate if it determines that such a violation has occurred.]

(f) The contract pharmacy will provide the covered entity with reports consistent with customary business practices (*e.g.,* quarterly billing statements, status reports of collections and receiving and dispensing records). *See* Section 2 of Appendix.

(g) The contract pharmacy, with the assistance of the covered entity, will establish and maintain a tracking system suitable to prevent diversion of section 340B drugs to individuals who are not patients of the covered entity. Customary business records may be used for this purpose. The covered entity will establish a process for periodic comparison of its prescribing records with the contract pharmacy's dispensing records to detect potential irregularities. *See* Section 3 of Appendix.

(h) The covered entity and the contract pharmacy will develop a system to verify patient eligibility, as defined by HRSA guidelines. The system should be subject to modification in the event of change in such guidelines.

Both parties agree that they will not resell or transfer a drug purchased at section 340B prices to an individual who is not a patient of the covered entity. See 42 U.S.C. 256b(a)(5)(B). The covered entity understands that it may be removed from the list of covered entities because of its participation in drug diversion and no longer be eligible for 340B pricing. *See* Section 4 of Appendix.

(i) Neither party will use drugs purchased under section 340B to dispense Medicaid prescriptions, unless the covered entity, the contract pharmacy and the State Medicaid agency have established an arrangement to prevent duplicate discounts. Any such arrangement shall be reported to the OPA, HRSA, by the covered entity.

(j) The covered entity and contract pharmacy will identify the necessary information for the covered entity to meet its ongoing responsibility of ensuring that the elements listed herein are being complied with and establish mechanisms to ensure availability of that information for periodic independent audits performed by the covered entity.

(k) Both parties understand that they are subject to audits by outside parties (by the Department and participating manufacturers) of records that directly pertain to the entity's compliance with the drug resale or transfer prohibition and the prohibition against duplicate discounts. *See* 42 U.S.C. 256b(a)(5)(c).

The contract pharmacy will assure that all pertinent reimbursement accounts and dispensing records, maintained by the pharmacy, will be accessible separately from the pharmacy's own operations and will be made available to the covered entity, HRSA, and the manufacturer in the case of an audit. Such auditable records will be maintained for a period of time that complies with all applicable Federal, State and local requirements.

(l) Upon written request to the covered entity, a copy of the contract pharmacy service agreement will be provided to the Office of Pharmacy Affairs.

(4) Ongoing Responsibility of Covered Entity To Ensure Compliance

Covered entities are responsible for ensuring that the system of distribution chosen fully meets statutory obligations of ensuring against diversion to non-patients or creating a situation that results in a State Medicaid Program seeking a rebate on a discounted drug. The covered entity remains responsible at all times for the disposition of covered outpatient drugs it purchases through a contract pharmacy. Annual audits performed by an independent, outside auditor with experience auditing pharmacies are expected, although the exact method of ensuring compliance is left up to the covered entity. The covered entity must have sufficient information to ensure it is meeting that responsibility. Independent audits are particularly valuable where the covered entity utilizes multiple pharmacy options. They should follow standard business practices for audits, including audit trails provided by the entity to the auditor, and use of standard reports. The precise methodology utilized to ensure compliance and obtain the necessary information is up to the covered entity given its particular circumstances and, for example, might include spot audits where the system in place permits. Drug diversion and duplicate discounts are a significant concern of HRSA and all efforts to avoid these problems should be well documented. In the event a covered entity determines that drug diversion or duplicate discounts have occurred or that it is otherwise unable to comply with its responsibility to reasonably ensure compliance, then it must take immediate remedial action to assure compliance and notify the OPA about such compliance problems and actions taken to remedy those problems.

(5) Certification

Under section 340B, if a covered entity using contract pharmacy services requests to purchase a covered outpatient drug from a participating manufacturer, the statute directs the manufacturer to sell the drug at a price not to exceed the statutory 340B discount price. If the covered entity directs the drug shipment to its contract pharmacy or pharmacies, the covered entity must comply, under any distribution mechanism, with the statutory prohibition on drug diversion and duplicate discounting.

To provide HRSA and manufacturers with assurance that the covered entity has acted in a manner which limits the potential for drug diversion, covered entities should submit to OPA a certification that it has signed and has in effect an agreement with the contract pharmacy or pharmacies that satisfies both (3) and (4) above (*i.e.* that the contract(s) fully address the issues listed in (3) and that the covered entity has a

plan to meet its ongoing responsibilities to ensure compliance). The names of those covered entities which submit a certification, or an alternate mechanism approved by OPA, will be listed on the OPA Web site for the convenience of participating drug manufacturers and wholesaler distributors.

In addition, any covered entity that has opted to utilize any pharmacy arrangement described in (2) must specify which arrangement or combination of arrangements it is utilizing and the names of any pharmacies participating when registering. Covered entities seeking to materially change this arrangement that entail changes in the covered entity database should notify OPA of any such proposed changes and be aware that some changes may require advanced notice to manufacturers and wholesalers as part of quarterly updates to the database.

In order to ensure accuracy, integrity and transparency, the OPA may conduct a recertification process periodically (most likely annually) where covered entities affirmatively certify as to their ongoing compliance with 340B requirements. It is currently expected that the annual process would include certification by a duly authorized official: (1) That all information listed on the database for that covered entity is complete, accurate, and correct; (2) that the covered entity met the 340B eligibility requirements throughout the prior year and continues to do so; (3) that any contract pharmacy arrangement was actually performed in accordance with specified requirements including, but not limited to, that the covered entity obtained sufficient information from the contractor to ensure compliance with applicable policy and legal requirements; and (4) the methodology utilized to ensure compliance (*e.g.* through independent audit or other mechanism).

(6) Anti-Kickback Statute

Contract pharmacies and covered entities should be aware of the potential for civil or criminal penalties if the contract pharmacy violates Federal or State law. In negotiating and executing a contract pharmacy service agreement pursuant to these guidelines, contract pharmacies and covered entities should be aware of and take into consideration the provisions of the Medicare and Medicaid anti-kickback statute, 42 U.S.C. 1320a–7b(b).

D. Appendix—Suggested Contract Provisions

The following suggested contract provisions are included for illustrative purposes and are not intended to be comprehensive, exhaustive or required. They offer sample provisions for consideration, but are not intended to be used as the complete terms of the contract. Given the variances among many jurisdictions and among the numerous types of covered entities, HRSA has decided at this time not to include a complete model contract in this notice.

(1) "The covered entity owns covered drugs and arranges to be billed directly for such drugs. The pharmacy will compare all shipments received to the orders and inform the covered entity of any discrepancy within five (5) business days of receipt. The covered entity will make timely payments for such drugs delivered to the pharmacy."

(2) "The covered entity will verify, using the contract pharmacy's (readily retrievable) customary business records, that a tracking system exists which will ensure that drugs purchased under the 340B Drug Pricing Program are not diverted to individuals who are not patients of the covered entity. Such records can include: Prescription files, velocity reports, and records of ordering and receipt. These records will be maintained for the period of time required by State law and regulations."

(3) "Prior to the contract pharmacy providing pharmacy services pursuant to this agreement, the covered entity will have the opportunity, upon reasonable notice and during business hours, to examine the tracking system. For example, such a tracking system may include quarterly sample comparisons of eligible patient prescriptions to the dispensing records and a six (6) month comparison of 340B drug purchasing and dispensing records as is routinely done in other reconciliation procedures. The contract pharmacy will permit the covered entity or its duly authorized representatives to have reasonable access to contract pharmacy's facilities and records during the term of this agreement in order to make periodic checks regarding the efficacy of such tracking systems. The contract pharmacy agrees to make any and all adjustments to the tracking system which the covered entity advises are reasonably necessary to prevent diversion of covered drugs to individuals who are not patients of the covered entity."

(4) "The pharmacy will dispense covered drugs only in the following circumstances: (a) Upon presentation of a prescription bearing the covered entity's name, the eligible patient's name, a designation that the patient is an eligible patient of the covered entity, and the signature of a legally qualified health care provider affiliated with the covered entity; or (b) receipt of a prescription ordered by telephone or other means of electronic transmission that is permitted by State or local law on behalf of an eligible patient by a legally qualified health care provider affiliated with the covered entity who states that the prescription is for an eligible patient. The covered entity will furnish a list to the pharmacy of all such qualified health care prescribers and will update the list of prescribers to reflect any changes. If a contract pharmacy is found to have violated the drug diversion prohibition, the contract pharmacy will pay the covered entity the amount of the discount in question so that the covered entity can reimburse the manufacturer."

Dated: March 2, 2010.

Mary K. Wakefield,

Administrator.

[FR Doc. 2010–4755 Filed 3–4–10; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–3070 and CMS–416]

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:* Extension of a currently approved collection; *Title of*

Information Collection: Intermediate Care Facility (ICF) for the Mentally Retarded (MR) or Persons with Related Conditions Survey Report Form and Supporting Regulations at 42 CFR 442.30, 483.410, 483.420, 483.440, 483.450 and 483.460; *Use:* This survey form is needed to ensure ICF/MR provider and client characteristics are available and updated annually for the Federal government's Online Survey Certification and Reporting (OSCAR) system. It is required for the provider to fill out at the time of the annual recertification or initial certification survey conducted by the State Medicaid agency. The team leader for the State survey team must review and approve the completed form before completion of the survey. The State Medicaid survey agency is responsible for transferring the 3070 information into OSCAR. *Form Number:* CMS–3070 (OMB#: 0938–0062); *Frequency:* Reporting—Yearly; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 6,437; *Total Annual Responses:* 6,437; *Total Annual Hours:* 19,311. (For policy questions regarding this collection contact Kelley Tinsley at 410–786–6664. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Annual Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services Participation Report; *Form Number:* CMS–416 (OMB#: 0938–0354); *Use:* States are required to submit an annual report on the provision of EPSDT services pursuant to section 1902(a)(43)(D) of the Social Security Act. These reports provide CMS with data necessary to assess the effectiveness of State EPSDT programs, to determine a State's results in achieving its participation goal and to respond to inquiries. Respondents are State Medicaid Agencies. The data is due April 1 of every year so States need to have the form and instructions as soon as possible in order to report timely. *Frequency:* Yearly; *Affected Public:* State, Tribal and Local governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 504. (For policy questions regarding this collection contact Cindy Ruff at 410–786–5916. 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 *April 5, 2010.*

OMB, Office of Information and Regulatory Affairs.

Attention: CMS Desk Officer.

Fax Number: (202) 395–6974.

E-mail: *OIRA_submission@omb.eop.gov.*

Dated: February 24, 2010.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2010–4313 Filed 3–4–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Monoclonal Antibody to Mouse Toll-Like Receptor 3 (TLR3) Extracellular Domain

Description of Invention: The best available antibody for labeling cells expressing mouse TLR3 is now available for licensing. It is a rat IgG2a monoclonal antibody that was generated to the extracellular domain of mouse TLR3 and specifically binds mouse TLR3 in permeabilized cells. TLR3 is located in endosomes and recognizes double-stranded RNA, a molecular signature of many viruses. This antibody would be of interest to anyone studying TLR3 distribution and localization in studies related to innate immunity and dendritic cell function.

Applications:

- Fluorescence-Activated Cell Sorting (FACS).
- Immunofluorescence.
- Immunocytochemistry.

Inventors: David M. Segal, Yan Wang, Ivett Jelinek (NCI).

Related Publication: Unpublished.

Patent Status: HHS Reference No. E–038–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: This technology is available as a research tool (hybridoma) under a Biological Materials License.

Licensing Contact: Steve Standley, Ph.D.; 301–435–4074; *sstand@od.nih.gov.*

Haptoglobin for Control of the Blood Pressure Response to Plasma Free Hemoglobin

Description of Invention: Release of hemoglobin into the blood is a central pathophysiologic event contributing to morbidity and mortality in chronic and acute hemolytic anemias and severe malaria. These toxicities arise from hemoglobin-related scavenging of nitric oxide, a blood vessel vasodilator, and peroxidative chain reactions that lead to damage of the surrounding tissues. Animal models have demonstrated both an attenuation of the hypertensive response due to nitric oxide scavenging and a prevention of peroxidative toxicity. Compartmentalization of hemoglobin, rather than short-lived nitric oxide-based drugs, may represent a new therapeutic paradigm in countering the pathophysiological side effects associated with free hemoglobin.

This technology identifies haptoglobin and haptoglobin mimetics as potential therapeutics for high blood pressure and intravascular toxicity due to release of hemoglobin from red blood cells. It provides a novel process in which free hemoglobin is compartmentalized within the haptoglobin molecule. Therapeutic proof-of-principle has been demonstrated for this technology in dog and guinea pig models.

Potential Applications and Advantages:

• A therapeutic for high blood pressure and intravascular toxicity resulting from free hemoglobin in the blood (as associated with hemolytic anemias such as sickle cell disease, paroxysmal nocturnal hemoglobinuria, and thalassemia, as well as cerebral malaria).

• Compartmentalization of hemoglobin may minimize toxicities associated with cell-free hemoglobin, in contrast to currently available nitric oxide-based drugs which seek to counterbalance but not minimize these toxicities.

Development Status: Pre-clinical stage.

Inventors: Abdu I. Alayash (FDA) *et al.*

Publication: FS Boretti et al. Sequestration of extracellular hemoglobin within a haptoglobin complex decreases its hypertensive and oxidative effects in dogs and guinea pigs. J Clin Invest. 2009 Aug;119(8):2271–2280. [PubMed: 19620788]

Patent Status: U.S. Provisional Application No. 61/226,602 filed 17 Jul 2009 (HHS Reference No. E–256–2009/0–US–01)

Licensing Status: Available for licensing.

Licensing Contact: Fatima Sayyid, M.H.P.M.; 301–435–4521; *Fatima.Sayyid@nih.hhs.gov.*

A Biomarker and Therapeutic Target for Ovarian Cancer

Description of Invention: This technology provides methods of diagnosing or treating certain ovarian cancers using STAMP, a steroid cofactor.

According to the American Cancer Society, ovarian cancer is the ninth most common cancer in the United States, but is the fifth most deadly, with an estimated 14,600 deaths in 2009; the 10-year survival rate for this cancer is less than 40 percent. The majority of ovarian cancer cases are diagnosed at late-stage disease, due to the difficulty in detecting this cancer in its early stages, when symptoms are subtle.

There are currently no effective methods for early-stage diagnosis of ovarian cancer. Diagnosis is usually made through a combination of physical examination, ultrasound imaging, and a blood test for the tumor marker CA–125. The CA–125 test only returns a true positive result for about 50% of early-stage ovarian cancers, and may be elevated in other conditions not related to cancer, so it is not an adequate early detection tool when used alone.

The inventors previously discovered STAMP, a steroid cofactor that modulates glucocorticoid receptor-mediated gene induction and repression. The inventors have now shown that STAMP mRNA levels are elevated in ovarian cancer samples, including early-stage cancers. They have also found that in a subset of ovarian cancer cell lines, introduction of STAMP siRNAs slows cell proliferation. These findings suggest that STAMP may be useful as a biomarker to detect early stage cancer in ovarian tissues, and is also promising as a therapeutic target for a subset of ovarian cancers.

Applications:

• Development of an early-stage diagnostic test for ovarian cancer.

• Development of an siRNA-based therapy for ovarian cancer.

Development Status: Discovery stage.

Market: Ovarian cancer is the fifth most-deadly cancer in the United States, and over 21,000 new U.S. cases were diagnosed in 2009.

Inventors: S. Stoney Simons *et al.* (NIDDK).

Related Publications: In preparation.

Patent Status: U.S. Provisional Application No. 61/185,503 filed 09 Jun 2009 (HHS Reference No. E–226–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Tara Kirby, PhD; 301–435–4426; *tarak@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Disease Steroid Hormones Section is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize STAMP, a steroid cofactor. Please contact S. Stoney Simons at *steroids@helix.nih.gov* for more information.

Conditional V2 Vasopressin Receptor Mutant Mice as a Model To Study X-linked Nephrogenic Diabetes Insipidus (XNDI)

Description of Invention: X-linked nephrogenic diabetes insipidus (XNDI) is a severe kidney disease caused by inactivating mutations in the V2 vasopressin receptor (V2R) gene that result in the loss of renal urine-concentrating ability. At present, no specific pharmacological therapy has been developed for XNDI, primarily due to the lack of suitable animal models. This technology provides a unique and viable animal model of XNDI. NIH investigators have generated mice in which the V2R gene could be conditionally deleted during adulthood by administration of 4–OH-tamoxifen. Radioligand-binding studies confirmed the lack of V2R-binding sites in kidneys following 4–OH-tamoxifen treatment, and further analysis indicated that upon V2R deletion, adult mice displayed all characteristic symptoms of XNDI, including polyuria, polydipsia, and resistance to the antidiuretic actions of vasopressin.

Gene expression analysis suggested that activation of renal EP4 PGE2 receptors might compensate for the lack of renal V2R activity in XNDI mice. Strikingly, both acute and chronic treatment of the mutant mice with a selective EP4 receptor agonist greatly reduced all major manifestations of XNDI, including changes in renal morphology. These physiological improvements were most likely due to a direct action on EP4 receptors expressed on collecting duct cells. These findings illustrate the usefulness of V2R mutant mice for elucidating and testing new strategies for the potential treatment of humans with XNDI.

Inventors: Jürgen Wess *et al.* (NIDDK)

Publication: Li JH, Chou CL, Li B, Gavrilova O, Eisner C, Schnermann J, Anderson SA, Deng CX, Knepper MA, Wess J. A selective EP4 PGE2 receptor agonist alleviates disease in a new mouse model of X-linked nephrogenic diabetes insipidus. J Clin Invest. 2009 Oct 1;119(10):3115–3126. [PubMed: 19729836]

Patent Status: HHS Reference Nos. E–174–2009/0 & E–175–2009/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for licensing under a Biological Materials License Agreement.

Licensing Contact: Suryanarayana (Sury) Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Diseases, Laboratory of Bioorganic Chemistry, Molecular Signalling Section, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Dr. Jürgen Wess at *jwess@helix.nih.gov* for more information.

Dated: March 1, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–4758 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

BODIPY®-FL Nilotinib (Tasigna®) for Use in Cancer Research

Description of Invention: Investigators at the National Institutes of Health have produced a fluorescently labeled derivative of the clinically-approved, tyrosine kinase inhibitor (TKI) nilotinib (Tasigna®) for use in research. This was accomplished by conjugating the fluorescent dye BODIPY®-FL to nilotinib.

The TKI imatinib (Gleevec®) is the first targeted therapeutic developed and is used as first line treatment of Philadelphia chromosome-positive (Ph+) cancers like chronic myeloid leukemia (CML). Although imatinib is highly effective, after continued use the cancer cells frequently become resistant to the drug. Nilotinib is a second generation TKI developed to overcome imatinib resistance, but eventually it can also result in drug resistance.

The fluorescent nilotinib conjugate was developed to study the mechanism by which cancer cells become resistant to nilotinib and better understand its cytotoxic effects.

Applications

- Use in monitoring cellular accumulation of nilotinib using flow cytometry, fluorescent microscopy, or other fluorometric techniques
- Use as an *in vivo* probe with experimental models and in clinical studies for analyzing drug efficacy, pharmacokinetic profile and drug localization
- Use for the study of cytotoxic effects of nilotinib in important physiological locations such as the heart and brain
- Use in identifying other potential targets of nilotinib in different types of cancer
- Use in *in vivo* imaging to identify potential physiological barriers to drug penetration into tissues

Advantages

- Material is ready for use reducing time and effort to duplicate
- BODIPY®-FL dye is compatible with commonly-used fluorescein dye optics and has superior can be used for both *in vitro* and *in vivo* studies.

Development Status:

- Ready for use.
- Pre-clinical data available.

Market: The size of the chronic myeloid leukemia (CML) market is expected fluorescent properties to fluorescein

- BODIPY®-FL Nilotinib (Tasigna®) is compatible and to increase with an aging population. It was estimated that in 2009, there were 91,500 patients with CML in the U.S. and other major other developed countries, increasing by 9–11% per year. The fluorescently- labeled Nilotinib (Tasigna®) will be useful for researchers working to develop next generation tyrosine kinase inhibitors.

Inventors: Suneet Shukla (NCI), Suresh V. Ambudkar (NCI), Craig J. Thomas (NHGRI/NCGC), Amanda P. Skoumbourdis (NHGRI/NCGC).

Publications: None currently available for this technology.

Patent Status: HHS Reference No. E–009–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for biological materials licensing.

Licensing Contact: Sabarni Chatterjee, Ph.D.; 301–435–5587; *chatterjeesa@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute, Transport Biochemistry Section, Laboratory of Cell Biology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize bodipy conjugated tyrosine kinase inhibitors that are currently used in the clinic for the treatment of CML or gastric cancers. We are also interested in evaluating third generation tyrosine kinase inhibitor derivatives as modulators of ABC drug transporters to improve the efficiency of chemotherapy in animal (mouse) model system. In addition, we can identify possible pharmacokinetic interactions of the novel kinase inhibitors with ABC drug transporters. Please contact John Hewes, Ph.D. at 301–435–3131 or *hewesj@mail.nih.gov* for more information.

Diagnosis and Treatment of Cancer Using Histone Deacetylase Inhibitors and Radiolabeled Metaiodobenzylguanidine

Description of Invention: Pheochromocytoma is a neuroendocrine tumor of the adrenal glands. Pheochromocytoma patients display the signs and symptoms of those of sympathetic nervous system hyperactivity. Up to 36% of patients worldwide with pheochromocytoma develop metastatic disease and have a 5-year survival rate of approximately 50% after diagnosis. Patients with metastatic pheochromocytoma exhibit excessive levels of circulating catecholamines, which results in increased risk of strokes, cardiac arrhythmias, and hypertensive complications. Current treatments for malignant pheochromocytoma include targeted radiation using [^{131}I]-metaiodobenzylguanidine ([^{131}I]-MIBG), cytotoxic chemotherapy, octreotide, tumor hemoembolization, etc. The success of these treatments varies based on the sites and growth rate of metastatic lesions.

The present invention provides a method for treating a mammalian tumor with a histone deacetylase inhibitor (HDACi), and followed by administering [^{131}I]-MIBG. Methods of diagnosis and imaging of mammalian tumors are also disclosed. These findings suggest that HDACi could enhance the therapeutic efficacy of [^{131}I]-MIBG treatment in patients with malignant pheochromocytoma.

Applications and Market:

- Diagnosis and therapeutic for treating cancer, such as pheochromocytoma.
- Approximately 1000 cases of pheochromocytoma are diagnosed in United States yearly.

Development Status: Pre-clinical stage of development.

Inventors: Karel Pacak et al. (NICHD).

Publications: Manuscript submitted.

Patent Status: U.S. Provisional Application No. 61/260,991 filed 13 Nov 2009 (HHS Reference No. E–299–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Betty B. Tong, PhD; 301–594–6565; *tongb@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Child Health and Human Development, Reproductive Biology and Adult Endocrinology Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize [^{131}I]-MIBG treatment of malignant/metastatic pheochromocytoma, paraganglioma, and neuroblastoma; also [$^{123/131}$I]-MIBG scintigraphy—in all situations histone deacetylase to be used before MIBG is used. Please contact Joseph Conrad, PhD at 301–435–3107 or *jmconrad@mail.nih.gov* for more information.

Specific Binding Agents for KSHV vIL–6 That Neutralize a Biological Activity

Description of Invention: Kaposi's sarcoma-associated herpes virus (KSHV) is an oncogenic herpes virus originally identified in AIDS associated Kaposi's sarcoma (KS) lesions, the most common tumor associated with HIV infection. KSHV encodes various proteins that have characteristics associated with cellular growth and transformation, including viral (v) IL–6 (KSHV vIL–6). These viral proteins display structural homology to their cellular counterparts, and human and vIL–6 are multifunctional cytokines that have been shown to induce vascular endothelial growth factor and other factors.

Available for licensing are binding agents that neutralize vIL–6 biological activities, methods of diagnosing and treating KSHV disorders, and methods to monitor KSHV patient response to treatment. Deregulation of cellular IL–6 expression is known to contribute to tumor development, suggesting that KSHV-derived vIL–6 could be part of a viral strategy to promote malignant transformation. Neutralizing activity of anti-vIL–6 antibodies may provide a potential therapeutic for KSHV disorders such as HIV, Castleman's disease, and primary effusion lymphoma.

Applications:

- Therapeutic compositions to treat KSHV disorders such as KS, Castleman's disease, and primary effusion lymphoma.
- Method to diagnose and treat KSHV disorders.
- Method to monitor patient response to KSHV treatment.

Market:

- Approximately 476,095 persons currently living with HIV/AIDS in the United States.
- Estimated annual incidence rate for KS is 5 cases per 100,000/year in the U.S.
- KS contributes to approximately 30% of AIDS related deaths.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Giovanna Tosato (NCI) et al.

Publications:

1. Y Aoki and G Tosato. Therapeutic options for human herpesvirus-8/Kaposi's sarcoma-associated herpesvirus-related disorders. Expert Rev Anti Ther. 2004 Apr;2(2):213–225. [PubMed: 15482187].

2. Y Aoki et al. Detection of viral interleukin-6 in Kaposi sarcoma-associated herpesvirus-linked disorders. Blood. 2001 Apr 1;97(7):2173–2176. [PubMed: 11264189].

3. Y Aoki et al. Kaposi's sarcoma-associated herpesvirus-encoded interleukin-6. J Hemathother Stem Cell Res. 2000;9(2):137–145. [PubMed: 10813527].

Patent Status:

U.S. Patent No. 6,939,547 issued 06 Sep 2005 (HHS Reference No. E–180–2000/0–US–03).

U.S. Patent No. 7,108,981 issued 19 Sep 2006 (HHS Reference No. E–180–2000/0–US–04).

U.S. Patent No. 7,235,365 issued 26 Jun 2007 (HHS Reference No. E–180–2000/0–US–05).

U.S. Patent No. 7,374,756 issued 20 May 2008 (HHS Reference No. E–180–2000/0–US–06).

Licensing Status: Available for licensing.

Licensing Contact: Jennifer Wong; 301/435–4633; *wongje@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute's Laboratory of Cellular Oncology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize therapeutics for Kaposi's sarcoma-associated herpes virus (KSHV). Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: March 1, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–4762 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

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Patient-Derived Gastrointestinal Stromal and Paraganglioma Tumor Samples Harboring Novel Stem Cell Factor *FOXD3* Variants

Description of Invention: The cancer market is forecast to reach $40 billion dollars by the year 2012. There is still a significant need to develop new therapies for treating sarcomas and malignant neoplasms.

Researchers at the National Institute of Child Health and Human Development (NICHD), NIH, have made available samples of patient-derived gastrointestinal tumors (GIST) and paraganglioma tumors that harbor genetic mutations that have an effect on early stage embrogenesis which plays a role in the fate of stem cells. GISTs are one of the most common sarcomas of the gastrointestinal tract with an estimated 5,000–10,000 new cases in the U.S. reported each year. GISTs affect mainly pediatric and young adult patients, and respond poorly to current therapies. Paragangliomas are rare neuroendocrine neoplasms that develop primarily in the abdomen.

The tumor samples made available herein contain deletions in the *FOXD3* gene and display down-regulated FOXD3 protein expression. While the

majority of GISTs result from activating mutations in the oncogene receptor tyrosine kinases *c-KIT* and *PDGFRA,* these tumor samples do not harbor mutations in *c-KIT* or *PDGFRA* ("non-*KIT/ PDGFRA*-GISTs") and respond poorly to receptor tyrosine kinase inhibitors.

Applications:

• Useful in the investigation of inactivating genetic changes in *FOXD3* in non-*KIT/PDGFRA*-GISTs.

• Useful in the study of new molecules and/or pathways that may serve as an appropriate therapeutic target.

Inventors: Constantine Stratakis et al. (NICHD).

Patent Status: HHS Reference No. E–058–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for licensing under a biological material license.

Licensing Contact: Patrick P. McCue, PhD; 301–435–5560; *mccuepat@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Child Health and Human Development Endocrinology & Genetics Section is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Joseph Conrad, PhD at 301–435–3107 or *jmconrad@mail.nih.gov* for more information.

Novel Kinase Inhibitors Targeting the PH Domain of AKT for Preventing and Treating Cancer

Description of Invention: Activation of the PI3K/Akt signaling pathway has been implicated in the development of cancer. Akt, a kinase that is central to this pathway, is found at elevated levels in many tumors and is associated with a poor disease prognosis. Many research studies have validated Akt as a therapeutic target for the development of anti-cancer drugs. Most efforts of drug development targeting Akt have focused on inhibitors of the ATP-binding domain which tend to interfere with other physiologically important kinases. An alternative strategy that has been proposed to improve drug specificity is the targeting of the unique pleckstrin homology (PH) domain of Akt.

Investigators at the National Institutes of Health have screened a library of small chemical compounds with drug-like characteristics that likely bound to the PH domain and have identified several candidates previously unknown to interact with Akt. These compounds were tested and found to inhibit Akt activity specifically through the PH domain. Some of these compounds demonstrated broad cytotoxicity to a wide variety of tumor cells. These novel Akt-inhibiting compositions target the PH domain and help in the prevention and treatment of cancer. Since it has been shown that reducing the activity of the PI3K–Akt pathway sensitizes malignant cells to chemotherapy or radiotherapy, these novel Akt inhibitors have potential either as single anti-cancer agents or in combination with conventional cancer therapies.

One of the candidate compounds inhibited Colony Stimulating Factor-1 Receptor (CSF1R) from binding to ATP but had no activity for other kinases. CSF1R has been implicated in development of cancers like chronic myelomonocytic leukemia, but also in Alzheimer's disease so this specific compound may have use in treating other diseases in addition to cancer.

Applications:

• Treating or preventing development of cancer or preventing progression of premalignant lesions to cancer.

• Used as a single agent or in combination with other anti-cancer treatments like chemotherapy, biological therapy, or radiation.

• Inhibiting the activity of CSF1R receptor to treat diseases like chronic myelomonocytic leukemia and Alzheimer's disease or an adverse condition, such as brain injury.

Advantages: Targeting the PH domain improves specificity against Akt kinase in comparison to inhibitors of the ATP domain which typically are unspecific.

Inventors: Phillip A. Dennis (NCI) *et al.*

Patent Status: U.S. Provisional Application No. 61/226,328 filed 17 Jul 2009 (HHS Reference No. E–212–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Surekha Vathyam, PhD; 301–435–4076; *vathyams@mail.nih.gov*.

Collaborative Research Opportunity: The Center for Cancer Research, Medical Oncology Branch and Affiliates, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Diagnostic Biomarker of Metastasis for Improved Clinical Management of Head and Neck Cancer

Description of Invention: Squamous Cell Carcinoma of the Head and Neck (HNSCC) is associated with poor prognosis due to the advanced stage of disease (metastasis) typically found at the time of diagnosis. Investigators at the NIH have developed a sensitive method using a protein biomarker for detecting even just a few HNSCC tumor cells in lymph nodes with occult disease. Combination of this staging technique with intraoperative sentinel lymph node mapping would improve the management of HNSCC by identifying patients for which radical lymph node dissection is most appropriate, sparing those for which it is not, and informing decisions for adjuvant cancer therapy during a single surgery.

This technology arose from the discovery that the Desmoglein-3 (DSG3) protein which is highly expressed in tumors of squamous epithelial origin, like HNSCC, is also expressed in invaded lymph nodes but it is not found in normal lymph nodes. Therefore, DSG3 can serve as a biomarker for detecting metastastatic spread of squamous cell carcinoma tumors. This is achieved by performing protein detection immunoassays to samples (biopsy, aspirate, or isolated cells) of suspect lymph nodes.

Applications: Use with sentinel lymph node mapping for rapid, intraoperational diagnosis of metastatic HNSCC for guiding proper therapeutic approach.

Advantages:

• Rapid diagnosis during surgery increases effectiveness of intervention thereby reducing need for subsequent surgery.

• Improved accuracy of direct measurement of protein levels over RNA assays.

• More robust assay as protein is more stable than RNA.

Development Status:

• Early stage.

• Clinical data available.

Market: HNSCC is the sixth most prevalent cancer among men worldwide and is associated with poor prognosis, which has improved only marginally over the past three decades. This is reflected by HNSCC being the eighth leading cause of cancer death worldwide.

Inventors: J. Silvio Gutkind et al. (NIDCR).

Related Publication: Patel V, Hood BL, Molinolo AA, Lee NH, Conrads TP, Braisted JC, Krizman DB, Veenstra TD,

Gutkind JS. Proteomic analysis of laser-captured paraffin-embedded tissues: a molecular portrait of head and neck cancer progression. Clin Cancer Res. 2008 Feb 15;14(4)1002–1014. [PubMed: 18281532].

Patent Status: U.S. Provisional Application No. 61/186,582 filed June 6, 2009 (HHS Reference No. E–300–2008/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Whitney Hastings, PhD; 301–451–7337; *hastingw@mail.nih.gov.*

Collaborative Research Opportunity: The NIDCR, OPCB, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the use of DSG3 as a biomarker for detecting metastastatic spread of squamous cell carcinoma tumors. Please contact David W. Bradley, PhD at *bradleyda@nidcr.nih.gov* for more information.

Dated: March 1, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–4761 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Long Acting Ophthalmic Analgesic Eye Drops

Description of Invention: This invention is directed to the discovery that resiniferatoxin (RTX) produces a three to four day analgesic effect when topically applied to the cornea. Efficacy for RTX as an effective analgesic has been demonstrated in vivo in rats. Importantly, unlike currently available analgesics, RTX left the blink reflex intact and did not impact mechanical sensitivity. RTX also did not impair epithelial wound healing and functioned without detectable damage to the cornea.

RTX is a potent agonist of the transient receptor potential channel, subfamily V, member 1 (TRPV1). TRPV1 is involved in pain sensation and is expressed only in select neurons. Unlike other local analgesics that target a wide breadth of neurons, RTX targets only those neurons that express TRPV1, leaving the important blink reflex and mechanical sensitivity of the eye unaffected.

Applications:

- An ophthalmic analgesic for post-operative eye pain.
- An ophthalmic analgesic for acute or chronic eye injury.
- Applicable to both human and veterinary patients.

Advantages:

- Both long lasting and reversible.
- Does not impair epithelial wound healing, leaves the blink reflex intact, and functions without detectable damage to the cornea.

Development Status:

- Early stage.
- Demonstrated efficacy *in vivo* in rats.

Market: Twenty-six million people worldwide experience neuropathic pain, resulting in healthcare costs of over three billion dollars per year.

Inventors: Michael J. Iadarola, Andrew J. Mannes, Jason M. Keller, Kendall Mitchell, Brian D. Bates (NIDCR).

Publication: In preparation.

Patent Status: U.S. Provisional Application No. 61/247,881 filed 01 Oct 2009 (HHS Reference No. E–117–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Charlene Sydnor, PhD; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Dental and Craniofacial Research, Laboratory of Sensory Biology, Neurobiology and Pain Therapeutics Section, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact David W. Bradley, PhD at 301–402–0540 or *bradleyda@nidcr.nih.gov* for more information.

Novel Compositions for Use as Bone Scaffolds and Enhancers of Bone Regeneration

Description of Invention: This invention is directed to the discovery that a mixture of an organic polymer and inorganic particles may hold therapeutic utility as a biomaterial for artificial bone scaffolds, injectable bone-filling materials, and enhancement of new bone generation. This composition has demonstrated utility in vivo in mice.

The inventors have discovered a means of producing a stably homogenous mixture of the organic polymer and inorganic particles by crosslinking the two components. In contrast to current technologies, this invention not only imparts sufficient mechanical and load-bearing strength but also provides a suitable environment for new bone formation. Importantly, since the chemical reaction applied to make this biomaterial does not produce any harmful molecules or heat, it can be used in an injectable form. Bone formation or replacement is often a desired therapy for bone loss or defects due to fractures or bone degenerative diseases.

Applications:

- Injectable bone-filling materials.
- Artificial bone sponge for bone defect.
- Artificial bone sponge for bone cell culture in bone and mineralization research.

Advantages:

- Combines bone-like strength and a suitable environment for new bone formation
- Injectable.

Development Status:

- Early stage.
- Tested *in vivo* in mice.

Market: According to Freedoniagroup.com, the US orthopedic implant market was $14.3 billion in 2007 and is expected to grow 8.9 percent annually through 2012. (*http://www.freedoniagroup.com/Orthopedic-Implants.html,* accessed December 2, 2009.)

Inventors: EunAh Lee and Pamela Robey (NIDCR) et al.

Publication: In preparation.

Patent Status:

• U.S. Provisional Application No. 61/004,940 filed 30 Nov 2007 (HHS Reference No. E–042–2007/0–US–01).

• PCT Application No. PCT/US2008/012064 filed 22 Oct 2008, which published as WO 2009/073068 on 11 Jun 2009 (HHS Reference No. E–042–2007/0–PCT–02).

Licensing Status: Available for licensing.

Licensing Contact: Charlene Sydnor, PhD; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Dental and Craniofacial Research, Craniofacial and Skeletal Diseases Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact David W. Bradley, PhD at 301–402–0540 or *bradleyda@nidcr.nih.gov* for more information.

Gamma Substituted Peptide Nucleic Acids

Description of Invention: PNAs are nuclease/protease resistant synthetic nucleic acid analogs capable of forming very stable and highly sequence-specific complexes with DNA. Scientists at the NIH have developed novel peptide nucleic acids (PNAs) that contain a unique sidechain that can attach any small ligand, peptide, or carbohydrate to complementary DNA for rapid optimization. This invention could revolutionize the way in which multivalent display is used in research as well as help develop new medications.

Applications:

• Controlled interactions ensure only a single stoichiometry is attained.

• Simple access to a wide range of multivalent platforms.

Development Status: Early stage.

Inventors: Daniel Appella (NIDDK)

Patent Status: U.S. Provisional Application No. 61/162,175 filed 20 Mar 2009 (HHS Reference No. E–151–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Charlene Sydnor, PhD; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Diseases, Laboratory of Bioorganic Chemistry, Drug-Receptor Interactions Section, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Dr. Daniel Appella at *appellad@niddk.nih.gov* for more information.

Use of Modified Peptide Nucleic Acids for Visualizing DNA

Description of Technology: The compounds described in this technology may be useful in the development of nucleic acid detection kits for various pathogens.

Technologies for genomic detection most commonly use DNA probes to hybridize to target sequences, and require the use of Polymerase Chain Reaction (PCR) to amplify target sequences. Replacing the DNA probe with peptide nucleic acid (PNA) can greatly eliminate the need for PCR because the binding strength of PNAs to complementary DNA is stronger than DNA binding to complementary DNA. In addition, PNAs are nuclease and protease resistant, and form very stable and highly sequence-specific complexes with DNA.

This technology describes a method of making pure enantiomers of trans-tert-butyl-2-aminocyclopentylcarbamate (tcycp) and methods of modifying PNAs by incorporating tcycp compounds into the PNA. This technology may also be practical for detecting infectious agents such as anthrax, avian flu, tuberculosis (TB), severe acute respiratory syndrome (SARS), human papilloma virus (HPV) and human immunodeficiency virus (HIV).

Applications:

• Very stable diagnostic method to detect nucleic acids without using Polymerase Chain Reaction (PCR).

• Binding to complementary DNA can be seen by eye.

• Visual detection of anthrax has been shown.

• Useful for outside of a laboratory environment.

Development Status: Early stage.

Inventors: Daniel Appella *et al.* (NIDDK).

Patent Status: U.S. Patent Application No. 12/441,925 filed 19 Mar 2009 (HHS Reference No. E–308–2006/2–US–02).

Licensing Status: Available for licensing.

Licensing Contact: Charlene Sydnor, PhD; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Diseases, Laboratory of Bioorganic Chemistry, Drug-Receptor Interactions Section, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Dr. Daniel Appella at *appellad@niddk.nih.gov* for more information.

Dated: March 1, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–4759 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

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Methods To Increase Stability of Recombinant Vaccinia-Vectored Vaccines and Increase Expression of a Foreign Gene Inserted in Such Vaccines

Description of Invention: The technology offered for licensing is in the field of vaccinia-based recombinant vaccines. In particular the invention relates to methods of stabilizing the recombinant virus, thus resulting in efficient production of the vaccine and efficient expression of the inserted gene. Stabilization of the recombinant virus is achieved by the insertion of the exogenous gene into an intergenic region (IGR) of the viral genome (i.e. Modified Vaccinia Ankara, MVA), where the IGR is flanked by open reading frames of conserved poxvirus genes. Furthermore, the invention relates to plasmids vectors useful to

insert the exogenous DNA into the genome of a vaccinia virus. Stability can be further enhanced by incorporating silent mutations that decrease the lengths of homopolynucleotide runs in the foreign gene.

Applications:

• Efficient production of vaccinia-vectored vaccines for infectious diseases and other diseases such as cancer.

• Efficient production of therapeutic proteins from vaccinia-vectored exogenous genes.

Advantages:

• Enhancing stability of foreign genes in vaccinia-vectored constructs.

• Increasing efficiency of vaccine production and gene expression.

Development Status: The invention is fully developed.

Market: Vaccines development based on vaccinia (*e.g.* MVA) vector inserted with foreign gene of immunologic or therapeutic interest has become one of the most promising approaches for vaccine development. Several companies established vaccine development programs based on this approach and many research laboratories around the world conduct research in the area. Improvements in the production process and in production yields, such as provided by the subject invention, are therefore of great significance for successful accomplishments in this area. Commercial products for veterinary use already exist. Many applications for human use are now in various stages of clinical trials, in particular applications for HIV, HPV in the infectious disease area and as therapeutic vaccine in the cancer field. The market potential for the subject technology is therefore vast.

Inventors: Bernard Moss *et al.* (NIAID).

Related Publication: LS Wyatt, PL Earl, W Xiao, J Americo, C Cotter, J Vogt, B Moss. Elucidating and minimizing the loss by recombinant vaccinia virus of human immunodeficiency virus gene expression resulting from spontaneous mutations and positive selections. J Virol. 2009 Jul;83(14):7176–7184. [PubMed: 19420086].

Patent Status: U.S. Provisional Application No. 61/252,326 filed October 16, 2009, entitled "Plasmid Shuttle Vector for Insertion of Foreign Genes into Del III Site of Modified Vaccinia Ankara (MVA) to Increase Stability of Foreign Gene Expression in This Site" (HHS Reference No. E–018–2010/0–US–01).

Related Technologies:

• WO 2008/142479 A2 (PCT/IB2007/004575)—"Intergenic Sites between Conserved Genes In The Genome of Modified Vaccinia Ankara (MVA) Vaccinia Virus," Bernard Moss *et al.*

• US Patent 6,998,252; US Patent 7,015,024; US Patent 7,045,136; US Patent 7,045,313—"Recombinant Vaccinia Virus Containing a Chimeric Gene Having Foreign DNA Flanked by Vaccinia Regulatory DNA," Bernard Moss *et al.*

Licensing Status: Available for licensing.

Licensing Contacts: Uri Reichman, PhD, MBA; 301–435–4616; *UR7a@nih.gov;* or John Stansberry, Ph.D.; 301–435–5236; *stansbej@mail.nih.gov.*

Compounds That Interfere With the Androgen Receptor Complex: Use in Treating Prostate Cancer or Enlargements, Diabetes, and as Contraceptives

Description of Invention: Investigators at the National Institutes of Health (NIH) have discovered compounds that have potential as novel anti-androgen therapeutics. The immunophilin protein FKBP52 is part of a protein complex that helps fold the androgen receptor (AR) protein, a target for treating prostate cancer, and enhances its activity. Disruption of the FKPB52–AR interaction greatly reduces the activity of the AR. With the goal of finding potential therapeutic compounds that inhibit the FKBP52-mediated activation of AR, several small molecules were tested and found to be antagonists of FKBP52 and to inhibit AR activity in prostate cells. These compounds can serve as therapeutics for the treatment of prostate cancer and benign prostate enlargement. Moreover, FKBP52 is also implicated in the regulation of other hormone receptors so these compounds could be used to treat other hormone-dependent diseases such as diabetes or even used as contraceptives.

One of the standard treatments for prostate cancer makes use of anti-androgens, like bicalutamide, which compete for binding with the natural male hormones to AR and inhibit their proliferative activity. The problem with available anti-androgen drugs is that prostate tumors eventually become drug resistant resulting in so-called androgen-resistant prostate cancer. One cause of this is an increase in the levels of AR produced by the prostate cancer cells. A solution to this problem may lie in disrupting the protein folding of AR by interfering with its interaction with FKBP52 using these compounds.

Applications:

• Use of the compounds for treatment of prostate cancer and benign prostate enlargement

• Use of the compounds in treating insulin-independent diabetes

• Use of the compounds as male or female contraceptives

• Use in screening for compounds that inhibit of FKBP52-enhanced AR activity

Advantages:

• The compounds do not compete with androgens and specifically inhibit FKBP52-enhanced AR function

• Potential for synergistic use with conventional anti-androgens for treatment of androgen resistant prostate cancer

Development Status: Pre-clinical.

Market: Prostate cancer is the second most common type of cancer among men in the United States and is the second leading cause of cancer death in men. It was estimated that in 2009 there would be 192,280 new cases and 27,360 deaths from prostate cancer in the U.S. The prevalence of benign prostate enlargement is much greater as 50% men age 50 are affected and continues to increase with age.

Diabetes is a growing health problem in the U.S. and the world. The most recent estimate (2007 National Diabetes Fact Sheet) in the U.S. was that 7.8% of the population had diabetes and 1.6 million new cases per year would be diagnosed. In the population of people over 60 the prevalence of diabetes is even higher (23%).

Among the 64 million women of reproductive age in the U.S., the leading contraceptive method is hormonal contraceptives. Presently, there are no hormonal contraceptives to reversibly block fertility in men and there is a need for safe and effective hormonal methods as exist for women.

Inventors: Leonard M. Neckers (NCI), Marc Cox (UTEP) *et al.*

Relevant Publication: J Cheung-Flynn *et al.* Physiological role for the cochaperone FKBP52 in androgen receptor signaling. Mol Endocrinol. 2005 Jun;19(6):1654–1666. [PubMed: 15831525].

Patent Status: U.S. Provisional Application No. 61/242,541 filed 15 Sep 2009 (HHS Reference No. E–162–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Sabarni Chatterjee, Ph.D.; 301–435–5587; *chatterjeesa@mail.nih.gov.*

Collaborative Research Opportunity: The Center for Cancer Research, Urologic Oncology Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize antagonists of FKBP52-dependent remodeling of the androgen

receptor. Please contact John D. Hewes, Ph.D. at 301–435–3121 or hewesj@mail.nih.gov for more information.

Radioprotectants and Tumor Radiosensitizers Targeting Thrombospondin-1 and CD47

Description of Invention: Radiation therapy not only damages cancer cells, but it also damages healthy cells and can cause serious side effects for patients. One effort to enhance the therapeutic potential of radiotherapy, while reducing its detrimental effects on normal tissue and maintaining tumor sensitivity, is centered upon the development of radioprotective agents.

NIH inventors previously discovered that when the secreted protein, thrombospondin-1 (TSP1) binds to its receptor CD47, this signaling pathway prevents nitric oxide from dilating blood vessels and increasing blood flow to organs and tissues. They found that blocking TSP1–CD47 interaction through the use of antisense morpholino oligonucleotides, peptides or antibodies has several therapeutic benefits; one of them being increased blood flow to ischemic tissues.

In the present technology, the inventors discovered that hindlimb irradiated TSP1 and CD47 null mice have less hair loss, and decreased cell death in muscle and bone marrow than untreated TSP1 and CD47 null mice. They also discovered that when irradiated human vascular cells are treated with antibodies towards TSP1 or CD47, viability and proliferative capacity are preserved. Furthermore, the inventors determined that irradiation of wild type mice following treatment with CD47 antisense morpholino resulted in decreased apoptosis in irradiated tissues at 24 hours, preservation of hematopoietic stem cell proliferative capacity in irradiated bone marrow, and less alopecia, ulceration, and desquamation at the end of eight weeks. These results led the inventors to propose that antagonists of TSP1 and/or CD47 preserve cell viability and tissue function following radiation treatment, and these antagonists may be useful as radioprotective agents to reduce side effects associated with radiation therapy. Remarkably, the same treatment dramatically enhanced the delay in melanoma and squamous carcinoma tumor regrowth following irradiation. Thus, these agents are radioprotective agents for normal tissue but radiosensitizers for tumor tissue.

The present technology describes the use of morpholinos, peptides and antibodies that block the TSP1/CD47 signaling pathway as radioprotectants for normal tissue, radioenhancers for tumor tissue, and methods of selectively protecting normal tissue from damage caused by radiation exposure by contacting the tissue with these agents.

Applications:

- Protect normal tissue from damage following radiation therapy.
- Enhance tumor responses to radiotherapy.
- Enable use of higher therapeutic doses for radiotherapy of cancer.
- Protect personnel from radiation injuries resulting from occupational exposure to ionizing radiation, military exposure, or terrorist acts.

Development Status: Mouse data available. In vitro data available in mouse, bovine, porcine, and human cells.

Inventors: Jeffery S. Isenberg, David D. Roberts, Justin B. Maxhimer (NCI)

Related Publications:

1. JB Maxhimer, DR Soto-Pantoja, LA Ridnour, HB Shih, WG DeGraff, M Tsokos, DA Wink, JS Isenberg, DD Roberts. Radioprotection in normal tissue and delayed tumor growth by blockade of CD47 signaling. Sci Transl Med. 21 October 2009; Vol 1, Issue 3, pg. 3ra7; DOI:10.1126/scitranslmed.3000139.
2. JS Isenberg, G Martin-Manso, JB Maxhimer, DD Roberts. Regulation of nitric oxide signaling by thrombospondin-1: implications for anti-angiogenic therapies. Nat Rev Cancer. 2009 Mar;9(3):182–194. [PubMed: 19194382]
3. JS Isenberg, JB Maxhimer, F Hyodo, ML Pendrak, LA Ridnour, WG DeGraff, M Tsokos, DA Wink, DD Roberts. Thrombospondin-1 and CD47 limit cell and tissue survival of radiation injury. Am J Pathol. 2008;173(4):1100–1112. [PubMed: 18787106]

Patent Status: PCT/US2009/052902 filed 05 Aug 2009 (HHS Reference No. E–153–2008/0–PCT–02).

Licensing Status: Available for licensing.

Licensing Contact: Charlene A. Sydnor, Ph.D.; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The Center for Cancer Research, Laboratory of Pathology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize CD47-targeting agents as radioprotectants and tumor sensitizers. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Mouse Lacking the Chemokine Receptor CX3CR1

Description of Invention: This mouse has been generated by targeted gene disruption. The mouse provides a model to investigate the function of the chemokine receptor CX3CR1, which is a proinflammatory receptor for the leukocyte chemoattractant CX3CL1 (aka fractalkine). As an example, the mouse is in use in the study of atherosclerosis. Further, the mouse may serve as a model study the role of the immune system during infection with pathogens as well as other immunologically mediated diseases and responses to tumors.

Inventors: Philip Murphy, Christopher Combadière, Ji-liang Gao (NIAID).

Related Publication: C Combadière *et al.* Decreased atheroscelerotic lesion formation in CX3R1/ApoE double knockout mice. Circulation 2003 Feb 25;107(7):1009–1016. [PubMed: 12600915].

Patent Status: HHS Reference No. E–216–2003/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for licensing under a biological materials license.

Licensing Contact: Susan Ano, Ph.D.; 301–435–5515; anos@mail.nih.gov.

Oligonucleotides Which Specifically Bind Retroviral Nucleocapsid Proteins

Description of Invention: The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). A retroviral protein species, the gag polyprotein, is involved in the assembly of retrovirus particles and capable of specific interactions with nucleic acids. After the virion is released from the cell, the polyprotein is cleaved by the virus-encoded protease. One of the cleaved products, the nucleocapsid (NC) protein, then binds to genomic RNA, forming the ribonucleoprotein core of the mature particle. The interaction between gag and genomic RNA is known to involve the NC domain of the polyprotein. In addition, the NC protein plays crucial roles in both the reverse transcription and integration steps in the viral life cycle.

The present invention relates to retroviral nucleocapsid proteins, such as NC and the gag precursor, and their ability to bind to specific nucleic acid sequences with high affinity. The high affinity of this interaction has potential applications in the design of new antiviral approaches and in sensitive detection of HIV particles. Accordingly, the invention provides for oligonucleotides which bind to nucleocapsid proteins with high affinity, molecular decoys for retroviral nucleocapsid proteins which inhibit viral replication, targeted molecules

comprising high affinity oligonucleotides, assays for selecting test compounds, and related kits.

Inventors: Alan R. Rein *et al.* (NCI).

Patent Status: U.S. Patent No. 6,316,190 issued 13 Nov 2001 (HHS Reference No. E–107–1996/0–US–06).

Licensing Status: Available for licensing.

Licensing Contact: Sally Hu, PhD; 301–435–5606; *hus@mail.nih.gov.*

Dated: March 1, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–4757 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Opportunity for a Hearing on Compliance of Missouri State Plan Provisions Concerning Payments for Home Health Services With Title XIX (Medicaid) of the Social Security Act

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

ACTION: Notice of Opportunity for a Hearing; Compliance of Missouri Medicaid State Plan Home Health Benefit.

SUMMARY: This notice announces the opportunity for an administrative hearing to be held no later than 60 days following publication in the **Federal Register** at the CMS Kansas City Regional Office, 601 E. 12th Street, Kansas City, Missouri 64106, to consider whether Missouri State plan provisions concerning payments for home health services comply with the requirements of the Social Security Act as discussed in the February 26, 2010 letter sent to the State and published herein.

Closing Date: Requests to participate in the hearing as a party must be received by the presiding officer by April 5, 2010.

FOR FURTHER INFORMATION CONTACT: Benjamin R. Cohen, Presiding Officer, CMS, 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244, Telephone: (410) 786–3169.

SUPPLEMENTARY INFORMATION: This notice announces the opportunity for an administrative hearing concerning the finding of the Administrator of the Centers for Medicare & Medicaid Services (CMS) that the approved State plan under title XIX (Medicaid) of the Social Security Act (the Act) for the State of Missouri is not in compliance with the provisions of sections 1902(a) of the Act and the proposed withholding of Federal financial participation for a portion of Missouri's expenditures for home health services. In particular, CMS has found that the State plan does not provide for home health services for Medicaid beneficiaries who are not "confined to the home." As a result of this "homebound" requirement, certain Medicaid beneficiaries are not receiving the full benefit package required under the Act and applicable regulations. Consequently, Federal payments for a portion of the Federal funding for home health services will be withheld, subject to the opportunity for a hearing described below. This notice is being provided pursuant to the requirements of section 1904 of the Act, as implemented at 42 CFR 430.35 and 42 CFR part 430, subpart D.

Section 1902(a)(10)(D) requires that State plans provide for the coverage of home health services for any individual who, under the State plan, is entitled to nursing facility services. Nursing facility services are a required service for categorically needy populations under section 1902(a)(10)(A), as defined in section 1905(a)(4)(A). Under CMS regulations, a service included as a covered benefit under a State plan must be "sufficient in amount, duration and scope to reasonably achieve its purpose" (42 CFR 440.230(b)) and, for required services, cannot be denied or reduced to an eligible beneficiary "solely because of the diagnosis, type of illness, or condition" (42 CFR 440.230(c)). It is not consistent with these requirements to deny home health services to eligible individuals who need such services on the basis that they are not "homebound."

The CMS provided interpretive guidance indicating that these statutory requirements preclude denial of home health services to eligible individuals because they are not "homebound." On July 25, 2000, CMS, then the Health Care Financing Administration, issued Olmstead Update #3 which clarified that the Medicare rule for home health services requiring an individual to be "homebound" did not apply to the receipt of Medicaid home health services. Specifically, Olmstead Update #3 states that the "homebound" requirement violates Federal regulatory requirements at 42 CFR section 440.230(c) and section 440.240(b).

The "homebound" requirement in Missouri was raised during the review of Missouri State plan amendment (SPA) 05–09. At that time, Missouri chose to withdraw the page containing the "homebound" language but did not reverse the policy. Since that time, there have been numerous discussions between CMS and Missouri regarding this issue. On October 30, 2009, CMS provided Missouri with notice of the preliminary determination that it appeared to be out of compliance with Federal Medicaid requirements. In addition, CMS requested that Missouri submit a SPA to remove the "homebound" requirement.

In its response dated December 31, 2009, Missouri indicated that it was operating under its approved State plan and that the requirements of Missouri's home health program are the same as those of the Federal Medicare program. The State did not submit a SPA. CMS believes that Missouri has had numerous opportunities to come into compliance with Federal requirements.

The notice to Missouri, dated February 26, 2010, containing the details concerning the compliance issue, the proposed withhold, and the opportunity for an administrative hearing reads as follows:

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. Ronald J. Levy, Director,
Department of Social Services,
Broadway State Office Building,
Jefferson City, MO 65102.

Dear Mr. Levy: This letter provides notice that the Centers for Medicare & Medicaid Services (CMS) has found that Missouri is not providing all Medicaid beneficiaries with home health benefits that are required under title XIX of the Social Security Act (the Act) and that until this deficiency is corrected (by making home health services available to all beneficiaries entitled to such services), a portion of the Federal funding for home health services will be withheld, subject to the opportunity for a hearing. The details of the finding, proposed withholding, and opportunity for a hearing are described in detail below.

Specifically, CMS has found that the approved Missouri State plan under title XIX (Medicaid) of the Act is not in compliance with the provisions of section 1902(a) of the Act with respect to the home health benefit. In particular, CMS has found that the State plan does not provide for home health services for Medicaid beneficiaries who are not "confined to the home." As a result of this "homebound" requirement, certain Medicaid beneficiaries are not receiving the full benefit package required under section 1902(a)(10) of the Act, which in subparagraph (D) provides for the inclusion of home health services in the standard Medicaid benefit package.

Moreover, the "homebound" requirement does not comply with section 1902(a)(10)(B) of the Act, which requires that State plans provide a comparable amount, duration, and scope of benefits to all individuals eligible for the standard Medicaid benefit package, and within each optional group of individuals eligible for benefits based on medical need.

The basic framework of Medicaid coverage of home health services is set forth in the Federal statute and regulations. Section 1902(a)(10)(D) of the Act requires that State plans provide for the coverage of the home health services benefit, set forth in section 1905(a)(7) of the Act, for any individual who, under the State plan, is entitled to nursing facility services. Pursuant to section 1902(a)(10) of the Act, the nursing facility service benefit described at section 1905(a)(4)(A) of the Act is a required benefit that must be included in the standard Medicaid benefit package for categorically needy populations described in section 1902(a)(10)(A) of the Act. Section 1902(a)(10)(B) of the Act sets forth the benefit comparability principle, that the amount, duration, and scope of medical assistance benefits for all categorically needy individuals described in section 1902(a)(10)(A) of the Act must be equal.

Under CMS regulations implementing the benefit package requirements at sections 1902(a)(10) and 1905(a) of the Act that are described above, home health services are included as a mandatory benefit for the categorically needy under 42 CFR 440.210(a)(1). Moreover, a service included as a covered benefit under a State plan must be "sufficient in amount, duration, and scope to reasonably achieve its purpose" (42 CFR 440.230(b)) and, for required services, cannot be denied or reduced to an eligible beneficiary "solely because of the diagnosis, type of illness, or condition" (42 CFR 440.230(c)). It is not consistent with these requirements to deny home health services to eligible individuals who need such services based on a "homebound" requirement.

The State has had clear notice that a "homebound" requirement is inconsistent with the Medicaid statute. In response to the June 22, 1999, Supreme Court decision in the case of *Olmstead* v. *L.C. & E.W.*, which reinforced the Americans with Disabilities Act by affirming the right of individuals with disabilities to live in their communities, CMS, then the Health Care Financing Administration (HCFA), issued a series of State Medicaid Director letters to clarify Medicaid policy on issues impacted by the Olmstead decision. On July 25, 2000, HCFA issued Olmstead Update #3 which clarified that the Medicare rule for home health services requiring an individual to be "homebound" did not apply to the receipt of Medicaid home health services. Olmstead Update #3 specifically stated that the "homebound" requirement violates Federal regulatory requirements at 42 CFR section 440.230(c) and section 440.240(b).

The CMS notified the State in a request for additional information on proposed State plan amendment (SPA) 05–09 that the State needed to change its "homebound" requirement to comply with Federal requirements. At that time, Missouri withdrew the SPA page that raised this issue but did not reverse its policy in order to comply with Federal requirements. Subsequently, CMS has raised the issue with the State in numerous conversations and again in a letter dated October 30, 2009. Your letter of December 31, 2009, indicated that the State did not intend to make the required changes.

For all of these reasons, and in light of the need to protect beneficiaries by ensuring that they receive all the services to which they are required, I am taking this compliance action to withhold a portion of the Federal financial participation in State expenditures for home health services, subject to the opportunity for a hearing described below, until such time as I am satisfied that the State is complying with the Federal requirements discussed above. The withholding will initially be 10 percent of the Federal share of the State's quarterly claim for home health services as reported on Line 12 of your Form CMS–64. The withholding percentage will then increase 5 percentage points each quarter (*i.e.*, 15%, 20%, *etc.*) that the State remains out of compliance, up to a maximum withholding percentage of 100 percent. The withholding will end when a SPA bringing the State into compliance is approved by CMS.

The State has 30 days from the date of this letter either to submit a plan for how the State will come into compliance or to request a hearing. As specified in the accompanying **Federal Register** notice we are providing an opportunity for an administrative hearing to ensure that you have an opportunity for a hearing prior to this determination becoming final. However, it is up to the State as to whether you choose to go forward with this hearing. If you choose to proceed with a hearing, you must submit a request within 30 days of the date of this letter. If a request for a hearing is timely submitted, the hearing will be convened by the Hearing Officer designated below on [no later than 60 days after the date of the **Federal Register** notice], or a later date by agreement of the parties and the Hearing Officer, at the CMS Regional Office in Kansas City, Missouri in accordance with the procedures set forth in Federal regulations at 42 CFR Part 430, Subpart D. The overall issue in any such appeal will be whether the Missouri homebound requirement is consistent with Federal requirements. Any request for such a hearing should be sent to the designated hearing officer. The Hearing Officer also should be notified if you request a hearing but cannot meet the timeframe expressed in this notice. Your Hearing Officer is: Benjamin R. Cohen, Hearing Officer, Centers for Medicare & Medicaid Services, 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244.

If you choose not to request a hearing, and plan to come into compliance, please submit within 30 days of the date of this letter an explanation of how you plan to come into compliance with Federal requirements and the timeframe for doing so. We are available to provide further information or assistance on the steps necessary to bring the State into compliance.

Should you not come into compliance and not request a hearing within 30 days, a notice of withholding will be sent to you and the withholding of Federal funds will begin as described above.

If you have any questions or wish to discuss this determination further, please contact: Mr. James G. Scott, Associate Regional Administrator, Division of Medicaid and Children's Health Operations, CMS Kansas City Regional Office, 601 E. 12th Street, Kansas City, MO 64106.

Sincerely,

Charlene Frizzera,

Acting Administrator.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program.)

Dated: February 26, 2010.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2010–4671 Filed 3–4–10; 8:45 am]

BILLING CODE 4120–01–P

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, Initial Review Group, Epidemiology, Prevention and Behavior Research Review Subcommittee.

Date: July 7–8, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lorraine Gunzerath, PhD, MBA, Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, Office of Extramural Activities, Extramural Project Review Branch, 5635 Fishers Lane, Room 2121, Bethesda, MD 20892–9304. 301–443–2369. *lgunzera@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; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: February 26, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4585 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention, announces the following meeting for the aforementioned subcommittee:

Time and Date: 9:30 a.m.–5 p.m., March 22, 2010.

Place: Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky 41018, Telephone: (859) 334–4611, Fax: (859) 334–4619.

Status: Open to the public, but without a public comment period. To access by conference call dial the following information 1 (866) 659–0537, Participant Pass Code 9933701.

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

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2011.

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

Matters to be Discussed: The agenda for the Subcommittee meeting includes: Discussion of dose reconstruction cases under review (sets 6–9); NIOSH Office of Compensation Analysis and Support dose reconstruction quality management and assurance activities.

The agenda is subject to change as priorities dictate.

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

Contact Person for More Information: Theodore Katz, Executive Secretary, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, Georgia 30333, Telephone: (513) 533–6800, Toll Free: 1 (800) CDC–INFO, E-mail *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 1, 2010.

Elaine L. Baker,

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

[FR Doc. 2010–4725 Filed 3–4–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

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

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: NPAS and DBD Applications.

Date: March 15–16, 2010.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Suzan Nadi, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892. 301–435–1259. *nadis@csr.nih.gov*.

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

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Skeletal Muscle.

Date: March 25–26, 2010.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).

Contact Person: Richard Ingraham, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892. 301–496–8551. *ingrahamrh@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Demography and Epidemiology.

Date: March 25, 2010

Time: 2:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call) .

Contact Person: Suzanne Ryan, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892. (301) 435–1712. *ryansj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Muscle Pathologies.

Date: March 30, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard Ingraham, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892. 301–496–8551. *ingrahamrh@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Health and Behavior.

Date: March 31, 2010.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martha M. Faraday, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892. 301–435–3575. *faradaym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: OBT.

Date: April 8, 2010.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Steven F. Nothwehr, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5183, MSC 7840, Bethesda, MD 20892. 301.408.9435. *nothwehrs@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 24, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4630 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

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

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

Name of Committee: Name of Committee: National Institute of Mental Health Special Emphasis Panel, NIMH Translational Research.

Date: March 19, 2010.

Time: 1 p.m.to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: David M. Armstrong, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608, 301–443–3534, *armstrda@mail.nih.gov.*

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

Name of Committee: National Institute of Mental Health Special Emphasis Panel, P30 Centers Program For Research on HIV/AIDS and Mental Health.

Date: March 22, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: David W. Miller, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 26, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4595 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 26, 2010, 2 p.m. to February 26, 2010, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 24, 2010, 75 FR 8371.

The meeting will be held March 15, 2010. The meeting time and location remain the same. The meeting is closed to the public.

Dated: February 25, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4594 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

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, Initial Review Group Neuroscience Review Subcommittee.

Date: June 7–8, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Beata Buzas, PhD. Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 2081, Rockville, MD 20852. 301–443–0800. *bbuzas@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; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: February 26, 2010.

Jennifer Spaeth,

Director, Office Federal Advisory Committee Policy.

[FR Doc. 2010–4587 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of 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 of Child Health and Human Development, Initial Review Group, Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: March 22, 2010.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel and Meeting Center, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Anne Krey, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892. 301–435–6908. *ak41o@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 25, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4539 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 of Environmental Health Sciences, Special Emphasis Panel, Breast Cancer Center Review Committee.

Date: March 11–12, 2010.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Little America Hotel Salt Lake City, 500 South Main Street, Salt Lake City, UT 84101.

Contact Person: Linda K. Bass, Scientific Review Administrator Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P. O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov.*

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

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 24, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4672 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Biotechnology Activities; Office of Science Policy; Office of the Director; Notice of a Meeting of the NIH Blue Ribbon Panel

The purpose of this notice is to inform the public about a meeting of the NIH Blue Ribbon Panel To Advise on the Risk Assessment of the National Emerging Infectious Diseases Laboratories at Boston University

Medical Center. The meeting will be held on Friday, March 19, 2010, at the National Institutes of Health, Building 31, 31 Center Drive, Floor 6C, Room 6, Bethesda, MD 20892, from approximately 8:30 a.m. to 2 p.m.

This meeting is the second in a series of public meetings with the National Research Council to review the ongoing supplementary risk assessment study. It was originally scheduled to take place on February 12, 2010, but had to be postponed due to extreme weather conditions on the East Coast.

Signup for public comment will begin at approximately 8 a.m. In the event that time does not allow for all those interested in presenting oral comments, anyone may file written comments using the following address below.

An agenda and slides for the meeting may be obtained prior to the meeting by connecting to *http://nihblueribbonpanel-bumc-neidl.od.nih.gov/*. For additional information concerning this meeting, please 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 1, 2010.

Amy P. Patterson,

Director, Office of Biotechnology Activities, National Institutes of Health.

[FR Doc. 2010–4724 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: March 26, 2010.

Open: 7:30 a.m. to 8 a.m.

Agenda: Reports from institute staff.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room F1/F2, Bethesda, MD 20892.

Closed: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room F1/F2, Bethesda, MD 20892.

Contact Person: Andrew J. Griffith, Ph.D., MD., Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 1A13, Rockville, MD 20850, 301–496–1960, *griffita@nidcd.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4767 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0054]

Strengthening the Center for Devices and Radiological Health's 510(k) Review Process; Public Meeting; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to March 19, 2010, the comment period for the notice that appeared in the **Federal Register** of Wednesday, January 27, 2010 (75 FR 4402). In the notice, FDA requested comments on a number of identified challenges associated with the 510(k) process. The agency is taking this action to allow interested persons additional time to submit comments.

DATES: Submit written or electronic comments and information by March 19, 2010.

ADDRESSES: Submit written comments or information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments or information to *http://www.regulations.gov*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1609, Silver Spring, MD 20993, 301–796–6313, e-mail: *james.swink@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 27, 2010 (75 FR 4402), FDA published a notice announcing a public meeting on February 18, 2010, and the opening of a public docket to receive comments on key challenges related to the premarket notification (or 510(k)) process for the review of medical devices. Specific questions for comment were listed and interested persons were invited to submit comments by March 5, 2010. At this time, the agency is extending the comment period until March 19, 2010, to continue to receive public comments. Comments submitted to the docket will assist in identifying actions that the Center for Devices and Radiological Health can consider taking to strengthen the 510(k) process.

II. Submission of Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. All comments submitted to the public docket are public information and may be posted to FDA's Web site at *http://www.fda.gov* for public viewing. Comments are to be identified with the docket number found in brackets in the heading of this document. In addition,

when responding to specific questions as outlined in the **Federal Register** of January 27, 2010, please identify the question you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–4662 Filed 3–4–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

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

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; The Early Detection Research Network: Biomarker Reference Laboratories.

Date: March 23, 2010.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel and Meeting Center, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8101, Bethesda, MD 20892–8329, 301/496–7987, *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Pharmacodynamic Assays.

Date: March 23, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Legacy Hotel and Meeting Center, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Thomas M. Vollberg, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7142, Bethesda, MD 20892, 301–594–9582, *vollbert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI–CNP(U54) Review.

Date: April 7–9, 2010.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington, DC/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Bratin K. Saha, PhD, Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8041, Bethesda, MD 20892, (301) 402–0371, *sahab@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 26, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4727 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

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

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Topics in Aging, Cellular and Developmental Biology.

Date: March 23, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sherry L. Dupere, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7843, Bethesda, MD 20892, (301) 435–1021, *duperes@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflicts: Arthritis, Connective Tissue, and Skin.

Date: March 30, 2010.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jean D. Sipe, PhD., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, *sipej@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4726 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 of Allergy and Infectious Diseases Special Emphasis Panel; Viral Immunity.

Date: March 31, 2010.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Betty Poon, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2660, *poonb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4751 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel, Topics in Epidemiology.

Date: March 31–April 1, 2010.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Suzanne Ryan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4749 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Deafness and Other Communication Disorders Special Emphasis Panel, Post Doctoral Fellowships SEP.

Date: March 12, 2010.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christopher Moore, PhD, Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd., Rm 400C, Bethesda, MD 20892–7180, 301–402–3587, *moorechristopher@nidcd.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 1, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–4748 Filed 3–4–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 7489–7490, dated February 19, 2010) is amended to reflect the reorganization of the Office of Compensation Analysis and Support, Office of the Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and mission statement for the Office of Compensation Analysis and Support (CCA2) and insert the following:

Division of Compensation Analysis and Support (CCN). (1) Conducts a program in support of Federal rulemaking to promulgate science-based methods and guidelines mandated by the Energy Employees Occupational Illness Compensation Program Act of 2000 (known as the "Act") to estimate the occupational radiation doses of claimants under the Act and evaluate the relationship between such doses and cancers incurred by the claimants; (2) develops and implements a program of science-based analysis and policymaking by which the Secretary of Health and Human Services shall consider and issue determinations on petitions by classes of employees to be included as members of the Special Exposure Cohort established under the Act; and (3) conducts a program of individual dose reconstruction to estimate and report the radiation doses of claimants under the Act.

Dated: February 23, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–4543 Filed 3–4–10; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0136]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0056

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) and Analysis to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0056, Labeling required in 33 CFR Parts 181 and 183 and 46 CFR 25.10–3. Before submitting this ICR to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 4, 2010.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2010–0136], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* Docket Management Facility (DMF) (M–30), U.S. Department of Transportation (DOT), West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(3) *Hand deliver:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–611), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St. SW., Stop 7101, Washington DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether this ICR should be granted based on the collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of information subject to the collection; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2010–0136], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8–1/2 by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0136" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Information Collection Request

Title: Labeling required in 33 CFR Parts 181 and 183 and 46 CFR 25.10–3.

OMB Control Number: 1625–0056.

Summary: Parts 181 and 183 of Title 33, CFR and 46 CFR 25.10–3 contain the regulations and safety standards authorized by the statutes which apply to manufacturers of recreational boats, un-inspected commercial vessels and associated equipment. The regulations and safety standards contain information collections, which require boat and associated equipment manufacturers, importers and the boating public to apply for serial numbers and to display various labels evidencing compliance such as: Hull Identification Numbers; USCG Maximum Capacities Label; Gasoline Fuel Tank Label; USCG Type Fuel Hose Label and Certified Navigation Light Label.

Need: Title 46 U.S.C. 4302(a)(3) gives the Coast Guard authority to require the display of seals, labels, plates, insignia, or other devices for certifying or evidencing compliance with safety regulations and standards of the United States Government for recreational vessels and associated equipment.

Forms: None.

Respondents: Manufacturers of boats, fuel tanks, fuel hoses and navigation lights.

Frequency: Various.

Burden Estimate: The estimated burden has decreased from 395,107 to 299,141 hours a year.

Dated: February 25, 2010.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2010–4646 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Citizenship and Immigration Services

Agency Information Collection Activities: Form I–212; Revision of an Existing Information Collection; Comment Request.

ACTION: 30-Day Notice of Information Collection Under Review: Form I–212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal; OMB Control No. 1615–0018.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 24, 2009, at 74 FR 61358, allowing for a 60-day public comment period. USCIS received one comment for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 5, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0018 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Revision of an existing information collection.

(2) *Title of the Form/Collection:* Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–212; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information provided on Form I–212 is used to adjudicate applications filed by aliens requesting consent to reapply for admission to the United States after deportation, removal or departure, as provided under section 212 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 4,200 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 8,400 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210; Telephone 202–272–8377.

Dated: March 1, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–4638 Filed 3–4–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–929; Extension of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review; Form I–929, Petition for Qualifying Family Member of a U–1 Nonimmigrant; OMB Control No. 1615–0106.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 24, 2009, at 74 FR 61360, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 5, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0106 in the subject box. Written comments and suggestions from the public and affected agencies should

address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Petition for Qualifying Family Member of a U–1 Nonimmigrant.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–929; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Section 245(m) of the Immigration and Nationality Act (Act) allows certain qualifying family members who have never held U nonimmigrant status to seek lawful permanent residence or apply for immigrant visas.

Before such family members may apply for adjustment of status or seek immigrant visas, the U–1 nonimmigrant who has been granted adjustment of status must file an immigrant petition on behalf of the qualifying family member using Form I–929. Form I–929 is necessary for USCIS to make a determination that the eligibility requirements and conditions are met regarding the qualifying family member.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,000 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,000 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

March 1, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–4643 Filed 3–4–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0025]

Revision to Navigation and Inspection Circular 11–93, Change 3 (NVIC 11–93 CH–3), Applicability of Tonnage Measurement Systems to U.S. Flag Vessels

AGENCY: Coast Guard, DHS.

ACTION: Notice of policy revision and request for comments.

SUMMARY: The Coast Guard is developing a revision to NVIC 11–93 CH–3 Applicability of Tonnage Measurement Systems to U.S. Flag Vessels to update the document and improve its usefulness. We are seeking public suggestions for changes to the current revision to NVIC 11–93 CH–3 and comments on the proposed revisions listed in the purpose section of this notice. The public is encouraged to suggest discussion of any international conventions, Federal regulations, or definitions that are not currently addressed. Moreover, the Coast Guard requests that the public provide suggestions on definitions or tables included in the NVIC 11–93 CH–3 to make them clearer or address additional tonnage applicability issues not currently covered by the NVIC 11–93 CH–3.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before April 5, 2010 or reach the Docket Management Facility by that date.

ADDRESSES: This notice and NVIC 11–93 CH–3 are available in the docket and can be viewed by going to *http://www.regulations.gov,* inserting USCG–2010–0025 in the "Keyword" box, and then clicking "Search." You may submit comments identified by docket number USCG–2010–0025 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax*: 202–493–2251.

(3) *Mail*: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery*: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Marcus Akins, Marine Safety Center, U.S. Coast Guard; telephone 202–475–3349, e-mail *marcus.j.akins@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on revisions to NVIC 11–93 CH–3. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided. A copy of the current version of NVIC 11–93 CH–3 may be accessed electronically as part of this docket or at *http://www.uscg.mil/hq/cg5/nvic/pdf/1993/CH–3_11–93.pdf.*

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2010–0025) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the

"Document Type" drop-down menu, select "Notices" and insert "USCG–2010–0025" in the "Keyword" box. Click "Search," then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½; by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the comments: To view the comments, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0025" and click "Search." Click the "Open Docket Folder" in the "Actions" column. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

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

Background and Purpose

NVIC 11–93, which was last revised in November 2003, provides guidance on tonnages used for documentation purposes and the applicability of a vessel's tonnage assignment under domestic regulatory and international tonnage measurement systems to both domestic regulations and international standards. It also clarifies the applicability of U.S. tonnage measurement systems to U.S. flag vessels based on vessel type, length, service, and vessel keel laid date or date of last substantial alteration. Definitions of frequently used terms, including convention length and deck cargo are provided to ensure consistency for users of NVIC 11–93.

Since its latest revision, multiple regulations and standards with tonnage thresholds, such as Non-Tank Vessel Response Plans, Long Range Identification Tracking System, and the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI, have come into force. To reflect these developments and incorporate updates of an administrative nature, the Coast Guard is considering the following changes:

(1) Adding new enclosures discussing the implications of tonnage changes that result from vessel alterations, changes in vessel service, or the addition of temporary deck equipment. This would include discussion of loss of tonnage grandfathering provisions under Article 3(2)(d) of the 1969 International Tonnage Convention and associated interim schemes for the Safety of Life At Sea (SOLAS) and Prevention of Pollution from Ships (MARPOL) international conventions.

(2) Amending Section 2 of Enclosure 1. The Coast Guard would clarify the definition of the terms, "overall length" and "remeasurement," to provide more detail on their applicability. We would also add the terms, "registered length" and "alternate tonnage."

(3) Providing additional examples of tonnage application. The Coast Guard will provide examples of tonnage application that are reflective of newly implemented domestic regulations and international standards.

(4) Amending Tables 5, 6, and 7 of Enclosure 1. The Coast Guard will revise language in Tables 5, 6, and 7 to more comprehensively address international tonnage grandfathering provisions, and reflect the correct date that MARPOL came into force.

(5) Incorporating administrative changes such as updating contact information and making editorial corrections.

Request for Comments

The Coast Guard requests your general comments on the revision under consideration. We also seek comments on any or all of the specific proposed revisions for NVIC 11–93 CH–3. We encourage suggestions for specific examples of tonnage grandfathering, remeasurement, or the use of interim schemes. Written comments and responses will be added to the docket number for this notice (USCG–2010–0025). The Coast Guard intends to review and analyze all comments received in order to develop the next revision to NVIC 11–93.

Authority: This notice is issued under authority of 5 U.S.C. 552 and 46 U.S.C. 14301.

Dated: February 19, 2010.

Jeff Lantz,

Director, Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2010–4645 Filed 3–4–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0074]

South Texas Area Maritime Security (STAMS) Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for membership.

SUMMARY: This notice requests individuals interested in serving on the South Texas Area Maritime Security (STAMS) Committee to submit their application for membership to the Captain of the Port, Corpus Christi, Texas.

DATES: Requests for membership should reach the Corpus Christi Captain of the Port on or before April 15, 2010.

ADDRESSES: Requests for membership should be submitted to the Captain of the Port at the following address: Commander, USCG Sector Corpus Christi, 8930 Ocean Drive, Hangar 41, Corpus Christi, Texas 78419.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application or about the STAMSC in general, contact Mr. John Zarbock at 361–888–3162 (X501).

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees for any port area of the United States. (*See* 33 U.S.C. 1226; 46 U.S.C.; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1). The MTSA includes a provision exempting these Area Maritime Security (AMS) Committees from the Federal Advisory Committee Act (FACA), Public Law 92–436, 86 Stat. 470 (5 U.S.C. App. 2). The AMSCs shall assist the Captain of the Port in the review, update, and exercising of the AMS Plan for their area of responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks

(threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the MTS after a Transportation Security Incident; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the Captain of the Port in developing and maintaining the Area maritime Security Plan.

STAMS Committee Membership

Members of the AMSC should have at least 5 years of experience related to maritime or port security operations. The South Texas AMSC has fourteen members, made up of at least one individual from the Corpus Christi, Rio Grande Valley, Port of Port Lavaca-Point Comfort and Victoria Barge Canal, Port Security Working Groups (PSWG). We are seeking to fill two vacancies with this solicitation. Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Members' term of office will be for 5 years; however, a member is eligible to serve an additional term of office. Members will not receive any salary or other compensation for their service on the AMSC. In support of the USCG policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Request for Applications

Those seeking membership are not required to submit formal applications to the local Captain of the Port; however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of résumés highlighting experience in the maritime and security industries.

Dated: February 19, 2010.

R.J. Paulison,

Captain, U.S. Coast Guard, Federal Maritime Security Coordinator, Corpus Christi.

[FR Doc. 2010–4649 Filed 3–4–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5374–N–06]

Buy American Exceptions Under the American Recovery and Reinvestment Act of 2009

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: In accordance with the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–05, approved February 17, 2009) (Recovery Act), and implementing guidance of the Office of Management and Budget (OMB), this notice advises that certain exceptions to the Buy American requirement of the Recovery Act have been determined applicable for work using Capital Fund Recovery Formula and Competition (CFRFC) grant funds. Specifically, an exception was granted to the Bedford Township Housing Commission for the purchase and use of coil roofing nails for a re-roofing project at the Ivor Lindsay Housing Complex.

FOR FURTHER INFORMATION CONTACT: Dominique G. Blom, Deputy Assistant Secretary for Public Housing Investments, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–4000, telephone number 202–402–8500 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Section 1605(a) of the Recovery Act provides that none of the funds appropriated or made available by the Recovery Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Section 1605(b) provides that the Buy American requirement shall not apply in any case or category in which the head of a Federal department or agency finds that: (1) Applying the Buy American requirement would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the U.S. in sufficient and reasonably available quantities or of satisfactory quality, or (3) inclusion of iron, steel, and manufactured goods will increase the cost of the overall project by more than 25 percent. Section 1605(c) provides that if the head of a Federal department or agency makes a determination pursuant to section 1605(b), the head of the department or agency shall publish a detailed written justification in the **Federal Register.**

In accordance with section 1605(c) of the Recovery Act and OMB's implementing guidance published on April 23, 2009 (74 FR 18449), this notice advises the public that, on February 3, 2010, upon request of the Bedford Township Housing Commission, HUD granted an exception to the applicability of the Buy American requirements with respect to work, using CFRFC grant funds, based on the fact that the relevant manufactured goods (coil roofing nails) are not produced in the U.S. in sufficient and reasonably available quantities or of satisfactory quality.

Dated: February 26, 2010.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2010–4710 Filed 3–4–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS–2009–OMM–0013]

MMS Information Collection Activity: 1010–0006, Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf and Outer Continental Shelf Oil and Gas Leasing, Extension of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0006).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 256, "Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf," and 30 CFR 260, "Outer Continental Shelf Oil and Gas Leasing," and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by April 5, 2010.

ADDRESSES: Submit comments by either fax (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0006). Please also submit a copy of your comments to MMS by any of the means below.

• *Electronically:* Go to *http://www.regulations.gov*. In the entry titled "Enter Keyword or ID," enter docket ID MMS–2009–OMM–0013 then click search. Under the tab "View By Relevance" you can submit public comments and view supporting and related materials available for this collection of information. The MMS will post all comments.

• Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference Information Collection 1010–0006 in your subject line and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 256, Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf, and 30 CFR 260, Outer Continental Shelf Oil and Gas Leasing.

Forms: MMS–150, MMS–151, MMS–152, MMS–2028, and MMS–2028A.

OMB Control Number: 1010–0006.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition. Also, the Energy Policy and Conservation Act of 1975 (EPCA) prohibits certain lease bidding arrangements (42 U.S.C. 6213(c)).

The Independent Offices Appropriations Act of 1952, 31 U.S.C. 9701, authorizes Federal agencies to recover the full cost of services that provide special benefits. Under the Department of the Interior's policy implementing this Act, the Minerals Management Service (MMS) is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those that accrue to the public at large. Instruments of transfer of a lease or interest are subject to cost recovery, and MMS regulations specify the filing fee for these transfer applications.

These authorities and responsibilities are among those delegated to the MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. This information collection request (ICR) addresses the regulations at 30 CFR 256, Leasing of Sulphur or Oil and Gas in the OCS, 30 CFR 260, Outer Continental Shelf Oil and Gas Leasing, and the associated supplementary Notices to Lessees and Operators (NTLs) intended to provide clarification, description, or explanation of these regulations. This ICR also concerns the use of forms to process bonds per subpart I, Bonding, the transfer of interest in leases per subpart J, Assignments, Transfers and Extensions, and the filing of relinquishments per subpart K, Termination of Leases. The forms are:

• MMS–150, Assignment of Record Title Interest in Federal OCS Oil and Gas Lease,

• MMS–151, Assignment of Operating Rights Interest in Federal OCS Oil and Gas Lease,

• MMS–152, Relinquishment of Federal OCS Oil and Gas Lease,

• MMS–2028, OCS Mineral Lessee's and Operator's Bond,

• MMS–2028A, OCS Mineral Lessee's and Operator's Supplemental Plugging and Abandonment Bond.

Regulations implementing these responsibilities are under 30 CFR part 256. Responses are mostly mandatory or required to obtain or retain a benefit. No questions of a sensitive nature are asked. The MMS protects information considered proprietary according to section 26 of the OCS Lands Act, the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and 30 CFR 256.10(d).

The MMS uses the information required by 30 CFR part 256 to determine if applicants are qualified to hold leases in the OCS. Specifically, MMS uses the information to:

• Verify the qualifications of a bidder on an OCS lease sale. Once the required information is filed with MMS, a qualification number is assigned to the bidder so that duplicate information is not required on subsequent filings.

• Develop the semiannual List of Restricted Joint Bidders. This identifies parties ineligible to bid jointly with each other on OCS lease sales, under limitations established by the Energy Policy and Conservation Act.

• Ensure the qualification of assignees and track operators on leaseholds. Once a lease is awarded, the transfer of a lessee's interest to another qualified party must be approved by an MMS Regional Director or Regional Supervisor. Also, a lessee may designate an operator to act on the lessee's behalf. This designation must be approved by MMS before the designated operator may begin operations.

• Document that a leasehold or geographical subdivision has been surrendered by the record title holder.

The MMS will use this information to update the corporate database which is used to determine what leases are available for a lease sale and the ownership of all OCS leases. Non-proprietary information is also publicly available from the MMS corporate database via the Internet.

The MMS uses the information required by subpart J—Assignments, Transfers and Extensions, to track the ownership of leases as to record title, operating rights, and pipeline right-of-ways.

The MMS also uses various forms relating to this subpart. The forms allow lessees to submit the required information in a standardized format that helps MMS process the data in a more timely and efficient manner. The five forms associated with this ICR and their purposes are:

MMS–150—Assignment of Record Title Interest in Federal OCS Oil and Gas Lease

MMS–151—Assignment of Operating Rights Interest in Federal OCS Oil and Gas Lease

These two forms pertain to lease ownership and status information that are extremely important to the oil and gas industry as they strategize long-range planning for oil and gas development and the sharing of the expense and liabilities of OCS offshore drilling and development.

MMS–152—Relinquishment of Federal OCS Oil and Gas Lease Form

Once a respondent submits this form, the lessee has relinquished their interest in the lease.

MMS–2028—Outer Continental Shelf (OCS) Minerals Lessee's and Operator's Bond

MMS 2028A—Outer Continental Shelf (OCS) Mineral Lessee's and Operator's Supplemental Plugging and Abandonment Bond

The MMS uses these two forms to hold the surety libel for the obligations and liability of the principal/lessee or operator.

Frequency: On occasion.

Description of Respondents: Potential respondents comprise Federal oil, gas, and sulphur lessees and operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 15,732 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR Part 256 and NTLs	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
		Non-hour cost burdens		
Subparts A through F				
Subparts A, C, E, H, L, M.	None	Not applicable.		0.
Subparts G, H, I, J: 37; 53; 68; 70; 71; 72; 73.	Request approval for various operations or submit plans or applications. [Approved collections include 1010–0114, 1010–0141, 1010–0142, 1010–0149, 1010–0151].	Burden included with other 30 CFR 250 approved collections.		0.
Subpart B: All sections	Submit suggestions and relevant information in response to request for comments on proposed 5-year leasing program, including information from States/local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0.
Subpart D: All sections	Submit response to Call for Information and Nominations on areas for leasing of minerals in specified areas in accordance with an approved leasing program, including information from States/local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0.
Subpart F: 31	States or local governments submit comments/recommendations on size, timing or location of proposed lease sale.	4	10 responses	40.
Subtotal			10 responses	40 hours.
Subpart G				
Subpart G: 35; 46(d), (e)	Establish a Company File for pre-qualification; submit updated information, submit qualifications for lessee/bidder, request exception.	2	104 responses	208.
41; 43; 46(g)	Submit qualification of bidders for joint bids and statement or report of production, along with supporting information/appeal.	2	100 responses	200.
44; 46	Submit bids and required information	5	2,000 bids	10,000.
47(c)	File agreement to accept joint lease on tie bids	3½	2 agreements	7.
47(e)(1), (e)(3)	Request for reconsideration of bid rejection	Not considered IC as defined in 5 CFR 1320.3(h)(9).		0.
47(f), (i); 50	Execute lease (includes submission of evidence of authorized agent and request for dating of leases; lease stipulations).	1	852 leases	852.
Subtotal			3,058 responses	11,267 hours.
Subpart I				
Subpart I: 52(f)(2), (g)(2)	Submit authority for Regional Director to sell Treasury or alternate type of securities.	2	10 submissions	20.
53(a), 53(b); 54	OCS Mineral Lessee's and Operator's Bond (Form MMS–2028).	¼	124 responses	31.

Citation 30 CFR Part 256 and NTLs	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
53(c), (d), (f); 54(e)	Demonstrate financial worth/ability to carry out present and future financial obligations, request approval of another form of security, or request reduction in amount of supplemental bond required.	3½	165 submissions	578 (rounded).
54	OCS Mineral Lessee's and Operator's Supplemental Plugging & Abandonment Bond (Form MMS–2028A).	¼	136 responses	34.
55	Notify MMS of any lapse in previous bond/action filed alleging lessee, surety, or guarantor is insolvent or bankrupt.	1	3 notices	3.
56	Provide plan/instructions to fund lease-specific abandonment account and related information; request approval to withdraw funds.	12	1 submission	12.
57	Provide third-party guarantee, indemnity agreement, financial information, related notices, reports, and annual update; notify MMS if guarantor becomes unqualified.	19	45 submissions	855.
57(d)(3); 58	Notice of and request approval to terminate period of liability, cancel bond, or other security.	½	378 requests	189.
59(c)(2)	Provide information to demonstrate lease will be brought into compliance.	16	5 responses	80.
Subtotal			867 responses	1,802 hours.
Subpart J				
Subpart J: 62; 63; 64; 65; 67.	File application and required information for assignment or transfer for approval/comment on filing fee (Forms MMS–150 and MMS–151).	2 forms @ 30 min ea = 1 hr.	1,680 applications/ forms.	1,680.
		1,680 Title/Rights (Transfer) Assignments @ $186–$312,480		
63; 64(a)(8)	Submit non-required documents, for record purposes, which respondents want MMS to file with the lease document. [Accepted on behalf of lessees as a service, MMS does not require nor need the filings.].	0	2,995 documents	0.
		2,995 @ $27 ea = $80,865		
64(a)(7)	File required instruments creating or transferring working interests, etc., for record purposes.	1	700 filings	700.
Subtotal			5,375 responses	2,380 hours.
			$393,345 non-hour cost burdens	
Subpart K				
Subpart K: 76; 92(a)	File written request for relinquishment (Form MMS–152).	1	240 relinquishments	240.
77(c)	Comment on lease cancellation (MMS expects 1 in 10 years).	1	1 comment	1.
Subtotal			241 responses	241 hours.
Subpart N				
Subpart N: 92(a)	Request a bonus or royalty credit; submit supporting documentation.	1	1 request	1.
95	Request approval to transfer bonus or credit to another party; submit supporting information.	1	1 request	1.

Citation 30 CFR Part 256 and NTLs	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
Subtotal			2 responses	2 hours.
Citation 30 CFR Part 260	Reporting requirement	Hour burden	Average number of annual reponses	Annual burden hours
124(a)	Request MMS to reconsider field assignment of a lease.	Exempt under 5 CFR 1320.4(a)(2), (c).		0.
Total Reporting		9,553 Responses		15,732 Hours.
		$393,345 Non-Hour Cost Burdens		

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified three paperwork non-hour cost burdens associated with the collection of information. Sections 256.62 and 256.64(a) require respondents to pay service fees when submitting either a request for assignment of record title interest, assignment of operating rights interest, and/or to file documents for record purposes. The service fees are required to recover the Federal Government's processing costs. We have not identified any other non-hour cost burdens associated with this collection of information, and we estimate a total reporting non-hour cost burden of $393,345.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on October 6, 2009, we published a **Federal Register** notice (74 FR 51316) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 256.0 provides the OMB control number for the information collection requirements imposed by the 30 CFR 256 regulations and their associated forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by April 5, 2010.

Public Availability of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: January 19, 2010.

William S. Hauser,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–4695 Filed 3–4–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2009–N278; 20124–1112–0000–F2]

Environmental Impact Statement and Habitat Conservation Plan for the Incidental Take of Seven Federally Listed Species by the Edwards Aquifer Recovery Implementation Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement and draft habitat conservation plan; announcement of public scoping meetings; and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an Endangered Species Act of 1973, as amended (Act), section 10(a)(1)(B) permit to one or more members of the Edwards Aquifer Recovery Implementation Program (the "Applicant(s)") for incidental take of seven Federally listed species from activities associated with management and use of the Edwards Aquifer. The Applicant may include, among others, the Edwards Aquifer Authority ("EAA").

DATES: Written comments on alternatives and issues to be addressed in the draft EIS must be received by close of business on June 3, 2010. Public scoping meetings will be held at seven locations throughout South Central and South Texas. Public meetings will be held between 6 p.m. and 8 p.m. Exact meeting locations and times will be noticed within 2 weeks prior to each event in local newspapers and at the Austin Ecological Services Office Web site, *http://www.fws.gov/southwest/es/AustinTexas/.*

ADDRESSES: Send written comments by mail to Mr. Adam Zerrenner, Field

Supervisor, Austin Ecological Services Field Office, 10711 Burnett Road, Suite 200, Austin, TX 78758–4460; telephone 512/490–0057; facsimile 512/490–0974; or e-mail *luela_roberts@fws.gov.* Note that your information request or comments are in regards to the Edwards Aquifer Recovery Implementation Programs.

FOR FURTHER INFORMATION CONTACT: Mr. Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, 10711 Burnett Road, Suite 200, Austin, TX 78758–4460; telephone 512/490–0057; facsimile 512/490–0974; or e-mail *luela_roberts@fws.gov.*

SUPPLEMENTARY INFORMATION: This notice is published in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6) and section 10(c) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The Service intends to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an incidental take permit to the Applicant(s), and the implementation of the supporting draft Habitat Conservation Plan (HCP).

The Edwards Aquifer Recovery Implementation Program (EARIP) is a collaborative, consensus-based stakeholder process to protect and contribute to the recovery of the Federally listed species associated with the San Marcos and Comal Springs, while also protecting the Edwards Aquifer (also referred to as the Aquifer) as a water supply source. The EARIP consists of a diverse group of regional stakeholders. The stakeholders that have executed a Memorandum of Agreement with the Service regarding participation in the EARIP include: Aquifer Guardian in Urban Areas, Alamo Cement Company, Bexar County, Bexar Metropolitan Water District, Carol G. Patterson, City of Garden Ridge, City of New Braunfels, City of San Marcos, City of Victoria, Comal County, CPS Energy, Dow Chemical, East Medina Special Utility District, EAA, Gilleland Farms, Greater Edwards Aquifer Alliance, Greater San Antonio Chamber of Commerce, Guadalupe Basin Coalition, Guadalupe-Blanco River Authority, Guadalupe County Farm Bureau, John M. Donahue, PhD, Larry Hoffman, Mary Q. Kelly, Nueces River Authority, New Braunfels Utilities, Preserve Lake Dunlap Association, Regional Clean Air and Water Association, San Antonio River Authority, San Antonio Water System, San Marcos River Foundation, South Central Texas Water Advisory Committee, South Texas Farm and Ranch Club, Texas Bass Federation, Texas Commission on Environmental Quality, Texas Department of Agriculture, Texas Living Waters Project, Texas Parks and Wildlife Department, Texas Water Development Board, and Texas Wildlife Association.

We also announce plans for a series of public scoping meetings located throughout the region served by the EAA and affected by the management of the Edwards Aquifer area and a public comment period.

The Service intends to prepare a draft EIS to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Act to the Applicant(s). The Applicant(s) proposes to apply for an incidental take permit through development and implementation of an HCP. The proposed HCP will include measures necessary to minimize and mitigate the impacts to the maximum extent practicable of potential proposed taking of Federally listed species and the habitats upon which they depend by the management and use of the Edwards Aquifer and the areas associated with the Comal and San Marcos springs.

Background

Section 9 of the Act prohibits "taking" of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. The term "harm" is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). However, the Service may, under specified circumstances, issue permits that allow the take of Federally listed fish and wildlife, provided that the take occurs incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) The applicant will develop a draft HCP and ensure that adequate funding for the plan will be provided; (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) The applicant will carry out any other measures that we may require as being necessary or appropriate for the purposes of the habitat conservation plan.

Thus, the purpose of issuing a permit is to allow management and use of the Edwards Aquifer and the use of areas associated with the Comal and San Marcos springs, while preserving protected species and their habitat that are dependent on water from the Aquifer. Adoption of a multispecies habitat conservation approach, rather than a species-by-species/project-by-project approach, will reduce the costs of implementing species minimization and mitigation measures, and eliminate cost and time-consuming efforts associated with processing individual incidental take permits for each user of the Edwards Aquifer. In addition, the multispecies habitat conservation plan approach provides a program including avoidance, minimization and mitigation for each species that is coordinated on a landscape level and provides increased benefits to the covered species. The Service expects that the Applicant(s) will request permit coverage for a period of between 20 and 50 years.

Scoping Meetings

The purpose of the scoping meetings is to provide the public with a general understanding of the background of the proposed HCP and activities that would be covered by the draft HCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft HCP. The meeting format will consist of a one hour open house prior to the formal scoping meeting that will provide an opportunity to learn about the proposed action, permit area, and species covered. The open house will be followed by a formal presentation of the proposed action, summary of the NEPA process, and presentation of oral comments from meeting participants. A court reporter will be present at each meeting and an interpreter will be present when deemed necessary. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives to consider when drafting

the EIS. Oral and written comments will be accepted at the meetings. Comments can also be submitted to persons listed in the addresses section above.

Once the draft EIS and draft HCP are completed and noticed for review, there will be additional opportunity for public comment on the content of these documents through an additional public hearing and comment period.

Alternatives

The proposed action presented in the draft EIS will be compared to the No-Action alternative. The No-Action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared.

No-Action Alternative

Under the no action alternative, the management and use of the Edwards Aquifer and the use of areas associated with the Comal and San Marcos springs would continue regardless of whether a 10(a)(1)(B) permit is sought or issued. The Applicant(s), and those potentially covered by the permit, would continue to be subject to the take prohibition of the ESA. Where potential impacts could not be avoided, and where a Federal nexus exists, measures designed to minimize and mitigate for the impacts would be addressed through individual formal or informal consultation with the Service. In the absence of a Federal nexus, the Applicant(s), and other parties in the region taking actions that would affect the protected species, would potentially need individual section 10(a)(1)(B) incidental take permits on a project-by-project basis if activities might result in the incidental take of a Federally protected species within the proposed permit area. This project-by-project approach would be more time-consuming, less efficient, and could result in an isolated independent mitigation approach, which might be less beneficial to the covered species than a regional permit.

Proposed Alternative

The proposed action is the issuance of an incidental take permit for the covered species within the proposed permit area for a period of between 20 and 50 years. The proposed HCP, which must meet the requirements in section 10(a)(2)(A) of the Act by providing measures to minimize and mitigate the effects of the potential incidental take of covered species to the maximum extent practicable, would be developed and implemented by the Applicant(s). This alternative could allow for a comprehensive mitigation approach for unavoidable impacts and also reduce the permit processing effort for the Service.

The actions to be covered under the requested incidental take permit have yet to be determined. They may include general activities associated with the management of the Aquifer, pumping from the Aquifer, actions to protect spring flow, land stewardship, and recreational activities at and near the San Marcos and Comal springs. Construction activities covered for new facilities may include construction of recharge structures, well fields, pipelines, and related types of activities.

The Applicant(s) expects to apply for an incidental take permit for seven species listed as endangered or threatened within the permit area. These species include: Fountain darter (*Etheostoma fonticola*), San Marcos salamander (*Eurycea nana*), San Marcos gambusia (*Gambusia georgei*), Texas blind salamander (*Eurycea rathbuni*), Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), and the Comal Springs riffle beetle (*Heterelemis comalensis*). Other species that are currently not listed as threatened or endangered may also be covered. The Service will also evaluate possible impacts to species not listed here, such as the whooping crane.

Counties that may be included in the proposed permit area are those counties within the EAA's jurisdiction to manage the Edwards Aquifer including all, or portions of, eight counties, including Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Medina and Uvalde counties. Moreover, EAA's organic legislation establishes a five-mile buffer beyond the jurisdictional boundary, reflecting the existence of a contributing zone to the aquifer recharge area, in which EAA has authority to protect water quality. Consequently, the permit area may also include the eight counties within the EAA's jurisdiction proper and the portions of the counties that contain the EAA's jurisdictional five-mile buffer located over the Edwards Aquifer contributing zone.

Species not covered by the proposed incidental take permit may also be addressed in the draft HCP. These species may include candidate species and Federally listed species not likely to be affected by the covered activities. The purpose of addressing the additional species is to explain why the Applicant believe(s) these species will not be impacted by the covered activities.

Other alternatives considered will also be addressed in the draft EIS, including impacts associated with each alternative evaluated will be discussed in the draft EIS.

Public Availability of Comments

Comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the 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.

Environmental Review

The Service will conduct an environmental review to analyze the proposed action, as well as other alternatives evaluated and the associated impacts of each. The draft EIS will be the basis for the impact evaluation for each species covered and the range of alternatives to be addressed. The draft EIS is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources such as vegetation, wetlands, wildlife, geology and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice.

Following completion of the environmental review, the Service will publish a notice of availability and a request for comment on the draft EIS and the Applicant(s)' permit application, which will include the draft HCP. The draft EIS and draft HCP are expected to be completed and available to the public in September 2011.

Thomas L. Bauer,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 2010–4583 Filed 3–4–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of a Draft Environmental Impact Statement for Cape Hatteras National Seashore

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of a Draft Environmental Impact Statement for Cape Hatteras National Seashore.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of a Draft Environmental Impact Statement for the Cape Hatteras National Seashore (Seashore) Off-Road Vehicle Management Plan (Plan/EIS). The Plan/EIS evaluates the impacts of several alternatives for regulations and procedures that would manage off-road vehicle (ORV) use/access in the Seashore to protect and preserve natural and cultural resources and natural processes, to provide a variety of visitor use experiences while minimizing conflicts among various users, and to promote the safety of all visitors. Executive Order 11644 of 1972, amended by Executive Order 11989 of 1977, requires certain Federal agencies permitting ORV use on agency lands to publish regulations designating specific trails and areas for this use. Title 36, section 4.10 of the Code of Federal Regulations implements the executive orders by providing that routes and areas designated for off-road vehicle use shall be promulgated as special regulations.

DATES: The NPS will accept comments on the Plan/EIS for 60 days following publication by the Environmental Protection Agency (EPA) of the Notice of Availability of the Draft Environmental Impact Statement. After the EPA Notice of Availability is published, the NPS will schedule hearing-style public meetings during the comment period. Dates, times, and locations of these meetings will be announced in press releases, e-mail announcements and on the NPS Planning, Environment and Public Comment (PEPC) Web site for the project at *http://parkplanning.nps.gov/caha.*

ADDRESSES: Copies of the Plan/EIS will be available for public review at *http://parkplanning.nps.gov/caha.* A limited number of hard copies are available at the Seashore headquarters, 1401 National Park Drive, Manteo, North Carolina 27954, or a copy may be requested, as long as supplies last, from Mike Murray, Superintendent, Cape Hatteras National Seashore, 1401 National Park Drive, Manteo, North Carolina 27954. Copies will be provided to local libraries in Manteo, Kill Devil Hills, Hatteras Village and Ocracoke, North Carolina.

SUPPLEMENTARY INFORMATION: This plan/EIS evaluates the impacts of two no-action (alternatives A and B) and four action alternatives (alternatives C, D, E and F). Alternative A would manage ORV use and access at the Seashore based on the 2007 Finding of No Significant Impact (FONSI) for the Cape Hatteras National Seashore Interim Protected Species Management Strategy/EA and the Superintendent's Compendium 2007, as well as elements from the 1978 draft interim ORV management plan that were incorporated in Superintendent's Order #7. Alternative B would manage ORV use in the same manner as alternative A, except as modified by the consent decree, as amended, which has been in effect at the Seashore since 2008. Alternative C would provide visitors to the Seashore with a degree of predictability regarding areas available for ORV use, as well as vehicle-free areas, based largely on the seasonal resource and visitor use characteristics of various areas in the Seashore. Under alternative D, visitors to the Seashore would have the maximum amount of predictability regarding areas available for ORV use and vehicle-free areas for pedestrian use with most areas having year-round, rather than seasonal designations. Restrictions would be applied to larger areas over longer periods of time to minimize changes in designated ORV and non-ORV areas over the course of the year. Alternative D is the environmentally preferable alternative. Alternative E would provide for additional flexibility in access for both ORV and pedestrian users, including allowing some level of overnight vehicle use at selected points and spits. Where greater access is permitted, often additional controls or restrictions are in place to limit impacts on sensitive resources. The level of access provided under alternative F is similar to alternative E, but with different limitations on allowable times and dates of ORV access. Alternative F is the NPS Preferred Alternative.

If you wish to comment electronically, you may submit your comments online in the PEPC Web site by visiting *http://parkplanning.nps.gov/caha,* clicking on *open for comment, clicking on the Off-Road Vehicle Management Plan/EIS, and then clicking on Comment on Document. NPS encourages commenting electronically through PEPC. If you wish to submit your written comments in hard copy (*e.g.* in a letter), you may send them by U.S. Postal Service or other mail delivery service or hand-deliver them to: Mike Murray, Superintendent, Cape Hatteras National Seashore, 1401 National Park Drive, Manteo, North Carolina 27954. Oral statements and written comments will also be accepted during the hearing-style public meetings. Comments will not be accepted by fax, e-mail, or in any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted. 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.

FOR FURTHER INFORMATION CONTACT: Mike Murray, Superintendent, Cape Hatteras National Seashore, 1401 National Park Road, Manteo, North Carolina 27954, 252–473–2111, extension 148.

Dated: February 3, 2010.

Gordon Wissinger,

Acting Regional Director, Southeast Region.

[FR Doc. 2010–4637 Filed 3–4–10; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Fire Management Plan, Final Environmental Impact Statement, Record of Decision, Grand Canyon National Park, AZ

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of a Record of Decision on the Final Environmental Impact Statement for the Fire Management Plan, Grand Canyon 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 the Record of Decision for the Fire Management Plan, Grand Canyon National Park, Arizona. On January 12, 2010, the Regional Director, Intermountain Region, approved the Record of Decision for the project. As soon as practicable, the National Park Service will begin to implement the Preferred Alternative contained in the FEIS issued on August 7, 2009.

The document describes and analyzes the environmental impacts of several action alternatives, including the preferred alternative for management of fire in Grand Canyon National Park. The preferred alternative analyzes the use of prescribed fire, wildland fire use, suppression fire, and manual and

mechanical thinning. A no-action alternative was also evaluated. Alternative 2 (Mixed Fire Treatment) was selected as the preferred alternative. The Record of Decision includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a finding of no impairment of park resources and values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

FOR FURTHER INFORMATION CONTACT: Chris Marks, Project Lead, Fire Management Plan, P.O. Box 129, Grand Canyon, Arizona 86023, *christopher_marks@nps.gov* or at 928–638–7417.

SUPPLEMENTARY INFORMATION: Copies of the Record of Decision may be obtained from the contact listed above or online at *http://parkplanning.nps.gov/grca*.

Dated: January 15, 2010.

Michael D. Snyder,

Regional Director, Intermountain Region, National Park Service.

[FR Doc. 2010–4414 Filed 3–4–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on March 24–25, 2010 at the One Washington Circle Hotel, 1 Washington Circle, NW., Washington, DC 20037. The meeting will be held in the Meridian Room. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—Welcome to New Committee Members
—NGAC Overview/History of Federal Geospatial Coordination
—Leadership Dialogue
—Place-Based Policies
—Subcommittee Reports
—Current FGDC Activities
—Review of FGDC Guidance/NGAC Action Plan

The meeting will include an opportunity for public comment on March 25. Comments may also be submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by March 19, 2010. While the meeting will be open to the public, seating may be limited due to room capacity.

DATES: The meeting will be held from 8:30 a.m. to 5 p.m. on March 24 and from 8:30 a.m. to 4:30 p.m. on March 25.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting is available at *http://www.fgdc.gov/ngac.*

Dated: March 1, 2010.

Ken Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2010–4664 Filed 3–4–10; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2010–N004; 30120–1122–0000–F2]

Wisconsin Statewide Habitat Conservation Plan for Karner Blue Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: draft environmental assessment and updated habitat conservation plan in support of an application to renew/amend incidental take permit number TE010064–5.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from the State of Wisconsin, Department of Natural Resources (Applicant), for renewal of an incidental take permit (ITP) under the Endangered Species Act of 1973 (Act). If approved, the permit would be for a 10-year period and would authorize incidental take of the endangered Karner blue butterfly (*Lycaeides melissa samuelis*) throughout the State of Wisconsin. We request public comment on the application and associated documents.

DATES: To ensure consideration, please send your written comments on or before May 4, 2010.

ADDRESSES: Send written comments via U.S. mail to the Regional Director, *Attn:* Lisa Mandell, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, MN 55111–4056, or by electronic mail to *permitsR3ES@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Lisa Mandell, (612) 713–5164.

SUPPLEMENTARY INFORMATION:

Background

Under the National Environmental Policy Act (NEPA; 42 U.S.C. 4371 *et seq.*), we announce that we have gathered the information necessary to: (1) Determine the impacts and formulate alternatives for an environmental assessment related to renewal of an incidental take permit for the Applicant; and (2) approve the habitat conservation plan (HCP), which provides measures to minimize and mitigate the effects of the proposed incidental take of the Federally listed Karner blue butterfly to the maximum extent practicable, under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*).

If we renew the permit, we would authorize take for 10 years in conjunction with implementation of the updated HCP which the applicant has prepared. The applicant has been operating under Fish and Wildlife Permit TE010064 for a period of 10 years (1999–2009), and the incidental take would continue throughout the State of Wisconsin, if we renew the permit. Incidental take occurs as a result of impacts of otherwise lawful land use and land management actions. These activities have been altered under the HCP to minimize and mitigate the effects of incidental take of Karner blue butterflies and the habitats upon which they depend. We have issued an environmental assessment to evaluate the impacts of the alternatives for renewal of the incidental take permit, including the no action alternative.

In the 1990s, the State of Wisconsin initiated a unique partnership with a variety of land managers in Wisconsin to develop a statewide HCP for the Karner blue butterfly. For a period of approximately 5 years, partners gathered regularly and worked with the Service on an innovative plan to incorporate considerations for the Karner blue butterfly into land-use activities. Partners include the forest industry, utility companies, road management authorities, The Nature

Conservancy, and private landowners. The effort culminated in September 1999 with the signing of an Implementing Agreement and issuance of an ITP. The DNR serves as the permit holder and administers the implementation of the Statewide plan. At the outset, 26 partners were part of the HCP. In the first 10 years of implementation, the list of partners has grown to 39 major land-management entities.

In addition to the partners in this effort, the DNR proposed and implemented a unique approach to include small landowners in the conservation effort on a voluntary basis. This voluntary strategy has proved to be successful in garnering additional conservation and protection of butterfly habitat, without the "fear" sometimes associated with government regulation.

Management protocols have been refined, populations of butterflies have increased and others discovered, and a number of improvements resulted from what has been learned through adaptive management. This HCP has been lauded as an innovative and successful approach to endangered species conservation.

The Karner blue butterfly depends on ecological disturbance, which maintains the early successional habitat in which its specific host plant survives. Proper management, with specific strategies to conserve the butterfly, results in increases of habitat and in the population. In the case of this species, cessation of habitat management and an absence of natural wildfire regimes would lead to habitat that would not support survival of the species into the future. Since the butterfly thrives in concert with habitat manipulation and management, it has been an ideal species for a conservation plan.

The HCP has been updated to consolidate the conservation measures found in the original HCP and to allow for easy access by partners implementing the plan. In addition, the DNR has developed an implementation handbook, called the HCP User's Guide, which is available online. It includes management protocols for a wide range of covered activities, such as habitat restoration, timber harvest, mowing, and burning. To understand the breadth of management activities that are incorporated into the HCP, please visit the DNR's Web site at *http://www.dnr.state.wi.us/forestry/karner/hcp-userguide.htm.*

The updated draft HCP includes an improved conservation program, a focused effort on recovery properties to enhance long-term survival and recovery of the butterfly, biological modeling to predict butterfly occurrence and flights, and improvements concerning compliance monitoring and reporting.

Purpose and Need for Action

The purpose for which we have prepared an Environmental Assessment is to respond to the applicant's request for an ITP renewal for the Karner blue butterfly. This involves the continuation of activities that have the potential to result in incidental take of the butterfly through implementation of the Wisconsin Statewide HCP. The applicant's updated HCP balances the long-term survival and recovery of the species with resource management in Wisconsin, allowing for otherwise lawful activities to proceed, while accommodating the needs of the species. It ensures the long-term survival of the species through protection and proactive habitat management and it ensures compliance with the Act, NEPA, and other applicable laws and regulations pursuant to section 10(a)(1)(B) of the Act and its implementing regulations and policies.

Proposed Action

The requested duration of the ITP is 10 years. The plan is a Statewide conservation plan and the ITP would cover the take of the Karner blue butterfly in Wisconsin. A map of the species' high potential range is included on the Service's Web site, referenced below under Reviewing Documents and Submitting Comments. Activities that would continue to be covered under the ITP include a variety of land management activities. These include forestry/timber harvest, right-of-way management (mowing/brushing), pesticide application, recreation management, prescribed burning, snow removal, and others. The proposed action is the renewal of ITP Number TE010064 to authorize take of the Karner blue butterfly within the State of Wisconsin, under section 10(a)(1)(B) of the Act. Incidental take anticipated under this permit application is specific to the Karner blue butterfly in the form of habitat impacts, direct take of butterflies resulting from management and direct take for completing research and monitoring under the HCP. The HCP provides measures to modify activities to minimize and mitigate the effects of the proposed incidental take. The biological goal of the HCP is to provide long-term suitable habitat for the species. The restoration and maintenance of suitable habitat and ecosystem functions necessary to ensure long-term viability of butterfly populations ensures survival and recovery of the species.

Alternatives

Two alternatives were fully evaluated in the environmental assessment prepared for this action, renewal of the ITP and no action/denial of the permit. One additional alternative, issuance of a permit with additional measures specified by the Service, was discussed but eliminated from further consideration. Renewal of the ITP for another 10-year period would allow for continued implementation of the HCP, which has become the normal way of doing business in Wisconsin. Partners and other citizens in Wisconsin have embraced conservation of the species and have altered their activities accordingly. The DNR has been an effective administrator of this permit since 1999 and has coordinated closely with the Service to apply adaptive management principles where needed. Protocols have been developed for additional types of activities and the DNR has worked closely with the implementation and oversight committee, established in the HCP, to effectively monitor compliance with the program, both in terms of statutory compliance and effectiveness in meeting biological goals. For all intents and purposes, forecasting the next 10 years of implementation amounts to at least the status quo and, more likely, increased habitat for the butterfly. Habitat management would continue to be completed in a manner that accommodates the needs of the Karner blue butterfly, and the species would continue to thrive and recover in Wisconsin.

The no action alternative would result in a denial of the request to renew the ITP. In this case, the no action alternative would actually result in a larger change in the landscape and in the implementation of conservation activities for the Karner blue butterfly. If the Statewide permit ceases to exist, multiple landowners (at least 39, who are now partners in the HCP) would be in the position of needing to develop an HCP and apply for a permit from the Service. Each application would undergo processing and review under ESA and NEPA. Where butterflies currently exist, habitat management that incidentally takes butterflies could not proceed. Vegetation succession would follow and the plant community would no longer support the Karner blue butterfly. In addition, the small private landowners who are currently covered by the Statewide HCP would be subject to ESA compliance wherever butterflies exist. There would be a disincentive to

managing the habitat to promote persistence of the butterfly, and the assurances they have received under the current conservation program would cease. Landowners who wish to proactively conserve their land to promote recovery of the butterfly in Wisconsin would need their own permits under Section 10, with an HCP or Safe Harbor Agreement for their lands.

Reviewing Documents and Submitting Comments

Please refer to TE010064 when requesting documents or submitting comments. The permit application and supporting documents (updated draft HCP and draft EA) may be obtained on the Internet at the following address: *http://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html.* In addition, the original HCP, dated March 2000, may be viewed on the Wisconsin DNR Web site at *http://dnr.wi.gov/forestry/karner/.* Persons without access to the Internet may obtain copies of the documents (application, updated draft HCP, and draft EA) by contacting the U.S. Fish and Wildlife Service, Ecological Services Field Office, 2661 Scott Tower Drive, New Franken, WI 54229–9565 (920/866–1717, voice; 920/866–1710, fax). The documents will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the Ecological Services Field Office in New Franken and at the Service's Regional Office, Ecological Services, Bishop Henry Whipple Federal Building, 1 Federal Drive, 6th Floor, Ft. Snelling, MN 55111 (612/713–5164, voice; 612/713–5292, fax). Written comments will be accepted as described above.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the entire comment, including your personal identifying information, may be made 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.

Authority : We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

T.J. Miller,

Acting, Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 2010–4708 Filed 3–4–10; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–631]

In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of Commission Determination To Rescind a Limited Exclusion Order and Cease and Desist Orders

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint A. Gerdine, 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 (*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, alleged 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; 6,771,344 ("the '344 patent"); 7,295,196; and 6,937,311 ("the '311 patent"). The complaint further alleged the existence of a domestic industry as to each asserted patent. 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 presiding administrative law judge ("ALJ") issued his final initial determination ("ID") finding a violation of section 337 by respondents as to the '311 and '344 patents only, and issued his recommended determinations on remedy and bonding. 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.

On March 30, 2009, the Commission determined to review several of the ID's findings, and requested the parties to respond to certain questions concerning those findings. The Commission also requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. 74 FR 15301–02 (April 3, 2009).

On April 10 and April 17, 2009, respectively, complainant Samsung, the Sharp respondents, and the IA filed briefs and reply briefs on the issues for which the Commission requested written submissions. Also, the Commission received four submissions from interested non-parties on the issues of remedy, the public interest, and bonding.

On June 24, 2009, the Commission issued notice of its determination to affirm-in-part and reverse-in-part the ID. The Commission affirmed the ALJ's finding of a violation of section 337 with respect to claims 7 and 8 of the '344 patent, but reversed the ALJ's finding of a violation with respect to the '311 patent. 74 FR 31311–12 (June 30, 2009)

Further, the Commission issued (as modified on December 14, 2009): (1) A limited exclusion order prohibiting the unlicensed entry of LCD devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe claims 7 or 8 of the '344 patent, that are manufactured abroad by or on behalf of, or are imported by or on

behalf of, Sharp, or any of its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns; and (2) cease and desist orders prohibiting Sharp Electronics Corp. and Sharp Electronics Manufacturing Co. from conducting any of the following activities in the United States: Importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, LCD devices, including display panels and modules, and LCD televisions or professional displays containing the same that are covered by claims 7 or 8 of the '344 patent.

On February 12, 2010, complainant Samsung and respondent Sharp filed a joint petition to rescind the remedial orders under Commission Rule 210.76(a)(1) on the basis of a settlement agreement between the parties. The parties asserted that their settlement agreement constitutes "changed conditions of fact or law" sufficient to justify rescission of the order under Commission Rule 210.76(a)(1), 19 CFR 210.76(a)(1). The IA did not oppose the joint petition.

Having reviewed the parties' submissions, the Commission has determined that the settlement agreement satisfies the requirement of Commission Rule 210.76(a)(1), 19 CFR 210.76(a)(1), that there be changed conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order and cease and desist orders previously issued in this investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(a)(1)).

Issued: March 1, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–4692 Filed 3–4–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated October 20, 2009, and published in the **Federal Register** on October 28, 2009 (74 FR 55583), Formulation Technologies LLC., 11501 Domain Drive, Suite 130, Austin, Texas 78758, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Fentanyl (9801), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for analytical characterization, secondary packaging, and for distribution to clinical trial sites.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Formulation Technologies LLC., to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Formulation Technologies LLC., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4722 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated November 23, 2009, and published in the **Federal Register** on December 2, 2009 (74 FR 63155), Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the basic classes of controlled substances for manufacture of active pharmaceutical ingredients for sale to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Cambrex Charles City, Inc. to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cambrex Charles City, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4773 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated October 21, 2009, and published in the **Federal Register** on October 28, 2009 (74 FR 55584), Hospira Inc., 1776 North Centennial Drive, McPherson, Kansas 67460–1247, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import Remifentanil for use in dosage form manufacturing.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Hospira Inc. to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international

treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Hospira Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4770 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated October 21, 2009, and published in the **Federal Register** on October 28, 2009 (74 FR 55584), Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application via the Internet to the Drug Enforcement Administration (DEA) to be registered as an importer of 5-Methoxy-N,N-diisopropyltryptamine (7439), a basic class of controlled substance listed in schedule I.

The company plans to import small quantities of the listed controlled substance for the manufacture of analytical reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a), and determined that the registration of Cerilliant Corporation to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4771 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 6, 2009, Mallinckrodt Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Norlevorphanol (9634)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine HCl (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Metopon (9260)	II
Dextropropoxyphene, bulk (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances for internal use and for sale to other companies.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than May 4, 2010.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4717 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 16, 2009, and published in the **Federal Register** on October 28, 2009, (74 FR 55586), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Gamma hydroxybutyric acid (2010).	I
Amphetamine (1100)	II
Methylphenidate (1724)	II

The company plans to manufacture bulk products for finished dosage units and distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Lonza Riverside to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Lonza Riverside to ensure

that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4728 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 20, 2009, and published in the **Federal Register** on October 28, 2009, (74 FR 55588), Aldrich Chemical Company, Inc., DBA Isotec, 3858 Benner Road, Miamisburg, Ohio 45342–4304, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Methaqualone (2565)	I
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
2,5-Dimethoxyamphetamine (7396).	I
Psilocyn (7438)	I
Normorphine (9313)	I
Acetylmethadol (9601)	I
Alphacetylmethadol except levo–alphacetylmethadol (9603).	I
Normethadone (9635)	I
Norpipanone (9636)	I
3-Methylfentanyl (9813)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk, (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II

The company plans to manufacture small quantities of the listed controlled substances to produce isotope labeled standards for drug testing and analysis.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Aldrich Chemical Company Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Aldrich Chemical Company Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4723 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 16, 2009, and published in the **Federal Register** on October 28, 2009, (74 FR 55586), Lin Zhi International Inc., 687 North Pastoria Avenue, Sunnyvale, California 94085, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405).	I
Cocaine (9041)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II

The company plans to manufacture the listed controlled substances as bulk reagents for use in drug abuse testing.

No comments or objections have been received. DEA has considered the factors in 21 USC 823(a) and determined that the registration of Lin Zhi International Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Lin Zhi International Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 USC 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4719 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated September 17, 2009, and published in the **Federal Register** on September 25, 2009, (74 FR 49020), Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes

of controlled substances listed in schedules I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis Isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltyptamine (7439)	I
N-Benzylpiperazine (7493)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldihydromorphine (9304)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

Drug	Schedule
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine Intermediate-A (9232)	II
Meperidine Intermediate-B (9233)	II
Meperidine Intermediate-C (9234)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the above listed controlled substances to make reference standards which will be distributed to their customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cerilliant Corporation to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 26, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–4729 Filed 3–4–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 1, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/E-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Multiple Worksite Report and the Report of Federal Employment and Wages.

OMB Control Number: 1220–0134.

Affected Public: Federal Government and Private Sector.

Total Estimated Number of Respondents: 133,293.

Total Estimated Annual Burden Hours: 197,274.

Total Estimated Annual Costs Burden (does not include hourly wage costs): $0.

Description: States use the Multiple Worksite Report to collect employment and wages data from non-Federal businesses engaged in multiple operations within a State and subject to State Unemployment Insurance laws. The Report of Federal Employment and Wages is designed for Federal establishments covered under the Unemployment Compensation for Federal Employees program. These data are used for sampling, benchmarking, and economic analysis. For additional information, see related notice published in the **Federal Register** on November 17, 2009 (Vol. 74, page 59245).

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–4581 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,857; TA–W–70,857A; TA–W–70,857B; TA–W–70,857C; TA–W–70,857D]

DHL Global Forwarding, A Subsidiary of DP DHL, Finance and Accounting Divisions, Including Workers Whose Wages Are Reported to Danzas, Radix and Air Express Plantation, FL; DHL Global Forwarding, A Subsidiary of DP DHL, Finance and Accounting Divisions, Including Workers Whose Wages Are Reported to Danzas, Radix and Air Express, Including On-Site Leased Workers From Manpower, Randstad, Tempfinders, Volt, Spherion, Ajilon, Accountemps and Adecco, Irving TX; DHL Global Forwarding, A Subsidiary of DP DHL Finance and Accounting Divisions, Including Workers Whose Wages Are Reported to Danzas, Radix and Air Express, Phoenix, AZ; DHL Global Forwarding, A Subsidiary of DP DHL, Finance and Accounting Divisions, Including Workers Whose Wages Are Reported to Danzas, Radix and Air Express, Including On-Site Leased Workers From Manpower, Randstad, Tempfinders, Volt, Spherion, Ajilon, Accountemps and Adecco, Houston, TX; DHL Global Forwarding, A Subsidiary of DP DHL, Finance and Accounting Divisions, Including Workers Whose Wages Are Reported to Danzas, Radix and Air Express, Renton, WA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 15, 2009, applicable to workers of DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, Plantation, Florida, (TA–W–70,857); DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, including on-site leased workers from Manpower, Randstad, Tempfinders and Volt, Irving, Texas, (TA–W–70,857A); DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, Phoenix, Arizona, (TA–W–70,857B); DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, including on-site leased workers from Manpower, Randstad, Tempfinders and Volt, Houston, Texas (TA–W–70,857C); and DHL Global Forwarding, a subsidiary of DP DHL, Finance and Account Divisions, Renton, Washington (TA–W–70,857D). The notice was published in the **Federal Register** on February 16, 2010 (75 FR 7033–7034).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers supply financial and accounting services.

The company reports that on-site leased workers from Spherion, Ajilon, Accountemps and Adecco were employed on-site at only the Houston, Texas and Irving, Texas locations of DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Information also shows that some workers at the above mentioned locations of the subject firm had their wages reported under separated unemployment insurance (UI) tax accounts for Danzas, Radix and Air Express.

Based on these findings, the Department is amending this certification to include workers leased from Spherion, Ajilon, Accountemps, and Adecco working on-site at only the Houston, Texas and Irving, Texas locations of the subject firm and to also include workers at all of the above mentioned locations whose wages are reported to Danzas, Radix and Air Express.

The amended notice applicable to TA–W–70,857, TA–W–70,857A, TA–W–70,857B, TA–W–70,857C and TA–W–70,857D are hereby issued as follows:

All workers of DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, Plantation, Florida (TA–W–70,857), DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, including on-site leased workers from Manpower, Randstad, Tempfinders, Volt, Spherion, Ajilon Accountemps and Adecco, Irving, Texas (TA–W–70,857A), DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, Phoenix, Arizona (TA–W–70,857B), DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, including on-site leased workers from Manpower, Randstad, Tempfinders, Volt, Spherion, Ajilon, Accountemps and Adecco, Houston, Texas (TA–W–70,857C) and DHL Global Forwarding, a subsidiary of DP DHL, Finance and Accounting Divisions, Renton, Washington (TA–W–70,857D) who became totally or partially separated from employment on or after June 1, 2008, through December 15, 2011, and all workers in the group threatened with total or partial separation from employment on the date of

certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC this 19th day of February 2010.

Michael W. Jaffe.

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4578 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,849]

Venta-Airwasher, LLC, Including On-Site Leased Workers From Metro Staffing, Snelling and Office Team Itasca, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 22, 2009, applicable to workers of Venta-Airwasher, LLC, Itasca, Illinois. The notice was published in the **Federal Register** on December 11, 2009 (74 FR 65795).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers provided sales and distribution services for humidifiers and dehumidifiers produced by the subject firm.

The company reports that on-site leased workers from Metro Staffing, Snelling and Office Team were employed on-site at the Itasca, Illinois location of Venta-Airwasher, LLC. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Metro Staffing, Snelling and Office Team working on-site at the Itasca, Illinois location of Venta-Airwasher, LLC.

The amended notice applicable to TA–W–70,849 is hereby issued as follows:

"All workers of Venta-Airwasher, LLC, including on-site leased workers from Metro Staffing, Snelling and Office Team, Itasca, Illinois, who became totally or partially separated from employment on or after May 28, 2008, through October 22, 2011, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed at Washington, DC, this 19th day of February 2010.

Michael W. Jaffe,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4577 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–72,718; TA–W–72,718A; TA–W–72,718B]

Briggs & Stratton Power Products Group, LLC., Home Power Division, a Subsidiary of Briggs & Stratton Corporation Including On-Site Leased Workers of Lifestyle Staffing, Adecco, Techstaff, The Alaris Group, and Aerotek, Jefferson, WI; Briggs & Stratton Power Products Group, LLC., Home Power Division, Schweiger Warehouse, a Subsidiary of Briggs & Stratton Corporation Including On-Site Leased Workers of Lifestyle Staffing, Adecco, Techstaff, The Alaris Group, and Aerotek, Jefferson, WI; Briggs & Stratton Power Products Group, LLC., Home Power Division, a Subsidiary of Briggs & Stratton Corporation Including On-Site Leased Workers of Lifestyle Staffing, Adecco, Techstaff, The Alaris Group, and Aerotek, Watertown, WI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 11, 2010, applicable to workers of Briggs & Stratton Power Products Group, LLC., Home Power Division, a subsidiary of Briggs & Stratton Corp., including on-site leased workers of Lifestyle Staffing, Adecco, TechStaff, The Alaris Group, and Aerotek, Jefferson, Wisconsin. The notice was published in the **Federal Register** on February 16, 2010 (75 FR 7036).

At the request of the State agency and a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of portable generators, home stand-by generators and pressure washers.

New findings show that worker separations occurred during the relevant time period at two other facilities under the Home Power Division of the subject firm; Schweiger Warehouse, Jefferson, Wisconsin and the Watertown, Wisconsin locations.

Accordingly, the Department is amending the certification to include workers of the Schweiger Warehouse, Jefferson, Wisconsin and the Watertown, Wisconsin locations of Briggs & Stratton Power Products Group LLC., Home Power Division, a subsidiary of Briggs & Stratton Corporation.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by customer imports of portable generators, home stand-by generators and pressure washers.

The amended notice applicable to TA–W–72,718, TA–W–72, 718A and TA–W–72,718B are hereby issued as follows:

All workers of Briggs & Stratton Power Products Group, LLC., Home Power Division, a subsidiary of Briggs & Stratton Corporation, including on-site leased workers of Lifestyle Staffing, Adecco, TechStaff, The Alaris Group, and Aerotek, Jefferson, Wisconsin (TA–W–72,718), Briggs & Stratton Power Products Group, LLC., Home Power Division, Schweiger Warehouse, a subsidiary of Briggs & Stratton Corporation, including on-site leased workers of Lifestyle Staffing, Adecco, TechStaff, The Alaris Group, and Aerotek, Jefferson, Wisconsin (TA–W–72,718A), Briggs & Stratton Power Products Group, LLC., Home Power Division, a subsidiary of Briggs & Stratton Corporation, including on-site leased workers of Lifestyle Staffing, Adecco, TechStaff, The Alairis Group, and Aerotek, Watertown, Wisconsin (TA–W–72,718B), who became totally or partially separated from employment on or after October 29, 2008, through January 11, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 22nd day of February 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4575 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,602]

Cooper Tools—Sumter, Cooper Tools Divisions, a Subsidiary of Cooper Industries, Inc., Including On-Site Leased Workers From Thompson Industrial, Sumter, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 26, 2010, applicable to workers of Cooper Tools—Sumter, Cooper Tools Division, a subsidiary of Cooper Industries, Inc., including on-site leased workers from Thompson Industrial, Sumter, South Carolina. The notice will be published soon in the **Federal Register**.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of adjustable wrenches, pliers, farrier tools, aviation snips, bolt cutters, cable cutters, screwdrivers and nut drivers.

The review shows that on August 30, 2006, a certification of eligibility to apply for adjustment assistance was issued for all workers of Cooper Tools, Inc., a division of Cooper Industries, Ltd, Sumter, South Carolina, separated from employment on or after August 5, 2005 through August 30, 2008. The notice was published in the **Federal Register** on September 21, 2006 (71 FR 55216).

In order to avoid an overlap in worker group coverage, the Department is amending the July 7, 2008 impact date established for TA–W–71,602, to read August 31, 2008.

The amended notice applicable to TA–W–72,314 is hereby issued as follows:

All workers of Cooper Tools—Sumter, Cooper Tools Division, a subsidiary of Cooper Industries, Inc., including on-site leased workers from Thompson Industrial, Sumter, South Carolina, who became totally or partially separated from employment on or after August 31, 2008, through January 26, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 23rd day of February 2010.

Del Min Amy Chen,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4574 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of January 18 through January 29, 2010.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–71,114; Engineered Machined Products, Inc., Greenfield Operations Division, Greenfield, IN May 19, 2008

TA–W–71,702A; Geiger International, Inc., Herman Miller, Inc., Atlanta, GA. July 15, 2008

TA–W–71,702B; Integrated Metal Technology, Inc., Meridan, Inc./ Herman Miller, Inc., Spring Lake, MI July 15, 2008

TA–W–71,702C; Herman Miller, Inc., Apple One ES, Carlton Staffing Acsys, Adecco USA, Zeeland, MI July 15, 2008

TA–W–71,702D; Herman Miller, Inc., Adecco USA, Aerotek, Inc., Broadview Product Development, Holland, MI July 15, 2008

TA–W–71,702; Brandrud Furniture, Inc., Herman Miller, Inc., Auburn, WA July 15, 2008

TA–W–71,785; Mantosea Inc., d/b/a/ Eagle Electric Work at US Steel Tubular, Dangerfield, TX. July 13, 2008

TA–W–72,138; Manitowoc FSG Operations, Manitowoc Ice, Manitowoc, WI August 24, 2008

TA–W–72,751; New Mather Metals, Inc., Suspension Division., NHK Spring Co., Toledo, OH. October 20, 2008

TA–W–72,800; Cord Crafts, LLC, Wharton, NJ November 6, 2008

TA–W–72,847; Hanesbrands, Inc., SFI, Sanford, NC November 10, 2008

TA–W–72,119; Corporate Tax Consultants, LLC, Ford Motor Company, Novi, MI August 24, 2008

TA–W–70,961A; LSI Corporation, Allentown, PA May 29, 2008

TA–W–70,961; LSI Corporation, Allentown, PA May 29, 2008

TA–W–71,342A; ArborCraft, LLC, Harris Wood Holding, Aerotek Commericial, Montpelier, IN. June 19, 2008

TA–W–71,342; ArborCraft, LLC, Harris Wood Holding, Aerotek Commericial, Johnson City, TN June 19, 2008

TA–W–71,347; Guilford Performance Textiles, Greensboro Division, Greensboro, NC June 5, 2008

TA–W–71,602; Cooper Tools—Sumter, Sumter, SC July 7, 2008

TA–W–71,730; Carolina Technical Plastics Corporation, Wirthwein Ag, Leased Workers of Holden Temporaries, Search America, New Bern, NC July 16, 2008

TA–W–71,921; Texas Tubular Products, Reliant NDT Systems and Services, Inc., Lonestar, TX August 4, 2008

TA–W–72,274; Codi, Inc., Codi Holding, Inc., Harrisburg, PA September 1, 2008

TA–W–72,294; Kimball Office, Spartan Staffing and Action Temp Services, Jasper, IN September 14, 2008

TA–W–72,524; Erie Engineering/ Automation, Clinton Township, MI October 1, 2008

TA–W–72,655; Welco Lumber Company, JMF Company, Inc. and Knighthawke Security, Naples, ID October 22, 2008

TA–W–72,815; Creekside Mushrooms, Ltd., Adecco Employment Services, Alternative Staffing, Worthington, PA November 9, 2008

TA–W–72,854; Computer Task Group, Inc. (CTG), Indianapolis, In October 28, 2008

TA–W–72,863; Baker Furniture, Connelly Springs, NC November 6, 2008

TA–W–70,382; Cadre Steel Detailing, Inc., Kalama, WA. May 19, 2008

TA–W–71,610; Chattanooga Group Inc., Division of DJO Inc., Leased workers of Express Services, and Encore Medical, Hixson, TN July 2, 2008

TA–W–71,994; Seaford Clothing-Hart Schaffner, Rock Island, IL August 11, 2008

TA–W–72,315; Nova Knits, Inc., New York, NY September 14, 2008

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W–70,994; Hach, Grants Pass, OR June 4, 2008

TA–W–71,193; Tyler Refrigeration Company, Carrier Commercial Refrigeration, Leased From Manpower, Kelly Services, Niles, MI June 10, 2008

TA–W–71,370A; Conmed Corporation, Leased Workers from Kelly Services and Staffworks, Utica, NY June 22, 2008

TA–W–71,370; Conmed Corporation, Leased Workers from Kelly Services and Staffworks, Utica, NY June 22, 2008

TA–W–71,465; Judith Leiber, LLC, Leiber Holdings LLC, Secaucus, NJ June 29, 2008

TA–W–71,482; Trane, Ingersoll Rand/ Aerotek, Express Personnel, Select, Pueblo, CO June 22, 2008

TA–W–71,565; Marinco Electrical Group, Key Components, Leased Workers From Enterforce, Napa, CA July 3, 2008

TA–W–71,593A; UFE, Inc., Stillwater, MN July 7, 2008

TA–W–71,593B; UFE, Inc., Dresser, WI July 7, 2008

TA–W–71,593C; UFE, Inc., Dresser, WI July 7, 2008
TA–W–71,593; UFE, Inc., Osceola, WI July 7, 2008
TA–W–71,710; Arkema, Inc., Birdsboro, PA July 10, 2008
TA–W–72,075A; Assembly & Test Worldwide, Saginaw, MI August 10, 2008
TA–W–72,075B; Assembly & Test Worldwide, Lebanon, MO August 10, 2008
TA–W–72,075C; Assembly & Test Worldwide, Dayton, OH August 10, 2008
TA–W–72,075; Assembly & Test Worldwide, Livonia, MI August 10, 2008
TA–W–72,135; International Automotive Components—North America, Strasburg, VA June 13, 2008
TA–W–72,150; Dell Products, LP ? Parmer North Location, Dell, Inc., Leased workers Belcan Services Group, Hawkins Associates, Round Rock, TX August 24, 2008
TA–W–72,443; Parker Paint Manufacturing Company, Inc., Tacoma, WA September 17, 2008
TA–W–72,563A; Fypon, Ltd., Leased Workers from JOBI USA, Archbold, OH October 9, 2008
TA–W–72,563; Fypon, Ltd., Parkersburg, WV October 9, 2008
TA–W–72,585; Whirlpool Corporation, Evansville Division, Evansville, IN December 6, 2008
TA–W–72,688; P.S. Stix, Inc., Costa Mesa, CA October 6, 2008
TA–W–72,732; Federal-Mogul, Michigan City, IN November 21, 2009
TA–W–72,763; Thermo Fisher Scientific—Matrix Technologies, Hudson, NH October 9, 2008
TA–W–72,872, Moog, Inc., Nexus, Everett, WA November 16, 2008
TA–W–72,885; Logan Industries, Inc., Spokane, WA November 17, 2008
TA–W–72,904A; Honeywell International, Inc., Automation Control Solutions, Sensing and Control, Leased Workers from Manpower, Springfield, IL November 13, 2008
TA–W–72,904; Honeywell International, Inc., Automation Control Solutions, Sensing and Control, Leased Workers from Manpower, Spring Valley, IL November 13, 2008
TA–W–73,123; Garland Commercial Industries, LLC, Spherion Staffing Agency, Freeland, PA December 17, 2008
TA–W–73,155; Air Cruisers Company, Liberty, MS December 21, 2008
TA–W–73,157; FCI USA, LLC, Manpower, Inc., Mount Union, PA December 22, 2008
TA–W–72,174; Johnson Controls, Inc., Building Efficiency Div., Leased Workers of Express Employment Professionals, Roanoke, VA August 28, 2008
TA–W–71,625; Eaton Corporation, Fluid Power Group, Hydraulics Div., Manpower, Shawnee, OK July 1, 2008
TA–W–73,026; Sheridan Books, Inc., Phoenix Services, Kelly Service, Action Associates, Ann Arbor, MI November 25, 2008
TA–W–70,058A; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Tempe, AZ May 18, 2008
TA–W–70,058AA; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Columbia, MD May 18, 2008
TA–W–70,058B; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Arden Hills, MN May 18, 2008
TA–W–70,058BB; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Endicott, NY May 18, 2008
TA–W–70,058C; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Austin, TX May 18, 2008
TA–W–70,058CC; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Irvine, CA May 18, 2008
TA–W–70,058D; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Bellevue, WA. May 18, 2008
TA–W–70,058DD; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Lake Katrine, NY. May 18, 2008
TA–W–70,058E; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Berkeley, CA. May 18, 2008
TA–W–70,058EE; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Louisville, CO. May 18, 2008
TA–W–70,058F; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Chelmsford, MA. May 18, 2008
TA–W–70,058FF; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Melbourne, FL. May 18, 2008
TA–W–70,058G; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Irvine, CA. May 18, 2008
TA–W–70,058GG; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Plano, TX. May 18, 2008
TA–W–70,058H; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Los Gatos, CA. May 18, 2008
TA–W–70,058HH; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Tempe, AZ. May 18, 2008
TA–W–70,058I; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Louisville, CO. May 18, 2008
TA–W–70,058II; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Tigard, CO. May 18, 2008
TA–W–70,058J; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Melbourne, FL. May 18, 2008
TA–W–70,058JJ; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Tinton Falls, NJ. May 18, 2008
TA–W–70,058K; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, New Providence, NJ. May 18, 2008
TA–W–70,058L; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Pittsburgh, PA. May 18, 2008
TA–W–70,058M; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Plano, TX. May 18, 2008
TA–W–70,058N; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, Tigard, OR. May 18, 2008
TA–W–70,058O; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, Chelmsford, MA. May 18, 2008
TA–W–70,058P; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, Austin, TX. May 18, 2008
TA–W–70,058Q; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, Irvine, CA. May 18, 2008
TA–W–70,058R; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, San Diego, CA. May 18, 2008
TA–W–70,058S; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, San Jose, CA. May 18, 2008
TA–W–70,058T; Cadence Design Systems, Inc., Silicon Package Board (SPB) Division, Tigard, OR May 18, 2008
TA–W–70,058U; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Austin, TX May 18, 2008
TA–W–70,058V; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Arden Hills, MN. May 18, 2008

TA–W–70,058W; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, San Jose, CA. May 18, 2008
TA–W–70,058X; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Bellevue, WA. May 18, 2008
TA–W–70,058Y; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Cary, NC. May 18, 2008
TA–W–70,058Z; Cadence Design Systems, Inc., Global Customer Support (GCS) Division, Chelmsford, MA. May 18, 2008
TA–W–70,058; Cadence Design Systems, Inc., Custom Integrated Circuit Design, West Valley, San Jose, CA. May 18, 2008
TA–W–70,557A; Tricor Direct, Inc./Credit and Collection Group, dba Seton Identification Products, Inc./Brady Corp., Branford, CT. May 18, 2008
TA–W–70,557; Tricor Direct, Inc./Master Data Group, dba Seton Identification Products, Inc./Brady Corp., Branford, CT. May 18, 2008
TA–W–70,948; Chrysler Group, LLC, Formerly Chrysler, LLC/Plymouth Road Office Complex, Detroit, MI. May 27, 2008
TA–W–71,013; Mincom, Inc., Leased Workers of the Advocates, Greenwood Village, CO. June 1, 2008
TA–W–71,085; International Business Machines Corporation (IBM), Global Technology Services/Business Process Delivery Division, Tulsa, OK. May 3, 2009
TA–W–71,221; Eveden, Inc., Monroe, GA. June 4, 2008
TA–W–71,298; Key Safety Systems, Inc., Leased Workers of Global Technology Associates, Sterling Heights, MI. June 8, 2008
TA–W–71,358A; Manpower, Inc., National Account OPS Div. at IBM, Somers, NY. June 18, 2008
TA–W–71,358B; Manpower, Inc., National Account OPS Div. at IBM, Poughkeepsie, NY. June 18, 2008
TA–W–71,358C; Manpower, Inc., National Account OPS Div. at IBM—Endicott, NY, Endicott, NY. June 18, 2008
TA–W–71,358D; Manpower, Inc., National Account OPS Div. at IBM—Armonk, NY, Armonk, NY. June 18, 2008
TA–W–71,358E; Manpower, Inc., National Account OPS Div. at IBM, Middletown, NY. June 18, 2008
TA–W–71,358F; Manpower, Inc., National Account OPS Div. at IBM, Fishkill, NY. June 18, 2008
TA–W–71,358G; Manpower, Inc., National Account OPS Div. at IBM—Austin, TX, Austin, TX. June 18, 2008
TA–W–71,358H; Manpower, Inc., National Account OPS Div. at IBM—Atlanta, GA, Atlanta, GA. June 18, 2008
TA–W–71,358I; Manpower, Inc., National Account OPS Div. at IBM—Boulder, CO, Boulder, CO. June 18, 2008
TA–W–71,358J; Manpower, Inc., National Account OPS Div. at IBM—Cambridge, MA, Cambridge, MA. June 18, 2008
TA–W–71,358K; Manpower, Inc., National Account OPS Div. at IBM—Research Triangle Park, NC, Research Triangle Park, NC. June 18, 2008
TA–W–71,358L; Manpower, Inc., National Account OPS Div. at IBM—Rochester, MN, Rochester, MN. June 18, 2008
TA–W–71,358M; Manpower, Inc., National Account OPS Div. at IBM—San Jose, CA, San Jose, CA. June 18, 2008
TA–W–71,358; Manpower, Inc., National Account OPS Div. at IBM, Hopewell Junction, NY. June 18, 2008
TA–W–71,497; Telerx Marketing, Inc., Tier 1 Tech Helpdesk Support Div., El Paso, TX. June 29, 2008
TA–W–71,692; Pinehurst Manufacturing, Inc., Albemarle, NC. July 14, 2008
TA–W–72,181; National Payment Network, Workforce Systems, El Segundo, CA. August 21, 2008
TA–W–72,266; TNS Custom Research, Inc., Coding and Entry Services Division, Northwood, OH. August 28, 2008
TA–W–72,346; Finisar Corporation, Workforce Logic, Sunnyvale, CA. September 17, 2008
TA–W–72,382; SDI Media USA, Inc., Culver City, CA. September 22, 2008
TA–W–72,626; Flextronics International USA, Inc., Aerotek, Durham, NC. October 19, 2008
TA–W–72,784; RadlSys Corporation, Leased Workers from Employment Trends, Boca Raton, FL. November 3, 2008
TA–W–72,867; Hewlett Packard, Vancouver Site IT, Vancouver, WA. November 8, 2008
TA–W–72,873A; RBS Citizens, N.A., Business Services, Manpower and Randstad, Riverside, RI. November 16, 2008
TA–W–72,873B; RBS Citizens, N.A., Business Services, Manpower and Randstad, Cranston, RI. November 16, 2008
TA–W–72,873C; RBS Citizens, N.A., Business Services, Manpower and Randstad, Medford, MA. November 16, 2008
TA–W–72,873D; RBS Citizens, N.A., Business Services, Manpower and Randstad, Cleveland, OH. November 16, 2008
TA–W–72,873E; RBS Citizens, N.A., Business Services, Manpower and Randstad, Jersey City, NJ. November 16, 2008
TA–W–72,873F; RBS Citizens, N.A., Business Services, Manpower and Randstad, Philadelphia, PA. November 16, 2008
TA–W–72,873; RBS Citizens, N.A., Business Services, Manpower and Randstad, Riverside, RI. November 16, 2008
TA–W–72,922A; Boehringer-Ingelheim USA Corporation, Revenue Operations, Ridgefield, CT. November 19, 2008
TA–W–72,922; Boehringer-Ingelheim Pharmaceuticals, Inc., Strategic Sourcing Department, Ridgefield, CT. November 19, 2008
TA–W–70,352; Redding Record Searchlight, Graphic Design Team, Redding, CA. May 18, 2008
TA–W–71,081; Wells Fargo and Company, FKA Wachovia Bank, NA, Retail Credit Fulfillment Processing, Reading, PA. June 8, 2008
TA–W–71,414; Tata Technologies, Inc., Tata Technologies Limited, Novi, MI. June 26, 2008
TA–W–72,235; Albany International Research Company, Albany International Corporation, Mansfield, MA. September 2, 2008
TA–W–72,933; Hewlett Packard, Hewlett Packard—Enterprise Business Services/Formerly Electronic Data System, Pontiac, MI. October 30, 2008
TA–W–73,016A; News America Marketing, LLC, News America, Inc., New York, NY. December 2, 2008
TA–W–73,016; News America Marketing, LLC, News America, Inc., Wilton, CT. December 2, 2008
TA–W–73,117; New Hampshire Oncology-Hematology, Medical Transcription Department, Hooksett, NH. December 15, 2008

The following certifications have been issued. The requirements of Section 222(b) (adversely affected workers in public agencies) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–71,175; Resinoid Engineering Corporation, Hebron, OH. June 4, 2008

TA–W–71,524; Fluid Routing Solutions, Big Rapids, MI. June 3, 2008

TA–W–71,902A; Defiance Metal Products of Texas, Aerotek, Inc., Adecco Linkstaff, Express Personnel, Tyler, TX. July 23, 2008

TA–W–71,902; Defiance Metal Products of Texas, Aerotek, Inc., Adecco Linkstaff, Express Personnel, Grand Prairie, TX. July 23, 2008

TA–W–72,034; Precision Source, Smithfield, RI. August 11, 2008

TA–W–72,739; U.S. Steel Tubular Products, Inc., Wheeling Machine Products Division, Hughes Springs, TX. November 2, 2008

TA–W–72,761; Waterfowl Packaging, LLC, Fort Payne, AL. October 28, 2008

TA–W–72,937; Severstal Dearborn, Inc., Severstal No. America, Perot System, Entech, Human, Dearborn, MI. October 30, 2008

TA–W–70,025; Baker Furniture, Southern Distribution Center, Leased Workers From Manpower, Hickory, NC. April 23, 2008

TA–W–71,752; Metal Cladding, Inc., Lockport, NY. June 25, 2008

TA–W–72,973; Marvell Semiconductor, Inc., Printer Group/Icon Professional Services, Boise, ID. November 25, 2008

The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–71,997; Trans Apparel-Hartmarx, Michigan City, IN. August 11, 2008

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W–71,495A; IPSCO Koppel Tubulars Corporation, TMK IPSCO North America, Ambridge, PA. December 7, 2008

TA–W–71,495; IPSCO Koppel Tubulars Corporation, TMK IPSCO North America, Beaver Falls, PA. December 7, 2008

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W–72,321; PCA Electronics, Inc., Drafting and Document Control Department, North Hills, CA.

TA–W–73,129; Bruce Development, DBA Kenrow Plastics, Port Richey, FL.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

None.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W–70,110; Columbia Forest Products, Inc., Presque Isle Division, Presque Isle, ME.

TA–W–70,331; DRS Laurel Technologies, Johnstown, PA.

TA–W–70,549; CMI Equipment and Engineering, Inc., Augres, MI.

TA–W–70,840; Thomasville Furniture Industries, Inc., Plant #8, Hickory, NC.

TA–W–70,868; Davis-Standard, LLC, Converting Systems Division, Somerville, NJ.

TA–W–71,250A; T and S Hardwoods, Inc., Alto Division, Alto, GA.

TA–W–71,250; T and S Hardwoods, Inc., Milledgeville Division, Milledgeville, GA.

TA–W–71,623; Eagle of New Bedford, Inc., New Bedford, MA.

TA–W–71,861; Contour Plastics, Simply Staffing and Firstsite Staffing, Baldwin, WI.

TA–W–72,009; Neopost (Mailroom Technologies), Milford, CT.

TA–W–72,573; F.L. Smithe Machine Company, Paper Converting Machine Company, Duncansville, PA.

TA–W–72,766; Infor Global Solutions (Michigan), Inc., Chicago, IL.

TA–W–72,883; General Electric, Transportation Division, Grove City, PA.

TA–W–70,334; DHL Express (USA), Inc., DPWN Holdings (USA), Inc., San Francisco, CA.

TA–W–70,524; Hewlett-Packard Company, Sales and Finance Divisions, Colorado Springs, CO.

TA–W–70,731; Trim Masters, Inc., Harrodsburg, KY.

TA–W–71,029; Richline Group, Inc., Leased Workers from Titan Agency, Mount Vernon, NY.

TA–W–71,600A; Gemological Institute of America, New York, NY.

TA–W–71,600; Gemological Institute of America, Carlsbad, CA.

TA–W–71,878; Electronic Data Systems, Manufacturing Ind. Work On-Site at Xerox in El Segundo, El Segundo, CA.

TA–W–71,932; Greenstar Pittsburgh, LLC, A Division of Greenstar, LLC, Pittsburgh, PA.

TA–W–71,996; Mizar Motors, Toledo, OH.

TA–W–72,118; Whitey's Inc., Mansfield, OH.

TA–W–72,183; Chicago & Midwest Regional Joint Board, Chicago, IL.

TA–W–72,240; Daniel Measurement and Control, Inc., Statesboro, GA.

TA–W–72,281; Hardwoods of Morganton, Inc., Morganton, NC.

TA–W–72,383; Northwest Machining and Manufacturing, Meridian, ID.

TA–W–72,682; Toshiba Logistics America, Inc., Lebanon, TN.

TA–W–72,725; Freescale Semiconductor, Inc., Computer Integrated Manufacturing Group, Austin, TX.

TA–W–72,728; Keiper, LLC, Troy, MI.

TA–W–71,781; Rapid Granulator, Inc., Rapid Granulator AB/Sewicklery Capital, Inc., Rockford, IL.

The investigation revealed that the criteria under paragraphs (b)(2) and (b)(3) (public agency acquisition of services from a foreign country) of section 222 have not been met.

None.

The investigation revealed that criteria of Section 222(c)(2) has not been met. The workers' firm (or subdivision) is not a Supplier to or a Downstream Producer for a firm whose workers were certified as eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of January 18 through January 29, 2010. Copies of these determinations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 22, 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4579 Filed 3–4–10; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 15, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 15, 2010.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 24th day of February 2010.

Elliott Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 2/1/10 and 2/5/10]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73383	Conner Steel (State)	San Angelo, TX	02/01/10	01/29/10
73384	B&K Trucking (State)	Iraan, TX	02/01/10	01/29/10
73385	Hewlett Packard (Comp)	Palo Alto, CA	02/01/10	01/28/10
73386	Robinson Drilling (State)	Big Spring, TX	02/01/10	01/29/10
73387	CC Forbes (State)	Big Lake, TX	02/01/10	01/29/10
73388	Basic Energy Services (State)	Sonora, TX	02/01/10	01/29/10
73389	Allagash Ent. Inc. (Comp)	Allagash, ME	02/01/10	01/05/10
73390	General Electric Mahoning Glass (Wkrs)	Niles, OH	02/01/10	01/21/10
73391	Dakkota Integrated Systems, LLC (Comp)	Holt, MI	02/01/10	01/25/10
73392	ABB, Inc. (Wkrs)	Pontiac, MI	02/01/10	01/14/10
73393	Hewlett Packard (Wkrs)	Marlborough, MA	02/02/10	01/25/10
73394	Varco-Pruden WI Division of Blue Scope (Wkrs)	Evansville, WI	02/02/10	01/26/10
73395	SWR Inc./Roddie Transport (State)	San Angelo, TX	02/02/10	02/01/10
73396	Ingersoll-Rand/Harrow Products (State)	Bristol, CT	02/02/10	01/26/10
73397	Remy, Inc. (Comp)	Meridian, MS	02/02/10	02/01/10
73398	Fuel Total Systems California Corporation (State)	Lathrop, CA	02/02/10	02/01/10
73399	National Oilwell Varco (State)	San Angelo, TX	02/02/10	02/01/10
73400	Volvo Construction Equipment (Comp)	Skyland, NC	02/02/10	02/01/10
73401	Edward Ferrell/Lewis Mittman, Inc. (Wkrs)	High Point, NC	02/02/10	01/11/10
73402	Springs Window Fashions, LLC (Wkrs)	Middleton, WI	02/02/10	02/01/10
73403	Honeywell Turbo Technologies (Wkrs)	Torrance, CA	02/02/10	01/25/10
73404	CC Forbes (State)	Big Lake, TX	02/02/10	01/29/10
73405	Freedom Communication, Inc. (State)	Santa Ana, CA	02/02/10	01/29/10
73406	ET Publishing, Inc. (State)	Miami, FL	02/02/10	01/27/10
73407	Express Energy (State)	San Angelo, TX	02/02/10	01/29/10
73408	National Oilwell Varco (State)	Houston, TX	02/02/10	01/29/10
73409	Sumitomo Electric Wiring Systems, Inc. (Comp)	Bowling Green, KY	02/03/10	02/02/10
73410	Industrial Machining Corporation (Comp)	Fort Smith, AR	02/03/10	02/02/10
73411	MAPA Spontex (Union)	Columbia, TN	02/03/10	02/02/10
73412	Alcan Cable (Comp)	Roseburg, OR	02/03/10	02/02/10
73413	Unit Structures, LLC (State)	Magnolia, AR	02/03/10	02/02/10
73414	Russell Brands, LLC—Columbus DC (Comp)	Midland, GA	02/03/10	01/29/10
73415	Russell Brands, LLC—Reno DC (Comp)	Reno, NV	02/03/10	01/29/10
73416	Desoto Mills LLC (Comp)	Fort Payne, AL	02/03/10	01/29/10
73417	Precision Dynamics Corporation (Comp)	San Fernando, CA	02/03/10	02/01/10
73418	Precision Dynamics Corporation (Comp)	Dallas, TX	02/03/10	02/01/10
73419	Bimbo Bakersies USA, Inc. (Comp)	Horsham, PA	02/03/10	01/28/10
73420	Alticor, Inc. (Comp)	Ada, MI	02/03/10	02/01/10
73421	Les Meubles (Wkrs)	Malone, NY	02/03/10	02/01/10
73422	AT&T Mobility Svcs, LLC (Wkrs)	St. Louis, MO	02/03/10	01/28/10
73423	The Berry Company, LLC (State)	Miamisburg, OH	02/03/10	02/01/10
73424	The Berry Company (State)	Cincinnati, OH	02/03/10	02/01/10
73425	The Berry Company, LLC (State)	Moraine, OH	02/03/10	02/01/10
73426	FCI USA, LLC (Comp)	Etters, PA	02/03/10	02/01/10
73427	Haldex Hydraulics Corporation (Comp)	Statesville, NC	02/03/10	01/29/10
73428	Morata Power Supply (Wkrs)	Mansfield, MA	02/03/10	01/29/10
73429	Masonico, LLC (Comp)	Fraser, MI	02/03/10	01/29/10
73430	Covad Communications, Inc. (State)	Denver, CO	02/03/10	01/28/10

APPENDIX—Continued

[TAA petitions instituted between 2/1/10 and 2/5/10]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73431	Milliken Barnwell Plant (Wkrs)	Barnwell, SC	02/03/10	01/19/10
73432	GHSP (Comp)	Troy, MI	02/03/10	01/05/10
73433	Moog Components Group (Wkrs)	Blacksburg, VA	02/03/10	01/28/10
73434	Festo Corporation (Wkrs)	Earth City, MO	02/03/10	01/28/10
73435	AT&T Mobility (Wkrs)	Harrisburg, PA	02/03/10	01/28/10
73436	Rexam Plastics (State)	Charlotte, NC	02/03/10	01/28/10
73437	Samuelson & Co. Midwest, Inc. (Comp)	Troy, MI	02/03/10	01/27/10
73438	Casa Decor (State)	Sherman Oaks, CA	02/03/10	01/27/10
73439	NCI Group, Inc. (Wkrs)	Rocky Mount, NC	02/03/10	01/25/10
73440	AT&T Mobility (Wkrs)	Orlando, FL	02/03/10	01/27/10
73441	Quad Graphics, Inc. (Wkrs)	Sussex, WI	02/03/10	02/02/10
73442	IBM (State)	Boulder, CO	02/03/10	01/26/10
73443	SunGard Availability Services (Wkrs)	Thornton, CO	02/03/10	01/27/10
73444	Geocycle US (State)	Dundee, MI	02/03/10	01/08/10
73445	Weyerhaeuser ILevel Technology Center (Comp)	Boise, ID	02/03/10	01/22/10
73446	Genesis Networks Solutions, Inc. (Comp)	Abilene, TX	02/04/10	02/03/10
73447	Swiss Re America Holding Corporation (Wkrs)	Overland Park, KS	02/04/10	02/03/10
73448	Blue Heron Paper Company (Union)	Oregon City, OR	02/04/10	02/01/10
73449	Tyco Electronics (State)	Norwood, MA	02/04/10	02/03/10
73450	Cytec Industries, Inc. (Comp)	Woodland Park, NJ	02/04/10	01/29/10
73451	Harley Davidson Motor Company (Wkrs)	Milwaukee, WI	02/04/10	02/03/10
73452	Safmarine, Inc. (Comp)	Madison, NJ	02/05/10	02/04/10
73453	Multi-Fineline Electronix, Inc. (Wkrs)	Anaheim, CA	02/05/10	01/22/10
73454	Ickes Chevrolet Cadillac Company, Inc. (Wkrs)	Robinson, IL	02/05/10	02/04/10
73455	Chromalox (Comp)	Ogden, UT	02/05/10	02/03/10
73456	AT&T Mobility (Wkrs)	Portland, OR	02/05/10	02/02/10
73457	Hayes-Lemmerz, Int. (Union)	Akron, OH	02/05/10	01/29/10
73458	Chrysler Financial (Wkrs)	Troy, MI	02/05/10	02/04/10
73459	PDC Glass and Metal Services (Union)	Cheswick, PA	02/05/10	01/29/10
73460	Milacron, Inc. (Stat)	Batavia, OH	02/05/10	02/04/10

[FR Doc. 2010–4572 Filed 3–4–10; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 15, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 15, 2010.

The petitions filed in this case are available for inspection at the Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 24th day of February 2010.

Elliott Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 2/15/10 and 2/19/10]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73461	Nationwide Insurance (Wkrs)	Columbus, OH	02/16/10	02/10/10
73462	Fantasy Activewear, Inc. (Wkrs)	Vernon, CA	02/16/10	02/04/10
73463	Work-Fit, Inc. (State)	Glastonbury, CT	02/16/10	02/04/10
73464	Landrex Technologies, Inc. (State)	Fremont, CA	02/16/10	02/04/10
73465	Techma USA, Inc. (Comp)	Gretna, VA	02/16/10	02/03/10
73466	Chart Energy and Chemical, Inc. (IAMAW)	La Crosse, WI	02/16/10	01/29/10
73467	ASTAR Air Cargo, Inc. (Union)	Florence, KY	02/16/10	01/26/10

APPENDIX—Continued

[TAA petitions instituted between 2/15/10 and 2/19/10]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73468	Emerson Network Power Energy Systems (Comp)	LaGrange, GA	02/16/10	01/27/10
73469	Springs Global US, Inc. (Comp)	Swannanoa, NC	02/17/10	02/02/10
73470	SYKES Enterprises, Inc. (State)	Vilton-Frewater, OR	02/17/10	02/05/10
73471	American Glass dba LE Smith Glass (Union)	Glenshaw, PA	02/17/10	02/03/10
73472	Porter's Wood Products, Inc. (Comp)	Voykins, VA	02/17/10	02/12/10
73473	Westar Transportation, Inc. (Wkrs)	Wichita Falls, TX	02/17/10	02/03/10
73474	Managed Business Solutions (State)	Santa Rosa, CA	02/17/10	01/13/10
73475	Springs Global US, Inc. (Comp)	Swannanoa, NC	02/17/10	02/02/10
73476	Corning Cable Systems (Comp)	Keller, TX	02/17/10	02/10/10
73477	International Game Technology (Comp)	Reno, NV	02/17/10	02/05/10
73478	Attachmate Corporation (State)	Seattle, WA	02/17/10	01/27/10
73479	Enesco, LLC (State)	Itasca, IL	02/17/10	02/04/10
73480	Stant Manufacturing, Inc. (Wkrs)	Connersville, IN	02/17/10	01/21/10
73481	Dish Network, LLC (Wkrs)	Mckeesport, PA	02/17/10	02/08/10
73482	Melina Healthcare of Ash (Wkrs)	Spokane, WA	02/17/10	01/29/10
73483	Insulet Corporation (State)	Bedford, MA	02/17/10	02/08/10
73484	Tomcar, Ltd. (Comp)	Rochester Hills, MI	02/17/10	02/05/10
73485	Bank of America (Wkrs)	Simi Valley, CA	02/17/10	01/17/10
73486	Ethan Allen Retail, Inc. (Comp)	Lombard, IL	02/18/10	02/10/10
73487	Sonnie's of St. Paul (State)	Woodbury, MN	02/18/10	02/11/10
73488	Electronic Data Systems (EDS) (Wkrs)	Milford, MI	02/18/10	02/09/10
73489	Sonoco RPC NA (USW)	Orrville, OH	02/18/10	02/02/10
73490	Owens Illinois (USW)	Charlotte, MI	02/18/10	02/09/10
73491	Farley's and Sathers Candy Company, Inc. (Comp)	Chattanooga, TN	02/18/10	02/04/10
73492	Avaya, Inc. (State)	Westminster, CO	02/18/10	01/21/10
73493	MEMC Electronic Materials, Inc. (Comp)	St. Peters, MO	02/18/10	02/05/10
73494	Air-Way Manufacturing Company (USW)	Olivet, MI	02/18/10	02/09/10
73495	Perkinelmer Health Sciences, Inc. (Wkrs)	Shelton, CT	02/18/10	02/08/10
73496	Guardian Automotive (Wkrs)	Lagrange, GA	02/18/10	02/16/10
73497	Aisin Manufacturing California, LLC (Comp)	Stockton, CA	02/18/10	02/08/10
73498	ADC Telecommunications (Comp)	Shakopee, MN	02/18/10	02/08/10
73499	Geocycle, LLC (Comp)	Dundee, MI	02/18/10	01/13/10
73500	Franklin Electric Company (State)	Siloam Springs, AR	02/18/10	02/15/10
73501	National Emblem, Inc. (State)	Carson, CA	02/18/10	02/12/10
73502	McFarland Logging (Comp)	Clinton, MT	02/18/10	02/10/10
73503	Canteen Vending (State)	Des Moines, IA	02/18/10	02/10/10
73504	Telscape Communication, Inc	Monrovia, CA	02/18/10	02/16/10
73505	Power Partners, Inc. (State)	Athens, GA	02/18/10	02/11/10
73506	Allstate (Lincoln Benefit Life) (Wkrs)	Lincoln, NE	02/18/10	02/11/10
73507	Inventurus Knowledge Solutions (Wkrs)	Indiana, PA	02/19/10	02/05/10
73508	Wausau Window and Wall Systems (Wkrs)	Wausau, WI	02/19/10	02/05/10
73509	The Liggett Corporation (Wkrs)	South Fulton, TN	02/19/10	02/11/10
73510	Liz Clairborne Jewelry Distribution Center (Union)	Lincoln, RI	02/19/10	01/29/10
73511	PTC Alliance (Wkrs)	Alliance, OH	02/19/10	02/10/10
73512	Glaxosmith-Kline (State)	Philadelphia, PA	02/19/10	02/10/10
73513	Farley's and Sathers Candy Company, Inc. (State)	Round Lake, MN	02/19/10	02/17/10
73514	E.W. Daniel, Company (Union)	Cleveland, OH	02/19/10	02/11/10
73515	Miniature Precision Components (MPC) (Wkrs)	Prairie Du Chien, WI	02/19/10	01/15/10
73516	Nifco America Corporation (Comp)	Cana Winchester, OH	02/19/10	02/17/10
73517	USA Mobility (Wkrs)	Plano, TX	02/19/10	02/18/10
73518	Airmate Company, Inc. (Comp)	Bryan, OH	02/19/10	02/16/10
73519	SY Probe, Inc. (Comp)	Gilbert, AZ	02/19/10	02/16/10
73520	Gildan Activewear, Inc. (Comp)	Martinsville, VA	02/19/10	02/16/10
73521	Citizens Cors Utility District (Compq)	Helenwood, TN	02/19/10	02/17/10
73522	Nortel (Wkrs)	Richardson, TX	02/19/10	10/14/09

[FR Doc. 2010–4571 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279–2) for the following:

Applicant/Location: Benore Leasing, Inc./Greer, South Carolina.

Principal Product/Purpose: The loan, guarantee, or grant application is to provide working capital to hire and support new employees, purchase new equipment and upgrade an existing facility in Spartanburg, South Carolina. The *NAICS industry codes for this enterprise are:* 484110 General Freight Trucking, Local; and 541614 Process, Physical Distribution, and Logistics Consulting Services.

DATES: All interested parties may submit comments in writing no later than March 19, 2010. Copies of adverse comments received will be forwarded to the applicant noted above.

ADDRESSES: Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210; or e-mail *Dais.Anthony@dol.gov;* or transmit via fax (202) 693–3015 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, at telephone number (202) 693–2784 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: at Washington, DC this 1st day of March, 2010.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2010–4661 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,233]

Advance Accessory Systems, Shelbyville, MI; Notice of Termination of Certification

Pursuant to Section 221 of the Trade Act of 1974, as amended, a certification was issued on December 10, 2009 in response to a worker petition filed on behalf of workers at Advance Accessory Systems, Shelbyville, Michigan.

The petitioning group of workers is covered by an active certification (TA–W–70,522A), which expires on July 23, 2011. Therefore, to avoid duplication in certification issued on December 10, 2009, TA–W–71,233 has been terminated.

Signed at Washington, DC, this 24th day of February 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–4573 Filed 3–4–10; 8:45 am]

BILLING CODE 4510–FN–P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

TIME AND DATE: 9 a.m., April 12, 2010.

PLACE: On board MISSISSIPPI V at City Front, Cairo, IL

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., April 13, 2010.

PLACE: On board MISSISSIPPI V at Mud Island, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., April 15, 2010.

PLACE: On board MISSISSIPPI V at City Front, Natchez, MS

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9 a.m., April 16, 2010.

PLACE: On board MISSISSIPPI V at City Dock, Baton Rouge, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries;

(2) District Commander's overview of current project issues within the New Orleans District, and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Gambrell, telephone 601–634–5766.

George T. Shepard,

Colonel, EN, Secretary, Mississippi River Commission.

[FR Doc. 2010–4809 Filed 3–3–10; 4:15 pm]

BILLING CODE 3720–58–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Physical Sciences (#66)

Date/Time: April 1, 2010, 9 a.m.–6 p.m.; April 2, 2010, 9 a.m–3 p.m.

Place: National Science Foundation, RM 375, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Morris L. Aizenman, Senior Science Associate, Directorate for Mathematical and Physical Sciences, Room 1005, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8807.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

Agenda:

Update on current status of Directorate;

Report of NSF Advisory Working Groups;

Meeting of MPSAC with Divisions within MPS Directorate;

Discussion of MPS Long-term Planning Activities.

Summary Minutes: May be obtained from the contact person listed above.

Dated: March 2, 2010.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. 2010–4678 Filed 3–4–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482; NRC–2010–0032]

Wolf Creek Nuclear Operating Corporation, Wolf Creek Generating Station; Exemption

1.0 Background

Wolf Creek Nuclear Operating Corporation (WCNOC, the licensee) is the holder of Renewed Facility Operating License No. NPF–42, which authorizes the operation of the Wolf Creek Generating Station (WCGS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of one pressurized-water reactor located in Coffey County, Kansas.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical protection of plants and materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," published in the **Federal Register** on March 27, 2009, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security programs. The amendments to 10 CFR 73.55 published on March 27, 2009, establish and update generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, and implemented by licensees. In addition, the amendments to 10 CFR 73.55 include additional requirements to further enhance site security based upon insights gained from implementation of the post September 11, 2001, security orders. It is from two of these additional requirements that WCGS now seeks an exemption from the March 31, 2010, implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by March 31, 2010.

By letter dated December 15, 2009, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." Portions of the December 15, 2009, submittal contain security-related and safeguards information and, accordingly, is being withheld from the public. The redacted version of the December 15, 2009, letter was submitted by the licensee on January 12, 2010, and is available to the public (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100250025). The licensee has requested an exemption from the March 31, 2010, compliance date stating that it must complete a number of significant modifications to the current site security configuration before all requirements can be met. Specifically, the request is to extend the compliance date for two specific requirements from the current March 31, 2010, deadline to December 31, 2010. Granting this exemption for the two items would allow the licensee to complete the modifications designed to incorporate substantial configuration changes and incorporate state-of-the-art technology to meet or exceed the noted regulatory requirements.

3.0 Discussion of Part 73 Schedule Exemptions From the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" Pursuant to 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

NRC approval of this exemption, as noted above, would allow an extension from March 31, 2010, until December 31, 2010, for the implementation date for two specific requirements of the new rule. As stated above, 10 CFR 73.5 allows the NRC to grant exemptions from the requirements of 10 CFR 73. The NRC staff has determined that granting of the licensee's proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the NRC approval of the licensee's exemption request is authorized by law.

In the draft final rule provided to the Commission, the NRC staff proposed that the requirements of the new regulation be met within 180 days. The Commission directed a change from 180 days to approximately 1 year for licensees to fully implement the new requirements. This change was incorporated into the final rule. From this, it is clear that the Commission wanted to provide a reasonable timeframe for licensees to achieve full compliance.

As noted in the final rule, the Commission also anticipated that licensees would have to conduct site-specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a generic industry request to extend the rule's compliance date for all operating nuclear power plants, but

noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date (Reference: June 4, 2009, letter from R.W. Borchardt, NRC, to M.S. Fertel, Nuclear Energy Institute, ADAMS Accession No. ML091410404). The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

WCGS Schedule Exemption Request

The licensee provided detailed information in its letter dated December 15, 2009, requesting an exemption. The licensee describes a comprehensive plan to install equipment related to certain requirements in the new Part 73 rule and provides a timeline for achieving full compliance with the new regulation. The submittal contains security-related and safeguards information regarding the site security plan, details of the specific requirements of the regulation for which the site cannot achieve compliance by the March 31, 2010, deadline, justification for the extension request, a description of the required changes to the site's security configuration, and a timeline with critical path activities that would bring the licensee into full compliance by December 31, 2010. The timeline provides dates indicating when (1) the various phases of the project begin and end (i.e., design, field construction and (2) critical equipment will be ordered, installed, tested and become operational.

Notwithstanding the scheduler exemptions for these limited requirements, the licensee will continue to be in compliance with all other applicable physical security requirements as described in 10 CFR 73.55 and reflected in its current NRC approved physical security program. By December 31, 2010, WCGS will be in full compliance with the regulatory requirements of 10 CFR 73.55, as issued on March 27, 2009.

4.0 Conclusion for Part 73 Schedule Exemption Request

The NRC staff has reviewed the licensee's submittals and concludes that the licensee has provided adequate justification for its request for an extension of the compliance date to December 31, 2010, for two specified requirements of 10 CFR 73.55.

Accordingly, the Commission has determined that pursuant to 10 CFR 73.5, "Specific exemptions," an exemption from the March 31, 2010, compliance date is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the required exemption.

The long-term benefits that will be realized when the WCGS equipment installation is complete justifies exceeding the full compliance date in the case of this particular licensee. The security measures that WCGS needs additional time to implement, are new requirements imposed by March 27, 2009, amendments to 10 CFR 73.55, and are in addition to those required by the security orders issued in response to the events of September 11, 2001. Therefore, it is concluded that the licensee's actions are in the best interest of protecting the public health and safety through the security changes that will result from granting this exemption.

As per the licensee's request and the NRC's regulatory authority to grant an exemption from the March 31, 2010, deadline for the two requirements specified in WCNOC letter dated December 15, 2009, the licensee is required to be in full compliance by December 31, 2010. In achieving compliance, the licensee is reminded that it is responsible for determining the appropriate licensing mechanism (i.e., 10 CFR 50.54(p) or 10 CFR 50.90) for incorporation of all necessary changes to its security plans.

Pursuant to 10 CFR 51.32, "Finding of no significant impact," the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment (75 FR 5631; February 3, 2010).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of February 2010.

For the Nuclear Regulatory Commission.

Allen G. Howe,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–4675 Filed 3–4–10; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12053 and #12054]

Iowa Disaster #IA–00022

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 IOWA (FEMA—1877—DR), dated 02/25/2010.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 12/23/2009 through 12/27/2009.

DATES: *Effective Date:* 02/25/2010.

Physical Loan Application Deadline Date: 04/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 11/25/2010.

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 02/25/2010, Private Non-Profit organizations that provide essential services of 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:

Adair, Audubon, Calhoun, Carroll, Cass, Cherokee, Clay, Crawford, Emmet, Franklin, Fremont, Guthrie, Harrison, Ida, Monona, Page, Pottawattamie, Sac, Shelby, Sioux, Woodbury.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12053B and for economic injury is 12054B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2010–4668 Filed 3–4–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12051 and # 12052]

Oklahoma Disaster # OK–00034

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 Oklahoma (FEMA–1876–DR), dated 02/25/2010.

Incident: Severe Winter Storm.

Incident Period: 12/24/2009 through 12/25/2009.

DATES: *Effective Date:* 02/25/2010.

Physical Loan Application Deadline Date: 04/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 11/25/2010.

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 02/25/2010, Private Non-Profit organizations that provide essential services of 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: Canadian, Cleveland, Comanche, Cotton, Craig, Delaware, Garvin, Grady, Hughes, Jackson, Jefferson, Kay, Lincoln, Love, Mcclain, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Ottawa, Payne, Pontotoc, Pottawatomie, Rogers, Sequoyah, Stephens, Tillman, Tulsa.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12051B and for economic injury is 12052B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–4669 Filed 3–4–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12055 and #12056]

Nebraska Disaster #NE–00033

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 Nebraska (FEMA–1878–DR), dated 02/25/2010.

Incident: Severe Winter Storms and Snowstorm.

Incident Period: 12/22/2009 through 01/08/2010.

EFFECTIVE DATE: 02/25/2010.

Physical Loan Application Deadline Date: 04/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 11/25/2010.

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 02/25/2010, Private Non-Profit organizations that provide essential services of 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, Antelope, Brown, Burt, Butler, Cass, Cherry, Clay, Dakota, Dodge, Douglas, Gage, Garfield, Hamilton, Jefferson, Johnson, Keya Paha, Lancaster, Madison, Morrill, Nance, Nemaha, Otoe, Pawnee, Rock, Saline, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wheeler, York.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12055B and for economic injury is 12056B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–4667 Filed 3–4–10; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Extension of Existing Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0123.

Extension:

Rule 605 of Regulation NMS; SEC File No 270–488; OMB Control No. 3235–0542; Rule 606 of Regulation NMS; SEC File No. 270–489; OMB Control No. 3235–0541.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collections of information summarized below.

Rule 605 of Regulation NMS ("Rule 605") (17 CFR 242.605),[1] formerly known as Rule 11Ac1–5, requires market centers to make available to the public monthly order execution reports in electronic form. The Commission believes that many market centers retain most, if not all, the underlying raw data necessary to generate these reports in electronic format. Once the necessary

[1] Regulation NMS, adopted by the Commission in June 2005, redesignated the national market system rules previously adopted under Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). Rule 11Ac1–5 under the Exchange Act was redesignated Rule 605 of Regulation NMS, and Rule 11Ac1–6 under the Exchange Act was redesignated Rule 606 of Regulation NMS. No substantive amendments were made to Rule 605 and Rule 606 of Regulation NMS. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

data is collected, market centers could either program their systems to generate the statistics and reports, or transfer the data to a service provider (such as an independent company in the business of preparing such reports or a self-regulatory organization ("SRO") that would generate the statistics and reports.

The collection of information obligations of Rule 605 apply to all market centers that receive covered orders in national market system securities. The Commission estimates that approximately 408 market centers are subject to the collection of information obligations of Rule 605. Each of these respondents is required to respond to the collection of information on a monthly basis.

The Commission staff estimates that, on average, Rule 605 causes respondents to spend 6 hours per month in additional time to collect the data necessary to generate the reports, or 72 hours per year. With an estimated 408 market centers subject to Rule 605, the total data collection cost to comply with the monthly reporting requirement is estimated to be 29,376 hours per year.

Rule 606 of Regulation NMS ("Rule 606") (17 CFR 242.606), formerly known as Rule 11Ac1–6, requires broker-dealers to prepare and disseminate quarterly order routing reports. Much of the information needed to generate these reports already should be collected by broker-dealers in connection with their periodic evaluations of their order routing practices. Broker-dealers must conduct such evaluations to fulfill the duty of best execution that they owe their customers.

The collection of information obligations of Rule 606 apply to broker-dealers that route non-directed customer orders in covered securities. The Commission estimates that out of the currently 5178 broker-dealers that are subject to the collection of information obligations of Rule 606, clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 606 on behalf of small to mid-sized introducing firms. There currently are approximately 527 clearing brokers. In addition, there are approximately 2426 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 606.

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate a quarterly report required by Rule 606, or a burden of 160 hours per year. With an estimated 2953 [2] broker-dealers significantly involved in order routing practices, the total burden per year to comply with the quarterly reporting requirement in Rule 606 is estimated to be 472,480 hours.

Rule 606 also requires broker-dealers to respond to individual customer requests for information on orders handled by the broker-dealer for that customer. Clearing brokers generally bear the burden of responding to these requests. The Commission staff estimates that an average clearing broker incurs an annual burden of 400 hours (2000 responses × 0.2 hours/response) to prepare, disseminate, and retain responses to customers required by Rule 606. With an estimated 527 clearing brokers subject to Rule 606, the total burden per year to comply with the customer response requirement in Rule 606 is estimated to be 210,800 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/c Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*.

Dated: March 1, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–4660 Filed 3–4–10; 8:45 am]

BILLING CODE 8011–01–P

[2] 527 clearing brokers + 2426 introducing brokers = 2953.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Amalgamated Explorations, Inc., Areawide Cellular, Inc., Genomed, Inc., Global Maintech Corp., Military Resale Group, Inc., Verado Holdings, Inc., and World Transport Authority, Inc.; Order of Suspension of Trading

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Amalgamated Explorations, Inc. because it has not filed any periodic reports since the period ended March 31, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Areawide Cellular, Inc. because it has not filed any periodic reports since the period ended September 30, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Genomed, Inc. because it has not filed any periodic reports since the period ended March 31, 2005.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Global Maintech Corp. because it has not filed any periodic reports since the period ended December 31, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Military Resale Group, Inc. because it has not filed any periodic reports since the period ended September 30, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Verado Holdings, Inc. because it has not filed any periodic reports since the period ended September 30, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of World Transport Authority, Inc. because it has not filed any periodic reports since the period ended March 31, 2004.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-

listed companies is suspended for the period from 9:30 a.m. EST on March 3, 2010, through 11:59 p.m. EDT on March 16, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–4801 Filed 3–3–10; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Corridor Communications Corp., International Cosmetics Marketing Co., PNV, Inc., Questron Technology, Inc. (n/k/a Quti Corp.), Tapistron International, Inc., Telscape International, Inc. (n/k/a Scapetel Debtor, Inc.), and Universal Beverages Holdings Corp.; Order of Suspension of Trading

March 3, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Corridor Communications Corp. because it has not filed any periodic reports since the period ended September 30, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of International Cosmetics Marketing Co. because it has not filed any periodic reports since the period ended March 31, 2003.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of PNV, Inc. because it has not filed any periodic reports since the period ended September 30, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Questron Technology, Inc. (n/k/a Quti Corp.) because it has not filed any periodic reports since the period ended September 30, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Tapistron International, Inc. because it has not filed any periodic reports since the period ended April 30, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Telscape International, Inc. (n/k/a Scapetel Debtor, Inc.) because it has not filed any periodic reports since the period ended December 31, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Universal Beverages Holdings Corp. because it has not filed any periodic reports since the period ended September 30, 2003.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on March 3, 2010, through 11:59 p.m. EDT on March 16, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–4802 Filed 3–3–10; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Xtreme Motorsports International, Inc.; Order of Suspension of Trading

March 3, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Xtreme Motorsports International, Inc. ("Xtreme Motorsports") because questions have arisen regarding trading in the company's stock. Xtreme Motorsports is quoted on the Pink Sheets under the symbol "XTMM."

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 the above-listed company is suspended for the period from 9:30 a.m. EST, on March 3, 2010 through 11:59 p.m. EDT, on March 16, 2010.

By the Commission.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–4803 Filed 3–3–10; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61592; File No. SR–BATS–2010–002]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by BATS Exchange, Inc. to Offer Certain BATS Exchange Data Products

February 25, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1], and Rule 19b–4 [2] thereunder, notice is hereby given that on February 2, 2010, BATS Exchange, Inc. ("BATS" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. On February 22, 2010, BATS filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has filed a proposed rule change to offer certain new Exchange data products to Exchange Members [3] and other market data recipients. In connection with such data products, the Exchange is proposing to amend the fee schedule applicable to Members and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). The Exchange will implement the proposed rule change on the first day of the month immediately following Commission approval (or on the date of approval, if on the first business day of a month).

The text of the proposed rule change is available on the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to begin offering three new data products containing Exchange data. Specifically, the Exchange proposes to offer a new Last Sale Feed, Historical Data Products, and a data product called BATS Market Insight. The Exchange currently offers its data products to Members and other data recipients free of charge.[4]

BATS Last Sale Feed

First, the Exchange is proposing to begin offering a new feed, the BATS Last Sale Feed, to Members and non-members. The BATS Last Sale Feed will be a direct data feed product that provides real-time, intraday trade information, including price, volume and time of executions. The BATS Last Sale Feed will not include quotation information.

Currently, the Exchange provides real-time last sale information from its market center to the Security Information Processors ("SIPs") for the national market system plans governing trading in NYSE listed securities ("Tape A securities"), NASDAQ listed securities ("Tape C securities"), and securities listed on exchanges other than NYSE or NASDAQ ("Tape B securities"). The SIPs then consolidate the Exchange's last sale information with similar information from other market centers, and disseminate the consolidated last sale data to market participants, including market data vendors. The BATS Last Sale Feed will include last sale information regarding all Tape A, B and C securities with respect to activity occurring solely on the Exchange.

Various data recipients may wish to subscribe to and use the BATS Last Sale Feed. For instance, data recipients that provide real-time market information on public Web sites or offer dynamic stock tickers, portfolio trackers, price/time graphs and other visual systems can use the Last Sale Feed in lieu of using the Exchange's existing data feeds. Such data recipients may prefer the BATS Last Sale Feed because the Exchange's existing data feeds contain a significant amount of additional information that such data recipients may not need, which may result in unnecessary technology costs (*e.g.*, development, telecommunications or storage costs). The Exchange notes that similar market-specific last sale data products are offered by other market centers or will likely be offered in the near future.[5]

No market participant is required to subscribe to the BATS Last Sale Feed because the same last sale prices are available in the Exchange's other data feeds.[6] Market participants can also gain access to BATS last sale prices that are integrated with the prices that other markets make available through the SIPs. Indeed, even though the BATS Last Sale Feed may provide to some participants an efficient alternative to the consolidated price information that investors and broker-dealers can receive on a consolidated basis from the SIPs, the Exchange believes that the information that the Exchange contributes to the consolidated tape and the increasingly lower latency of the data feeds offered by the SIPs will continue to satisfy the needs of the vast majority of individual and professional investors. Although certain data recipients might supplement their data feeds by adding the BATS Last Sale Feed, it is unlikely that data recipients or distributors will replace the consolidated last sale feed provided by the SIPs with the BATS Last Sale Feed. The Exchange represents that it will not distribute its last sale feed on a more timely basis than it makes available the data that is provided to the SIPs for consolidation and dissemination.

The proposed cost of the BATS Last Sale Feed is $5,000 per month for any data recipient that chooses to receive the data feed for internal use only. For data recipients that wish to redistribute the BATS Last Sale Feed, the Exchange will not require such recipients to count, classify (*e.g.*, professional or non-professional) or report to the Exchange information regarding the customers to which they provide the data. Instead, the Exchange proposes a flat fee of $25,000 per month for any data recipient that wishes to redistribute the BATS Last Sale Feed externally. End users will not have to pay the Exchange for the BATS Last Sale Feed or enter into contracts with the Exchange. The Exchange believes that the proposed pricing model is simple and easy for data recipients to comply with, and thus, will result in a minimal additional administrative burden for data recipients with respect to the BATS Last Sale Feed. Rule 603(a)(2) of Regulation NMS[7] requires markets to distribute market data "on terms that are not unreasonably discriminatory." Regardless of a data recipient's reasons for subscribing to the BATS Last Sale Feed, the fee for such feed applies equally to all data recipients that wish to use the feed for internal use only and equally to all data recipients that wish to redistribute the feed. Accordingly, the Exchange believes its proposal satisfies Rule 603(a)(2) of Regulation NMS.[8]

BATS Historical Data Products

Second, the Exchange proposes to begin providing historical data to data recipients upon request for a fee. The Exchange currently provides historical data upon request on an ad hoc basis, but proposes to begin charging a fee due to the infrastructure costs of storing and providing such data. Similar to what it does today, the Exchange proposes to provide a data recipient with the requested historical data on an external hard drive provided by the Exchange. As an alternative means to obtain historical data, the Exchange will provide market participants with access to a database from which they can download data that is up to 3 months old. As proposed, the Exchange will offer the following three products through either of these distribution methods: (1) Historical top of book data from the Exchange's TOP data feed ("Historical TOP Data"), (2) historical data from the Exchange's PITCH data feed ("Historical PITCH Data"), and (3) historical transaction data from the Exchange's Last Sale Feed ("Historical Last Sale Data"). BATS Historical TOP Data, BATS Historical PITCH Data and BATS Historical Last Sale Data will be provided to data recipients for internal use only, and thus, no redistribution will be permitted.

Historical data provided by the Exchange can be used for a variety of purposes. For instance, data recipients

[4] The Exchange currently offers various data feeds free of charge, including, but not limited to, TCP PITCH, Multicast PITCH, and TCP FAST PITCH, which are depth of book data feeds containing real-time quotation and transaction data from the Exchange; TCP DROP, which contains order execution and other information (*e.g.,* modifications and cancellations) specific to the Exchange activity of one or more Users; and TCP TOP, which contains real-time top of book quotation and transaction information from the Exchange.

[5] *See* NASDAQ Rule 7039; Release No. 34–59598 (March 18, 2009), 74 FR 12919 (March 25, 2009) (File No. SR–NYSEArca-2009–05) (order approving proposed rule change to establish fees for a NYSE Arca data service, including a last sale product); *see also* Release No. 34–61112 (December 4, 2009), 74 FR 65569 (December 10, 2009) (File No. SR–BX–2009–077) (filing of an immediately effective rule related to introduction of a last sale feed by NASDAQ OMX BX).

[6] *See supra,* note 4.

[7] 17 CFR 603(a)(2).

[8] *Id.*

that wish to back-test certain trading strategies can use Historical PITCH or Historical TOP Data for such purpose. As another example, data recipients that provide market information through public websites or develop dynamic stock tickers, portfolio trackers, price/time graphs and other visual systems can use Historical Last Sale data for such purposes. The Exchange notes that similar historical data products are offered by other market centers.[9] The proposed cost of user-accessible BATS Historical TOP Data, BATS Historical PITCH Data or BATS Historical Last Sale Data is $500 per month of data accessed by any individual user. The Exchange's databases will contain up to 90 days of data at any point in time. For data that the Exchange provides on an external hard drive to a market participant the proposed cost is $2,500 per 1 terabyte (TB) drive generated by the Exchange. Each of the proposed costs set forth above applies per data product. For instance, an individual user that obtained access to BATS Historical Top Data would pay $500 for access to a particular month's data, and if that user also wanted access to BATS Historical Last Sale Data, the individual user would need to pay another $500 for such access. Similarly, a market participant would pay $2,500 for an external hard drive containing BATS Historical TOP Data that fits on a 1 TB drive (internal use only); such participant would have to pay separately for a 1 TB drive containing BATS Historical Last Sale Data or BATS Historical PITCH Data.

BATS Market Insight

Finally, the Exchange proposes to begin offering data that can be used to analyze the depth of liquidity of the Exchange's book, including reserve and hidden interest on a historical basis. This data, referred to by the Exchange as BATS Market Insight, will provide a market participant with information regarding the depth of the market at the Exchange in minute increments. Data will become available for access by market participants 10 days following each trade date (T + 10) and will be available for 30 days. Specifically, a participant using BATS Market Insight will be able to obtain data regarding total order interest, displayed order interest and hidden order interest at each price point in specific Tape A, B and C securities traded on the Exchange. BATS Market Insight will be provided to data recipients for internal use only, and thus, no redistribution will be permitted. BATS Market Insight can be used by market participants to improve their trading and order routing strategies. The Exchange notes that a similar market data product is offered by NASDAQ.[10]

The proposed cost for access to BATS Market Insight is $1,000 per user per month.

Additional Discussion Regarding Proposed Data Products

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data products to the public. The Commission believed this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The data products proposed herein appear to be precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The BATS Last Sale Feed will offer BATS-specific data in a new form not previously available to market data consumers, in a manner similar to that provided by other markets. The Historical Data Products proposed by the Exchange will allow market participants to purchase useful historical data from the Exchange while at the same time enabling the Exchange to better cover its infrastructure costs and to improve its market technology and services. Finally, BATS Market Insight will enable market participants to conduct BATS-specific analysis to meet their needs.

The bases under the Act for the proposed rule change are: (1) The requirement under Section 6(b)(4)[11] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities; and (2) the requirement under Section 6(b)(5)[12] that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers or dealers.

In its recent "Order Setting Aside Action by Delegated Authority and Approving Proposed Rule Change Relating to NYSE Arca Data" (the "NYSE ArcaBook Approval Order"),[13] the Commission reiterated its position from its release approving Regulation NMS that it should "allow market forces, rather than regulatory requirements, to determine what, if any, additional quotations outside the NBBO are displayed to investors."[14]

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, the proposed data products would compete with a number of alternative products. For instance, the BATS Last Sale Feed does not provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several Trade Reporting Facilities of FINRA, and ECNs that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to BATS last sale prices through free data feeds provided by the Exchange or integrated with the prices of other markets on feeds made available through the SIPs. With respect to BATS Market Insight, the Exchange is proposing to offer a product that, while specific to the Exchange's data, is similar to a product offered by Nasdaq with respect to executions on Nasdaq. Furthermore, a market participant could gain access to the same information provided through the proposed BATS Market Insight product through a combination of: (1) Existing, free data feeds from the Exchange (for displayed trading interest), and (2) information gathered by the market participant through its trading activities on the Exchange and/or through the consolidated data published by the SIPs reporting executions that occurred on the Exchange (for non-displayed trading interest).

In setting the level of the proposed data product fees, the Exchange took into consideration several factors, including:

[9] *See* NASDAQ Rule 7022; *see also http://www.nyxdata.com* for information regarding NYSE OpenBook History and ArcaBook FTP, historical data products offered by the NYSE and NYSE Arca, respectively.

[10] *See* NASDAQ Rule 7023(d).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Release No. 34–59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (File No. SR–NYSE Arca-2006–21).

[14] *See* Release No. 34–51808 (June 9, 2005), 70 FR at 37566–37567 (June 29, 2005) (File No. S7–10–04) (the "Regulation NMS Release").

(1) Consultation with some of the entities that the Exchange anticipates will be the most likely to take advantage of the products;

(2) the contribution of market data revenues that the Exchange believes is appropriate for vendors and other entities that provide market data to the investing public;

(3) the contribution that revenues accruing from the proposed fees will make to meeting the overall costs of the Exchange's operations;

(4) investors', broker-dealers' and data vendors' access to the Exchange's last sale prices through existing data feeds; and

(5) the fact that the proposed fees provide an alternative to existing Network A and Network B fees under the CTA Plan and to the fees imposed under the Nasdaq/UTP Plan, alternatives that vendors will purchase only if they determine that the perceived benefits outweigh the cost.

In the aftermath of the NYSE ArcaBook Approval Order, the Exchange believes that the competition among exchanges for order flow and the competition among exchanges for market data products subject the proposed data product fees to significant competitive forces.

In addition, the Exchange believes that no substantial countervailing basis exists to support a finding that the fees fail to meet the requirement of the Act.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

2. Statutory Basis

The rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes that the proposed change is consistent with Section 6(b)(4) of the Act,[16] because it provides an equitable allocation of reasonable dues, fees, and other charges among its members and other recipients of Exchange data. The Exchange believes that its proposed fees for the data products described herein are reasonable in light of the benefits to data recipients and the fact that the Exchange's existing data feeds will continue to be provided free of charge. These products are completely optional in that no consumer is required to purchase any of them and only those consumers that deem such products to be of sufficient overall value and usefulness will purchase them. To the extent consumers do purchase the data products, the revenue generated will offset the Exchange's fixed costs of operating and regulating a highly efficient and reliable platform for the trading of U.S. equities. It will also help the Exchange cover its costs in developing and running that platform, as well as ongoing infrastructure costs.

The Exchange also believes that the proposed change is consistent with Section 6(b)(5) of the Act,[17] which requires, among other things, that the Exchange's rules are not designed to unfairly discriminate between customers, issuers, brokers or dealers. Specifically, the Exchange believes that the fees proposed for the new data products are equitable in that they are optional and apply uniformly to all data recipients irrespective of each recipient's relationship to the Exchange (e.g., Member, non-Member data recipient, etc.).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal to introduce certain new data products is designed to increase transparency and the efficiency of executions by enabling data recipients to receive and use Exchange data in new ways. As described above, there is significant competition for the provision of market data to broker-dealers and other market data consumers, as well as competition for the orders that generate the data. In introducing the proposed data products, the Exchange is providing products similar to data products offered by other market centers.

In proposing and adopting Regulation NMS, the Commission rescinded the prior prohibition on SROs from disseminating their trade reports independently,[18] subjecting that distribution to the "fair and reasonable" and "not unreasonably discriminatory" standards that have historically governed the distribution of consolidated data.[19] The Commission stated, "Given that * * * SROs will continue to transmit trades to the Networks pursuant to the Plans * * *, the Commission believe [SIC] that SROs and their members also should be free to distribute their trades independently."[20]

The Commission rescinded the prohibition in recognition of the fact that competition in the realm of SRO trade-report distribution would produce market forces and innovation that would benefit the investing public. The NYSE ArcaBook Approval Order enforces this finding. By means of the data products proposed herein, the Exchange would provide vendors and broker-dealers with an alternative market data product and fee structure that does not exist today, without altering or rescinding any existing market data products. If they believe that the proposed product and fee structure are useful and cost-effective to their business model, they will embrace them. The only change to an existing data product is that the Exchange will now, for the first time, charge for the provision of historical data. The Exchange believes this charge is reasonable, however, given the cost of both maintaining and providing such data.

Given the existence of alternative products containing BATS last sale information, the fact that the Historical Data Products and BATS Market Insight are consistent with products and information provided by the Exchange's competitors and are purely optional sources of information that can be used by data recipients that see value in such information, the Exchange does not believe that the proposed data products will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Rule 601 of Regulation NMS.

[19] *See* Rule 603(b) of Regulation NMS.

[20] *See* Footnote 638 of Regulation NMS Release, *supra* note 13.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–BATS–2010–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2010–002. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2010–002 and should be submitted on or before March 26, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–4658 Filed 3–4–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61609; File No. SR–NYSE–2010–13]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC To Extend the Pilot Program in Relation to Certain of Its Continued Listing Standards

March 1, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Exchange Act"),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 25, 2010, New York Stock Exchange LLC (the "NYSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I and II below, which items have been prepared by the Exchange. The Exchange has designated this proposal eligible for immediate effectiveness pursuant to Rule 19b–4(f)(6)[4] under the Exchange Act. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes extend [sic] until June 30, 2010, the operation of an amendment to the continued listing requirements in Section 802.01B of the Exchange's Listed Company Manual (the "Manual") that is currently in effect on a pilot program basis (the "Pilot Program").

The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange's Office of the Secretary and at the Commission's Public Reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The NYSE proposes to extend until June 30, 2010, the Pilot Program currently in effect in relation to the continued listing requirements in Section 802.01B of the Manual.

Prior to the adoption of the Pilot Program,[5] Section 802.01B(I) of the Manual provided that any company that qualified to list under the Earnings Test set out in Section 102.01C(I) or in Section 103.01B(I) (in the case of foreign private issuers) or pursuant to the requirements set forth under the Assets and Equity Test set forth in Section 102.01C(IV) or the "Initial Listing Standard for Companies Transferring from NYSE Arca" (the "NYSE Arca Transfer Standard") set forth in Section 102.01(C)(V) (the NYSE Arca Transfer Standard expired by its terms on August 31, 2009) was considered to be below compliance standards if such company's average global market capitalization over a consecutive 30 trading-day period was less than $75 million and, at the same time, total stockholders' equity was less than $75 million. Under the Pilot Program, companies that listed under the initial listing standards set forth in the immediately preceding sentence are considered to be below compliance standards if average global market capitalization over a consecutive 30 trading-day period is less than $50 million and, at the same time, total stockholders' equity is less than $50

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[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 59996 (May 28, 2009), 74 FR 26912 (June 4, 2009) (SR–NYSE–2009–48) (the "Pilot Program Notice").

million. The Pilot Program originally expired by its terms on October 31, 2009, but the Exchange extended its application for an additional five months, until February 28, 2010.[6] The Exchange now proposes to extend the Pilot Program until June 30, 2010. The Exchange is submitting a filing concurrently with this filing in which it proposes to make the Pilot Program permanent.[7] If the SEC approves that filing prior to June 30, 2010, the Pilot Program will expire and the amendment to Section 802.01B(I) will become permanent at that time.

For companies listed under the Earnings Test, the Pilot Program returned continued listing requirements to those in place prior to the adoption of the current requirements on June 9, 2005.[8] Consequently, prior to implementation of the Pilot Program, the Exchange had considerable historical experience with the continued listing of companies that had continued to trade on the Exchange with global market capitalization and stockholders' equity each below $75 million but greater than $50 million. In addition, the Exchange's experience under the Pilot Program has been very positive, as only one of the companies that was deemed back in compliance as a result of the adoption of the Pilot Program has subsequently fallen below the standard as amended by the Pilot Program as of the date of this filing and only two additional companies have been newly identified as being below the Pilot Program standard. Based on this experience, the Exchange believes that companies that exceed the continued listing standards as amended by the Pilot Program are suitable for continued listing on the Exchange.

The Exchange believes that the continued listing standards as amended by the Pilot Program are at least as stringent as those of any other national securities exchange. Consequently, the Exchange believes that the Pilot Program is consistent with the protection of investors and the public interest and does not raise any novel regulatory issues. In addition, the Exchange notes that the Commission stated in the Pilot Program Notice[9] that it believed that the continued listing standards adopted under the Pilot Program met the requirements established in Exchange Act Rule 3a51–1(a)(2)(ii)[10] in that they were reasonably related to the initial listing standards set forth in paragraph (a)(20)(i)[sic] of Exchange Act Rule 3a51–1 (the "Penny Stock Rule").[11]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[12] of the Exchange Act, in general, and furthers the objectives of Section 6(b)(5)[13] of the Exchange Act in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed extension to the Pilot Program is consistent with the investor protection objectives of the Exchange Act in that the continued listing standards under the Pilot Program are set at a high enough level that only companies that are suitable for continued listing on the Exchange will exceed the standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[14] of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii),[18] which would make the rule change operative upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow the current Pilot Program to continue without interruption. The Commission notes that the standards under the Pilot Program are identical, for those companies qualifying under the Earnings Test, to those in effect on the Exchange prior to the adoption of the current standards in 2005.[19] The NYSE represents that the continued listing standards proposed under the Pilot Program are at least as stringent as those of any other national securities exchange. In addition, the Commission notes that the pilot period will allow the NYSE and the Commission to continue to assess the new continued listing standards. For these reasons, the Commission designates the proposed rule change operative upon filing.[20]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public

[6] *See* Securities Exchange Act Release No. 60911 (November 2, 2009), 74 FR 57730 (November 9, 2010) (SR–NYSE–2009–109).

[7] The Commission notes that on February 26, 2010, the Exchange submitted a proposed rule change to make the Pilot Program permanent. (*See* SR–NYSE–2010–15).

[8] *See* Securities Exchange Act Release No. 51813 (June 9, 2005), 70 FR 35484 (June 20, 2005) (SR–NYSE–2004–20). The Assets and Equity Test set forth in Section 102.01C(IV) and the NYSE Arca Transfer Standard set forth in Section 102.01C(V) were adopted subsequent to this amendment.

[9] *See* the Pilot Program Notice at Note 5.

[10] 17 CFR 240.a51–1(a)(2)(ii). [sic]

[11] 17 CFR 240.a51–1. [sic]

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[16] *Id.*

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *Id.*

[19] *See* Securities Exchange Act Release No. 51813 (June 9, 2005), 70 FR 35484 (June 20, 2005) (SR–NYSE–2004–20).

[20] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2010–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–13. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2010–13 and should be submitted on or before March 26, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–4659 Filed 3–4–10; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 6914]

60-Day Notice of Proposed Information Collection: DS–2031, Shrimp Exporter's/Importer's Declaration, OMB Control Number 1405–0095

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Shrimp Exporter's/Importer's Declaration
- *OMB Control Number:* 1405–0095
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Oceans and International Environmental and Scientific Affairs, Office of Marine Conservation (OES/OMC)
- *Form Number:* DS–2031
- *Respondents:* Business or other for-profit organizations
- *Estimated Number of Respondents:* 3,000
- *Estimated Number of Responses:* 10,000
- *Average Hours per Response:* 10 minutes
- *Total Estimated Burden:* 1,666
- *Frequency:* On occasion
- *Obligation to Respond:* Mandatory

DATE(S): The Department will accept comments from the public up to 60 days from March 5, 2010.

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

- *Mail (paper, disk, or CD–ROM submissions):* Office of Marine Conservation (OES/OMC), 2201 C Street, NW., Section 609 Program, Room 2758, Washington, DC 20520
- *Fax:* (202) 736–7350

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to James J. Hogan, III, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; who may be reached on (202) 647–2252.

SUPPLEMENTARY INFORMATION:

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: The Form DS–203 is necessary to document imports of shrimp pursuant to the State Department's implementation of Section 609 of Public Law 101–162, which prohibits the entry into the United States of shrimp harvested in ways which are harmful to sea turtles. Respondents are shrimp exporters and government officials in countries which export shrimp to the United States. The DS–2031 Form is to be retained by the importer for a period of three years subsequent to entry, and during that time is to be made available to U.S. Customs and Border Protection or the Department of State upon request.

Methodology: The DS–2031 form is completed by the exporter, the importer, and under certain conditions a government official of the exporting country. The DS–2031 Form accompanies shipment of shrimp and shrimp products to the United States and is to be made available to U.S. Customs and Border Protection at the time of entry.

Dated: February 17, 2010.

David A. Balton,

Deputy Assistant Secretary for Oceans and Fisheries, Department of State.

[FR Doc. 2010–4705 Filed 3–4–10; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Announcing the Availability of Import Statistics Relating to Competitive Need Limitations (CNLs) and Inviting Public Comment on CNL Waivers Subject to Potential Revocation Based on New Statutory Thresholds, Possible De Minimis Waivers, and Product Redesignations for the 2009 Annual Review

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice and solicitation of comments.

SUMMARY: This notice announces the availability of full 2009 calendar year import statistics relating to competitive need limitations (CNLs) under the Generalized System of Preferences (GSP) program. The Office of the United States Trade Representative (USTR) will accept public comments submitted by 5 p.m., Thursday, March 25, 2010, via *http://www.regulations.gov* regarding three issues: (1) Potential revocation of CNL waivers that meet the statutory thresholds set forth by section 503(d)(4)(B)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(d)(4)(B)(ii)), as amended by Public Law 109–432; (2) possible *de minimis* CNL waivers; and (3) possible redesignations of articles currently not eligible for GSP benefits because they previously exceeded the CNL thresholds.

FOR FURTHER INFORMATION CONTACT: Tameka Cooper, GSP Program, Office of the United States Trade Representative, 1724 F Street, NW., Washington, DC 20508. The telephone number is (202) 395–6971, the fax number is (202) 395–2961, and the e-mail address is *Tameka_Cooper@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Competitive Need Limitations

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries (BDCs). The GSP program is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (the "1974 Act"), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

Section 503(c)(2)(A) of the 1974 Act sets out the two CNLs. When The President determines that a BDC exported to the United States during a calendar year either (1) a quantity of a GSP-eligible article having a value in excess of the applicable amount for that year ($140 million for 2009), or (2) a quantity of a GSP-eligible article having a value equal to or greater than 50 percent of the value of total U.S. imports of the article from all countries (the "50 percent" CNL), the President must terminate GSP duty-free treatment for that article from that BDC by no later than July 1 of the next calendar year.

De minimis waivers: Under section 503(c)(2)(F) of the 1974 Act, the President may waive the 50 percent CNL with respect to an eligible article imported from a BDC if the value of total imports of that article from all countries during the calendar year did not exceed the applicable *de minimis* amount for that year ($19.5 million for 2009).

Re-designations: Under section 503(c)(2)(C) of the 1974 Act, if imports of an eligible article from a BDC ceased to receive duty-free treatment due to exceeding a CNL in a prior year, the President may, subject to the considerations in sections 501 and 502 of the 1974 Act, redesignate such an article for duty-free treatment if imports in the most recently completed calendar year did not exceed the CNLs.

CNL waiver revocation: Under Section 503(d)(5) of the 1974 Act, a CNL waiver remains in effect until the President determines that it is no longer warranted due to changed circumstances. Section 503(d)(4)(B)(ii) of the 1974 Act, as amended by Public Law 109–432, also provides that, "[n]ot later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article—(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year [$210 million in 2009]; or (II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year."

II. Implementation of Competitive Need Limitations, Waivers, and Redesignations

Exclusions from GSP duty-free treatment where CNLs have been exceeded will be effective July 1, 2010, unless granted a waiver by the President. Any CNL-based exclusions, CNL waiver revocations, and decisions with respect to *de minimis* waivers and redesignations will be based on full 2009 calendar year import data.

III. 2009 Import Statistics

In order to provide notice of articles that have exceeded the CNLs for 2009 and to afford an opportunity for comment regarding (1) the potential revocation of waivers subject to the CNL waiver thresholds for 2009, (2) potential *de minimis* waivers, and (3) redesignations, the lists of the articles are available as supporting material within Docket USTR–2010–0009 or at: *http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp/current-review-1,* under "2009 GSP Review, Full-Year 2009 Import Statistics Relating to Competitive Need Limitations (CNLs)." Full 2009 calendar year data for individual tariff subheadings may also be viewed on the Web site of the U.S. International Trade Commission at *http://dataweb.usitc.gov.*

The lists available on the USTR Web site contain, for each article, the Harmonized Tariff Schedule of the United States (HTSUS) subheading and BDC country of origin, the value of imports of the article for the 2009 calendar year, and the percentage of total imports of that article from all countries. The annotations on the lists indicate, among other things, the status of GSP eligibility.

The computer-generated lists published on the USTR Web site are for informational purposes only. They may not include all articles to which the GSP CNLs may apply. All determinations and decisions regarding the CNLs of the GSP program will be based on full 2009 calendar year import data with respect to each GSP-eligible article. Each interested party is advised to conduct its own review of 2009 import data with respect to the possible application of the GSP CNL provisions.

List I on the USTR Web site shows: (a) Articles from BDCs that became ineligible for GSP treatment on or before July 1, 2009; and (b) GSP-eligible articles from BDCs that exceeded a CNL by having been exported in excess of $140 million, or in a quantity equal to or greater than 50 percent of the total U.S. import value, in 2009. Petitions to grant CNL waivers for those articles that received GSP benefits during 2009 but stand to lose GSP duty-free treatment on July 1, 2010, must have been previously submitted in the 2009 GSP Annual Review.

List II identifies GSP-eligible articles from BDCs that are above the 50 percent CNL, but that are eligible for a *de minimis* waiver of the 50 percent CNL. Articles eligible for *de minimis* waivers are automatically considered in the GSP annual review process, without

petitions, and public comments (including comments in support of or in opposition to *de minimis* waivers) are invited in accordance with the Requirements for Submissions below.

List III shows GSP-eligible articles from certain BDCs that are currently not receiving GSP duty-free treatment, but that may be considered for GSP redesignation based on 2009 trade data and consideration of certain statutory factors, as set forth above. Recommendations to the President on redesignations are normally made as part of the GSP annual review process, and public comments (including comments in support of or in opposition to redesignations) are invited in accordance with the Requirements for Submissions below.

List IV shows articles subject to the new CNL waiver thresholds of section 503(d)(4)(B)(ii) of the 1974 Act, as amended by Public Law 109–432. Recommendations to the President on revocation of these waivers will be made as part of the 2009 GSP annual review process, and public comments (including comments in support of or in opposition to revocations of CNL waivers) are invited in accordance with the Requirements for Submissions below.

IV. Public Comments

Requirements for Submissions

Submissions in response to this notice must be submitted electronically by the March 25, 2010 deadline listed above using *http://www.regulations.gov,* docket number USTR–2010–0009. Instructions for submitting business confidential versions are provided below. Hand-delivered and faxed submissions will not be accepted. Submissions must be submitted in English to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, by the applicable deadlines set forth in this notice.

To make a submission using *http://www.regulations.gov,* enter docket number USTR–2010–0009 on the homepage and click "Search". The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting "Notices" under "Document Type". Locate the reference to this notice by selecting "Notices" under "Document Type" on the left side of the search-results page, and click on the link entitled "Submit a Comment". (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking "How to Use This Site" on the left side of the home page.)

The *http://www.regulations.gov* Web site offers the option of providing comments by filling in a "Type Comment and Upload File" field or by attaching a document. Given the detailed nature of the information sought by the GSP subcommittee, USTR prefers comments to be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment and Upload File" field.

Comments must be in English, with the total submission not to exceed 30 single-spaced standard letter-size pages in 12-point type, including attachments. Any data attachments to the submission should be included in the same file as the submission itself, and not as separate files. Any person or party making a submission is strongly advised to review the GSP regulations and GSP Guidebook (available at: *http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf*).

V. Business Confidential Comments

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such, the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, "Business Confidential" should be included in the "Type Comment & Upload File" field. Anyone submitting a comment containing business confidential information must also submit as a separate submission a non-confidential version of the confidential submission, indicating where confidential information has been redacted. The non-confidential summary will be placed in the docket and open to public inspection.

Public versions of all documents relating to this review will be available for public viewing at *http://www.regulations.gov,* docket number USTR–2010–0009, upon completion of processing and no later than approximately two weeks after the due date.

Mary Estelle Ryckman,

Assistant U.S. Trade Representative for Trade and Development, Office of the U.S. Trade Representative.

[FR Doc. 2010–4706 Filed 3–4–10; 8:45 am]

BILLING CODE 3190–W0–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 6, 2010

The following applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*).

The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2010–0029.

Date Filed: February 2, 2010.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 23, 2010.

Description: Application of Perimeter Aviation LP as represented by its general partner Perimeter Aviation GP Inc. c/o/b Perimeter Aviation requesting an exemption and a foreign air carrier permit to engage in charter foreign air transportation of persons, property and mail: (1) Between any points in Canada and any point or points in the United States; (2) between any point or points in the United States and any point or points in a third country or countries, provided that, except with respect to cargo charters, such service constitutes part of a continuous operation, with or without a change of aircraft, that includes service to Canada for the purpose of carrying local traffic between

Canada and the United States; and (3) other charter operations.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2010–4673 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 13, 2010

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: DOT–OST–2010–0031.

Date Filed: February 9, 2010.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 621.

Special Passenger Amending Resolution 010n, from Hong Kong SAR to India, (Memo 1355).

Intended effective date: 22 February 2010.

Docket Number: DOT–OST–2010–0032.

Date Filed: February 9, 2010.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 619.

TC3 Special Passenger Amending Resolution 010m between Korea (Rep. of) and China excluding Hong Kong SAR and Macao SAR, (Memo 1354).

Intended effective date: 15 February 2010.

Docket Number: DOT–OST–2010–0033.

Date Filed: February 12, 2010.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 622.

TC3 Within South East Asia, Special Passenger Amending Resolution 010o between Viet Nam and Myanmar (Memo 1356).

Intended effective date: 22 February 2010.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2010–4674 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35354]

Montoff Transportation Company, LLC—Acquisition Exemption—BNSF Railway Company

Montoff Transportation Company, LLC (Montoff), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from BNSF Railway Company (BNSF) its right to reactivate rail service on a 42.80-mile rail-banked line (Line) between milepost 73.60 near Fairmont and milepost 116.40 near Guthrie, in Garfield and Logan Counties, OK.[1]

The notice of exemption relates back to the Decision and Notice of Interim Trail Use or Abandonment (NITU) that the Board, at the request of BNSF and the Oklahoma Department of Transportation (ODOT), issued for the Line in *The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Garfield and Logan Counties, OK,* STB Docket No. AB–6 (Sub-No. 379X) (STB served October 27, 1998). Shortly after the NITU was issued, BNSF and ODOT entered into an interim trail use/rail banking agreement pursuant to the National Trails System Act, 16 U.S.C. 1247(d).

Montoff, ODOT, and BNSF have now reached an agreement that would return the Line to active rail service. Pursuant to that agreement, Montoff and ODOT simultaneously filed with this notice of exemption a joint motion requesting that the Board vacate the existing NITU and issue a replacement NITU permitting Montoff to substitute for ODOT as interim trail manager for the Line. Montoff states that it intends to reactivate rail service, but that this cannot be done until necessary track and bridge rehabilitation work is completed. BNSF, in a pleading submitted in this docket on February 23, 2010, supports Montoff's filing and states that it consents to the substitution of Montoff in lieu of ODOT as interim trail manager for the Line but only if the Board first accepts Montoff's filing in this docket. This notice of exemption and the procedure proposed by Montoff is being accepted to facilitate the return of this rail-banked line to active rail service in a timely fashion.[2]

Before Montoff may begin operating the Line, it will need to obtain a decision vacating the NITU in STB Docket No. AB–6 (Sub-No. 379X), and, if necessary the operator will have to obtain authority to operate the Line.

Montoff states that it expects this acquisition transaction to be consummated on or after March 18, but no later than March 25, 2010. The earliest this transaction may be consummated is March 21, 2010, the effective date of the exemption (30 days after the notice of exemption was officially filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than March 12, 2010.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35354, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles H. Montange, 426 NW. 162nd Street, Seattle, WA 98177.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: March 2, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–4745 Filed 3–4–10; 8:45 am]

BILLING CODE 4915–01–P

[1] Montoff filed the notice of exemption on February 17, 2010, and a correction of the mileposts 2 days later. Accordingly, February 19, 2010, is the official filing date.

[2] A more appropriate approach to achieve this result would be to file a petition to vacate a NITU and an appropriate petition or notice of exemption to acquire and operate the line at issue.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its

expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 10, 2009, and comments were due by February 8, 2010. No comments were received.

DATES: Comments must be submitted on or before April 5, 2010.

FOR FURTHER INFORMATION CONTACT: Michael Yarrington, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–1915; or e-mail *Michael.yarrington@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Procedures for Determining Vessel Services Categories for Purposes of the Cargo Preference Act.

OMB Control Number: 2133–0540.

Type of Request: Extension of currently approved collection.

Affected Public: Owners or operators of U.S.-registered vessels and foreign-registered vessels.

Forms: None.

Abstract: The purpose is to provide information to be used in the designation of service categories of individual vessels for purposes of compliance with the Cargo Preference Act under a Memorandum of Understanding entered into by the U.S. Department of Agriculture, U.S. Agency for International Development, and the Maritime Administration. The Maritime Administration will use the data submitted by vessel operators to create a list of Vessel Self-Designations and determine whether the Agency agrees or disagrees with a vessel owner's designation of a vessel.

Annual Estimated Burden Hours: 800 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited On: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

(Authority: 49 CFR 1.66.)

Issued in Washington, DC, on February 25, 2010.

Murray Bloom,

Acting Secretary Maritime Administration.

[FR Doc. 2010–4628 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2010–06]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before March 25, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0166 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, (425) 227–2796, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, or Brenda Sexton, (202) 267–3664, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 1, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2010–0166.

Petitioner: Airbus.

Section of 14 CFR Affected: 14 CFR 26.22.

Description of Relief Sought: Airbus seeks a fuel-tank flammability exemption for Model A310 airplanes. This exemption, if granted, would relieve Airbus of the requirement to develop a center fuel tank flammability or reduction means, the associated service instructions and documents.

[FR Doc. 2010–4616 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2010 0021]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel COOL BEANS II.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation,

as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0021 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0021. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel COOL BEANS II is:

Intended Commercial Use of Vessel: "This vessel will be owner operated as a Captained vessel for the purpose of sightseeing cruises in the Naples, Marco Island Gulf of Mexico area of Florida. It will be added as a second vessel to our existing business, Cool Beans Cruises *www.coolbeanscruises.com.*"

Geographic Region: "Florida."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 25, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–4625 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2010 0019]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel UP THE CREEK.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0019 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0019. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel UP THE CREEK is:

Intended Commercial Use of Vessel: "Private tours (up to 6 passengers). I intend to focus exclusively on small private/family groups (4 to 6) passengers only."

Geographic Region: "North Carolina."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 25, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–4627 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2010 0020]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SHORE LEIGH BLISS.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0020 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0020. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SHORE LEIGH BLISS is:

Intended Commercial Use of Vessel: "Designation sightseeing cruises, team building cruise, Employee reward cruises, in conjunction with events at Woodland Gardens B&B North East MD."

Geographic Region: "Chesapeake Bay coastwise in Maryland, Virginia, C&D Canal in Delaware"

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 25, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–4597 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2010 0018]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel WILHELMINA.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0018 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0018. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel WILHELMINA is:

Intended Commercial Use of Vessel: "Sightseeing, harbor tours."

Geographic Region: "Maine, Massachusetts, Rhode Island, Connecticut"

Privacy Act

Anyone is able to search the electronic form of all comments

received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 25, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–4629 Filed 3–4–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Entities and Individual Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of four newly-designated entities and one individual whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters."

DATES: The designation by the Director of OFAC, pursuant to Executive Order 13382, of the entities and individual identified in this notice is effective on February 10, 2010.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/offices/enforcement/ofac*) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) ("IEEPA"), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the "Order"), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On February 10, 2010, the Acting Director of OFAC, in consultation with the Department of State designated the four entities and one individual whose property and interests in property are blocked pursuant to Executive Order 13382:

The list of designees is as follows:

Fater Engineering Institute (a.k.a. Fater Engineering Company; a.k.a. Faater Institute; a.k.a. Gharargah Ghaem Faater Institute); No. 25, Valiasr Jonoobi, Azizi Street, Azadi Sq. NE, Tehran, Iran; (Entity) [NPWMD].

Imensazen Consultant Engineers Institute; No. 5/1, Niroo Alley, Padegan-e-Valiasr Street, Sepah Square, Tehran, Iran; (Entity) [NPWMD].

Makin Institute (a.k.a. Makin Company); No. 2 Iravan St.—Tishfoon St.—Khaje Abdol ah Ansari St.—Shariati St., Tehran, Iran; (Entity) [NPWMD].

Rahab Institute (f.k.a. Rahsaz Institute); Ghorb-e Ghaem Building, Valiasr St., Azizi Blvd., Azadi Sq., Tehran, Iran; Eastern 14th St., Beihaghi Blvd., Arjantin Sq., Tehran, Iran; (Entity) [NPWMD].

Qasemi, Rostam (a.k.a. Ghasemi Mohammadali, Rostam); Iran; Citizen Iran; Nationality Iran; Passport A2463775 (Iran); (Individual) [NPWMD].

Dated: February 19, 2010.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2010–4592 Filed 3–4–10; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for 2010 United States Mint America the Beautiful Quarters Proof Set, etc.

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing the prices of the 2010 United States Mint America the Beautiful Quarters Proof Set; 2010 United States Mint America the Beautiful Quarters Silver Proof Set; 2010 United States Mint Uncirculated Coin Set; 2010 United States Mint Proof Set; and 2010 United States Mint Silver Proof Set.

The 2010 United States Mint America the Beautiful Quarters Proof Set will be priced at $14.95.

The 2010 United States Mint America the Beautiful Quarters Silver Proof Set will be priced at $32.95.

The 2010 United States Mint Uncirculated Coin Set will be priced at $31.95.

The 2010 United States Mint Proof Set will be priced at $31.95.

The 2010 United States Mint Silver Proof Set will be priced at $56.95.

The release dates for these sets will be available on the United States Mint Web site at *www.usmint/catalog.*

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: February 26, 2010.

Edmund C. Moy,

Director, United States Mint.

[FR Doc. 2010–4534 Filed 3–4–10; 8:45 am]

BILLING CODE P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—March 18, 2010, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Daniel M. Slane, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on "the national security implications of the economic relationship between the United States and the People's Republic of China."

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 18, 2010, to address "Taiwan-China: Recent Economic, Political, and Military Developments across the Strait, and Implications for the United States."

Background

This is the third public hearing the Commission will hold during its 2010 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The March 18 hearing will examine the current situation and recent trends in the cross-Strait relationship from a security, economic, and political perspective, and what recent and future changes may mean for U.S. national interests in the region. The March 18 hearing will be Co-chaired by Commissioners Patrick A. Mulloy and Larry M. Wortzel.

Any interested party may file a written statement by March 18, 2010, by mailing to the contact below. On March 18, the hearing will be held in two sessions, one in the morning and one in the afternoon. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Transcripts of past Commission public hearings may be obtained from the USCC Web Site *www.uscc.gov.*

DATE AND TIME: Thursday, March 18, 2010, 8:45 a.m. to 4 p.m. Eastern Standard Time. A detailed agenda for the hearing will be posted to the Commission's Web Site at *www.uscc.gov* as soon as available.

ADDRESSES: The hearing will be held on Capitol Hill in Room 562 of the Dirksen Senate Office Building located at First Street and Constitution Avenue, NE., Washington, DC 20510. Public seating is limited to about 50 people on a first come, first served basis. Advance reservations are not required.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the hearing should contact Kathy Michels, Associate Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington D.C. 20001; *phone:* 202–624–1409, or via e-mail at *kmichels@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: March 1, 2010.

Kathleen J. Michels,

Associate Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2010–4631 Filed 3–4–10; 8:45 am]

BILLING CODE 1137–00–P

Federal Register

Friday,
March 5, 2010

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–08]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, Room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street, NW., Washington, DC 20314; (202) 761–5542; *ENERGY:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA–50, 1000 Independence Ave, SW., Washington, DC 20585: (202) 586–5422; *GSA:* Mr. Gordon Creed, General Services Administration, Office of Property Disposal, 18th and F St., NW., Washington, DC 20405; (202) 501–0084; *INTERIOR:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS2603, Washington, DC 20240; (202) 208–5399; *NAVY:* Mr. Albert Johnson, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202) 685–9305; *VA:* Mr. George Szwarcman, Real Property Service, Department of Veterans Affairs, 811 Vermont Ave., NW., Room 555, Washington, DC 20420; (202) 565–5398; (These are not toll-free numbers).

Dated: February 25, 2010.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/05/2010

Suitable/Available Properties

Building

California

4 Bldgs.
OTH–B Radar Site
Tulelake CA 91634
Landholding Agency: COE
Property Number: 31200840001
Status: Unutilized
Comments: most recent use—communications/vehicle maint., off-site use only

Colorado

Bldg. 2
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430001
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Bldg. 3
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430002
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230006
Status: Excess

Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comments: 20,550 sq .ft., needs extensive repairs, presence of asbestos, most recent use—patient ward.

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office.

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen.

Kentucky

Green River Lock #3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Directions: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Comments: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040010
Status: Unutilized
Comments: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only.

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040011
Status: Unutilized
Comments: 3292 sq. ft., most recent use—cold storage, off-site use only.

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040012
Status: Unutilized
Comments: 964 sq. ft., most recent use—cold storage, off-site use only.

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040013
Status: Unutilized
Comments: 72 sq. ft., most recent use—cold storage, off-site use only.

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comments: 1286 sq. ft., most recent use—cold storage, off-site use only.

New York

Bldg. 3
VA Medical Center
Batavia Co: Genesee NY 14020
Landholding Agency: VA
Property Number: 97200520001
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Landholding Agency: COE
Property Number: 31199120018
Status: Unutilized
Directions: Located at lock site, downstream of lock and dam structure.
Comments: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Oxford USAR Facility
6557 Todd Road
Oxford OH 45056
Landholding Agency: GSA
Property Number: 54201010007
Status: Excess
GSA Number: 1–D–OH–833
Comments: office bldg./mess hall/barracks/simulator bldg./small support bldgs., structures range from good to needing major rehab.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comments: 1015 sq. ft., 2 story brick residence, off-site use only.

Dwelling
Lock 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199620008
Status: Unutilized
Comments: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Dwelling
Lock 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
Status: Unutilized
Comments: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only.

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740002
Status: Excess
Comments: 2030 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comments: 3045 sq. ft., most recent use—residential, good condition, off-site use only.

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 31199740005
Status: Underutilized
Comments: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only.

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740006
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740007
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Lock 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199740009
Status: Excess
Comments: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Residence A
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235
Landholding Agency: COE
Property Number: 31200410007
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos, off-site use only.

Washington

Residence
Turnbull Natl Wildlife Refuge
26010 South Smith Road
Cheney WA 99004
Landholding Agency: GSA
Property Number: 54201010010
Status: Excess
GSA Number: 9–I–WA–1249–AA
Comments: 1600 sq. ft., off-site use only, all costs associated with the move are buyer's responsibility.

Suitable/Available Properties

Land

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arizona

0.23 acres
87th Ave.
Glendale AZ
Landholding Agency: GSA
Property Number: 54201010005
Status: Excess
GSA Number: 9–I–AZ–853
Comments: 0.23 acres used for irrigation canal.

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comments: golf course, easement requirements.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010025
Status: Excess
Directions: Adjoining the village of Rockcastle.
Comments: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010026
Status: Excess
Directions: 2 ½ miles in a southerly direction from the village of Rockcastle.
Comments: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Directions: 2 ½ miles in a southerly direction from the village of Rockcastle.
Comments: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Directions: 4 ½ miles in a southeasterly direction from the village of Rockcastle.
Comments: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Directions: 6 ½ miles west of Cadiz.
Comments: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Directions: 1 mile in a southerly direction from the village of Rockcastle.
Comments: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Directions: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek.
Comments: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Directions: 3 ½ miles in a southerly direction from Canton, KY.
Comments: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Directions: 5 miles south of Canton, KY.
Comments: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Directions: 4 ½ miles south from Canton, KY.
Comments: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Directions: 6 ½ miles south of Canton, KY.
Comments: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Directions: On the north side of the Illinois Central Railroad.
Comments: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010044
Status: Excess

Directions: Approximately 4 miles east of Eddyville, KY.
Comments: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010045
Status: Excess
Directions: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Comments: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010046
Status: Excess
Directions: Approximately 4 ½ miles east of Eddyville, KY.
Comments: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Directions: Approximately 4½ miles east of Eddyville, KY.
Comments: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Directions: Approximately 5½ miles east of Eddyville, KY.
Comments: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Directions: Approximately 7½ miles southeasterly of Eddyville, KY.
Comments: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Directions: 7 miles southeasterly of Eddyville, KY.
Comments: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Directions: 9 miles southeasterly of Eddyville, KY.
Comments: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Directions: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Comments: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010054
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Comments: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010055
Status: Excess
Directions: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Comments: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010056
Status: Excess
Directions: 6½ miles southeasterly of Eddyville, KY.
Comments: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Directions: Village of Linton, KY state highway 1254.
Comments: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Directions: 1 mile northwest of Linton, KY.
Comments: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011621
Status: Excess
Directions: 4½ miles south from Canton, KY.
Comments: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011622
Status: Excess
Directions: 4½ miles south from Canton, KY.
Comments: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199011623
Status: Unutilized
Directions: 7 miles southeasterly from Eddyville, KY.
Comments: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011624
Status: Excess
Directions: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Comments: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011625
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Comments: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Directions: 5 miles southwest of Kuttawa.
Comments: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011627
Status: Excess
Directions: 5 miles southwest of Kuttawa.
Comments: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601
Landholding Agency: COE
Property Number: 31199140009
Status: Underutilized
Comments: 91 acres, most recent use—hunting, subject to existing easements.

Nevada

Approx. 22 acres
Mount Diablo
Henderson NV
Landholding Agency: Interior
Property Number: 61201010002
Status: Excess
Comments: approx. 22 acres, lead hazard due to illegal shooting on property.

Ohio

Former Outer Marker Facility
Cleves Warsaw/Muddy Creek
Cincinnati OH 45233
Landholding Agency: GSA
Property Number: 54201010008
Status: Excess
GSA Number: 1–U–OH–0841
Comments: 0.319 acres, river valley terrain/relatively steep hills.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized
Comments: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Directions: Route 28 north to Belknap, Road #4
Comments: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150
Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Directions: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Comments: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
null Co: Armstrong PA 03051
Landholding Agency: COE
Property Number: 31199011011
Status: Unutilized
Directions: Left bank—55 miles downstream of dam.
Comments: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comments: Approximately 1.72 acres of undeveloped land, subject to gas rights.

South Dakota

Portion/Tract A127
Gavins Point Dam
Yankton SD
Landholding Agency: COE
Property Number: 31200940001
Status: Unutilized
Comments: 0.3018 acre, road right of way.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Directions: 2½ miles west of Dover, TN.
Comments: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Directions: 3½ miles south of village of Tabaccoport.
Comments: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Directions: ½ mile downstream from Cheatham Dam.
Comments: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Directions: West of Buckeye Bottom Road.
Comments: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Directions: Old Jefferson Pike.
Comments: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
Directions: Across Fall Creek near Fall Creek camping area.
Comments: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Directions: TN Highway 56.
Comments: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Directions: East of Lamar Road.
Comments: 6.92 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Directions: 2½ miles SE of Dover, TN.
Comments: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Directions: 1½ miles East of Cumberland City.
Comments: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Directions: 4 miles east of Cumberland City.
Comments: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Directions: 2 miles downstream from Cheatham Dam.
Comments: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Directions: 2½ miles downstream from Cheatham Dam.
Comments: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Directions: 4½ miles SW of Bumpus Mills.
Comments: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Directions: 3 miles NE of Palmyer, TN. Highway 149.
Comments: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Directions: 1½ miles SE of Dover, TN.
Comments: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017

Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Directions: 3 miles south of Village of Tobaccoport.
Comments: 5 acres; subject to existing easements.
Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074
Landholding Agency: COE
Property Number: 31199130007
Status: Underutilized
Comments: 54 acres, (portion in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140006
Status: Underutilized
Comments: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake Project
SW.ann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140007
Status: Underutilized
Comments: 883 acres, most recent use—hunting, subject to existing easements.

Tract D–185
Dale Hollow Lake Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comments: 97 acres, most recent use—hunting, subject to existing easements.

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Building

Alaska

18 Fuel Storage Tanks
Point Barrow Long Range
Radar Site
Barrow AK 99723
Landholding Agency: GSA
Property Number: 54200930009
Status: Excess
GSA Number: 9–D–AK–824
Comments: 18,000–65,000 gallons, off-site use only.

Salmonberry Qtrs.
157 Salmonberry
Bethel AK 99559
Landholding Agency: GSA
Property Number: 54200940001
Status: Excess
GSA Number: 9–U–AK–825
Comments: 2600 sq. ft., most recent use—residential.

Arkansas

Job Corps Center
2020 Vance St.
Little Rock AR 72206
Landholding Agency: GSA
Property Number: 54200920003
Status: Surplus
GSA Number: 7–L–AR–0573
Comments: 74,570 sq. ft., 6 bldgs. most recent use—office/residential.

California

Defense Fuel Support Pt.
Estero Bay Facility
Morro Bay CA 93442
Landholding Agency: GSA
Property Number: 54200810001
Status: Surplus
GSA Number: 9–N–CA–1606
Comments: former 10 acre fuel tank farm w/ associated bldgs/pipelines/equipment, possible asbestos/PCBs .

Hawaii

Bldg. 2652
Navy Aloha Center
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200710039
Status: Underutilized
Comments: 9125 sq. ft., most recent use—office.

Illinois

Bldg. 7
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain.
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence.

Indiana

Radio Tower
Cannelton Locks & Dam
Perry IN
Landholding Agency: GSA
Property Number: 54200830020
Status: Excess
GSA Number: 1–D–IN–569E
Comments: tower/88 sq. ft. comm storage bldg., heavily wooded area.

John A. Bushemi USARC
3510 W 15th Ave
Gary IN 46404
Landholding Agency: GSA
Property Number: 54200830027
Status: Excess
GSA Number: 1–D–IN–0602
Comments: 18,689 sq. ft. admin bldg & 3780 sq. ft. maintenance bldg.

Iowa

U.S. Army Reserve
620 West 5th St.
Garner IA 50438
Landholding Agency: GSA
Property Number: 54200920017
Status: Excess
GSA Number: 7–D–IA–0510
Comments: 5743 sq. ft., presence of lead paint, most recent use—offices/classrooms/storage, subject to existing easements.

Maine

Border Patrol Station
Rt 1A
Van Buren ME 46278
Landholding Agency: GSA
Property Number: 54200930015
Status: Excess
GSA Number: 1–X–ME–0689
Comments: bldg.—approx. 1717 sq. ft., attached trailer—approx. 460 sq. ft.

Maryland

Federal Office Building
7550 Wisconsin Ave.
Bethesda MD 20814
Landholding Agency: GSA
Property Number: 54200920007
Status: Surplus
GSA Number: GMR–1101–1
Comments: 100,000 sq. ft., 10-story, requires major renovation, limited parking.

Massachusetts

Navy Oper. Support Center
640 Plantation St.
Worcester MA 01605
Landholding Agency: GSA
Property Number: 54200940007
Status: Excess
GSA Number: 1–N–MA–0918
Comments: 36,580 sq. ft. w/6 acres, presence of asbestos/lead paint, most recent use—training facility.

Michigan

Social Security Bldg.
929 Stevens Road
Flint MI 48503
Landholding Agency: GSA
Property Number: 54200720020
Status: Excess
GSA Number: 1–G–MI–822
Comments: 10,283 sq. ft., most recent use—office.

Missouri

Federal Bldg/Courthouse
339 Broadway St.
Cape Girardeau MO 63701
Landholding Agency: GSA
Property Number: 54200840013
Status: Excess
GSA Number: 7–G–MO–0673
Comments: 47,867 sq. ft., possible asbestos/lead paint, needs maintenance & seismic upgrades, 30% occupied—tenants to relocate within 2 yrs.

Montana

Raymond MT Property
1559 Hwy 16 North
Raymond MT 59256
Landholding Agency: GSA
Property Number: 54200920019
Status: Surplus
GSA Number: 7–X–MT–630
Comments: 650 sq. ft., most recent use—office, off-site use only.

Admin Site/Warehouse
731 1st Ave, South
Glasgow MT 59230
Landholding Agency: GSA
Property Number: 54200940002
Status: Excess
GSA Number: 7–I–MT–0631
Comments: 1600 sq. ft., most recent use—office/storage.

Bldg. 743
Glacier National Park
West Glacier MT 59921
Landholding Agency: GSA
Property Number: 54200940005
Status: Surplus
GSA Number: 7–I–MT–0544–AB
Comments: 678 sq. ft., most recent use—dormitory, off-site use only.

Bldg. 744
Glacier National Park
West Glacier MT 59936
Landholding Agency: GSA
Property Number: 54200940006
Status: Surplus
GSA Number: 7–I–MT–0544AA
Comments: 1812 sq. ft., most recent use—dormitory, off-site use only.

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comments: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production.

New Hampshire

Federal Building
719 Main St.
Parcel ID: 424–124–78
Laconia NH 03246
Landholding Agency: GSA
Property Number: 54200920006
Status: Excess
GSA Number: 1–G–NH–0503
Comments: 31,271 sq. ft., most recent use—office bldg., National Register nomination pending.

New Jersey

Camp Petricktown Sup. Facility
US Route 130
Pedricktown NJ 08067
Landholding Agency: GSA
Property Number: 54200740005
Status: Excess
GSA Number: 1–D–NJ–0662
Comments: 21 bldgs., need rehab, most recent use—barracks/mess hall/garages/quarters/admin., may be issues w/right of entry, utilities privately controlled, contaminants.

North Dakota

North House
10951 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720008
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Comments: 1128 sq. ft. residence, off-site use only.

South House
10949 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720009
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Comments: 1128 sq. ft. residence, off-site use only.

North House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720010
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Comments: 1564 sq. ft. residence, off-site use only.

South House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720011
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Comments: 1564 sq. ft. residence, off-site use only.

North House
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720012
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Comments: 1228 sq. ft. residence, off-site use only.

South House
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720013
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Comments: 1228 sq. ft. residence, off-site use only.

House #1
10925 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720014
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Comments: 1228 sq. ft. residence, off-site use only.

House #2
10927 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720015
Status: Surplus
GSA Number: 7–X–ND–0518–1A
Comments: 1228 sq. ft. residence, off-site use only.

North House
10913 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720016
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Comments: 1218 sq. ft. residence, off-site use only.

South House
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720017
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Comments: 1218 sq. ft. residence, off-site use only.

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797

Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comments: 1420 sq. ft., 2-story brick w/ garage and basement, most recent use—residential, secured w/alternate access.

NIKE Site Cd–46
Felicity OH
Landholding Agency: GSA
Property Number: 31200740015
Status: Excess
GSA Number: 1–D–OH–0832
Comments: 8 bldgs., most recent use—Ohio Air Natl Guard site.

PFC Joe R. Hastings
Army Reserve Center
3120 Parkway Dr.
Canton OH 44708
Landholding Agency: GSA
Property Number: 54200840008
Status: Excess
GSA Number: 1–D–OH–835
Comments: 27,603 sq.ft./admin bldg. & vehicle maint. bldg., presence of asbestos/lead paint/radon/PCBs.

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Comments: 3 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic property.

Oregon

3 Bldgs/Land
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Landholding Agency: GSA
Property Number: 54200840003
Status: Excess
GSA Number: 9–D–OR–0768
Comments: 14000 sq. ft. each/2626 acres, most recent use—radar site, right-of-way.

U.S. Customs House
220 NW 8th Ave.
Portland OR
Landholding Agency: GSA
Property Number: 54200840004
Status: Excess
GSA Number: 9–D–OR–0733
Comments: 100,698 sq. ft., historical property/National Register, most recent use—office, needs to be brought up to meet earthquake code and local bldg codes, presence of asbestos/lead paint.

3 Bldgs.
Fremont-Winema
National Forests
Lakeview OR 97630
Landholding Agency: GSA
Property Number: 54200930013
Status: Excess
GSA Number: 9–A–OR–0779–AA
Comments: various sq. ft., most recent use—storage, off-site use only.

Pennsylvania

Tract 403A
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized
Comments: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403B
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comments: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403C
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comments: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed.

Rhode Island

Former SSA Bldg.
Broad & Exchange Streets
Pawtucket RI
Landholding Agency: GSA
Property Number: 54200920008
Status: Excess
GSA Number: 1–G–RI–0518
Comments: 6254 sq. ft., most recent use—office.

Tennessee

NOAA Admin. Bldg.
456 S. Illinois Ave.
Oak Ridge TN 38730
Landholding Agency: GSA
Property Number: 54200920015
Status: Excess
GSA Number: 4–B–TN–0664–AA
Comments: 15,955 sq. ft., most recent use—office/storage/lab.

Texas

Bldgs. 5, 6, 7
Federal Center
501 West Felix Street
Ft. Worth Co: Tarrant TX 76115
Landholding Agency: GSA
Property Number: 54200640002
Status: Excess
GSA Number: 7–G–TX–0767–3
Comments: 3 warehouses with concrete foundation, off-site use only.

Utah

Portion/Clearfield Fed. Center
Clearfield UT 84016
Landholding Agency: GSA
Property Number: 54200930003
Status: Excess
GSA Number: 7–G–UT–414–4
Directions: Bldgs. 2, C–6, C–7, Lot 1, D5 & Wareyard.
Comments: 4 bldgs/approximately 402,535 sq. ft. with land, to be vacated 11/09.

West Virginia

Naval Reserve Center
841 Jackson Ave.
Huntington WV 25704
Landholding Agency: GSA
Property Number: 54200930014
Status: Excess
GSA Number: 4–N–WV–0555
Comments: 31,215 sq. ft., presence of asbestos/lead paint, most recent use—office.

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comments: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage.

Suitable/Unavailable Properties

Land

Arizona

Parking Lot
322 n 2nd Ave.
Phoenix AZ 85003
Landholding Agency: GSA
Property Number: 54200740007
Status: Surplus
GSA Number: AZ–6293–1
Comments: approx. 21,000 sq. ft., parcel in OU3 study area for clean-up.

Salt River Project
Pecos/Alma School Road
#USBR–08–020
Chander AZ 85225
Landholding Agency: GSA
Property Number: 54200920001
Status: Surplus
GSA Number: 9–I–AZ–0850
Comments: approx. 34,183 sq. ft., ranges from 10–20 ft. wide, very long and.

California

Tract 1607
Lake Sonoma
Rockpile Rd.
Geyserville CA 85746
Landholding Agency: GSA
Property Number: 54200840011
Status: Surplus
GSA Number: 9–GR–CA–1504
Comments: approx. 139 acres, northern portion not accessible because of steep slopes, rare manzanita species.

Quincy Scaling Station
1495 E. Main St.
Quincy CA 95971
Landholding Agency: GSA
Property Number: 54200930004
Status: Surplus
GSA Number: 9–A–CA–1679–1
Comments: 0.98 acre.

Connecticut

MYQ Outer Marker Facility
Enfield CT 06082

Landholding Agency: GSA
Property Number: 54200920004
Status: Surplus
GSA Number: 1–U–CT–0561–1A
Comments: 0.341 acres, only accessible via right of way easement.

Hawaii

6 Parcels
Naval Station
Pearl Harbor HI 96818
Landholding Agency: Navy
Property Number: 77200840012
Status: Unutilized
Comments: various acres; encumbered by substantial improvements owned by a private navy tenant.

Portion of Lot 36–D/69–B
Navy Region
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200940011
Status: Unutilized
Comments: 7000 sq. ft.

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comments: golf course.

Louisiana

Raceland Radio Tower
State 652
Raceland LA
Landholding Agency: GSA
Property Number: 54200930005
Status: Surplus
GSA Number: 7–D–LA–573
Comments: 1.8 acres.

Massachusetts

FAA Site
Massasoit Bridge Rd.
Nantucket MA 02554
Landholding Agency: GSA
Property Number: 54200830026
Status: Surplus
GSA Number: MA–0895
Comments: approx 92 acres, entire parcel within MA Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.

FAA Locator Antenna LOM
Coleman Road
Southhampton MA 01073
Landholding Agency: GSA
Property Number: 54200920005
Status: Excess
GSA Number: MA–0913–AA
Comments: 1.41 acres.

Michigan

Former Elf Comm. Facility
3041 County Road
Republic MI 49879
Landholding Agency: GSA
Property Number: 54200840012
Status: Excess
GSA Number: 1–N–MI–0827
Comments: 6.69 acres w/transmiter bldg, support bldg., gatehouse, endangered species.

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comments: 20 acres, used as exercise trails and storage areas, potential utilities.

Missouri

Tract LLWAS K3
Mexico City Ave.
Kansas City MO 64153
Landholding Agency: GSA
Property Number: 54200940004
Status: Surplus
GSA Number: 7–U–MO–0687AA
Comments: 0.034 w/easements.

Oregon

20 acres
Cow Hollow Park
Nyssa OR 97913
Landholding Agency: GSA
Property Number: 54200820007
Status: Excess
GSA Number: 9–I–OR–769
Comments: 20 acres w/shower/restroom, eligible for listing on Historic Register.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Directions: Free camping area on the right bank off entrance roadway.
Comments: 1 acre; most recent use—free campground.

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized
Comments: 0.58 acres, most recent use—baseball field.

approx. 16.88
271 Sterrettania Rd.
Erie PA 16506
Landholding Agency: GSA
Property Number: 54200820011
Status: Surplus
GSA Number: 4–D–PA–0810
Comments: vacant land.

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comments: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Directions: Between Campania and Wiltsie Streets.
Comments: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Landholding Agency: VA
Property Number: 9719340001
Status: Underutilized
Comments: 34.16 acres, open field, most recent use—recreation/buffer.

Texas

Bee Cave Natl Guard Property
408 St. Stephens School Rd
Austin TX 78746
Landholding Agency: GSA
Property Number: 54200930007
Status: Surplus
GSA Number: 7–D–TX–1108
Comments: 0.67 acres.

Suitable/To Be Excessed

Land

Georgia

Lake Sidney Lanier
null Co: Forsyth GA 30130
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Directions: Located on Two Mile Creek adj. to State Route 369.
Comments: 0.25 acres, endangered plant species.

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30503
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Directions: Between Gainesville H.S. and State Route 53 By-Pass.
Comments: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Directions: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256.
Comments: 1.45 acres.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Directions: Right downstream bank of Sycamore Creek.
Comments: 8.93 acres; subject to existing easements.

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Landholding Agency: COE
Property Number: 31199240001
Status: Unutilized
Directions: ≤East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi.

Comments: 4.4 acres, most recent use—farm land.

Unsuitable Properties

Building

Alabama

Comfort Station
Clailborne Lake
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540001
Status: Unutilized
Reasons: Extensive deterioration

Pumphouse
Dannelly Reservoir
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reasons: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reasons: Secured Area

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reasons: Extensive deterioration

Helena Casting Plant
Helena Co: Phillips AR 72342
Landholding Agency: COE
Property Number: 31200220001
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43560
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630001
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43561
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630002
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43652
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630003
Status: Unutilized
Reasons: Extensive deterioration

NRFORK–48769
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43336, 44910, 44949
Nimrod-Blue Mountain Project
Plainview AR 72858
Landholding Agency: COE
Property Number: 31200630005
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 44913, 44925
Nimrod-Blue Mountain Project
Plainview AR 72857
Landholding Agency: COE
Property Number: 31200630006
Status: Unutilized
Reasons: Extensive deterioration

Well House
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200820001
Status: Unutilized
Reasons: Secured Area

California

Soil Testing Lab
Sausalito CA 00000
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reasons: Other—contamination

Bldg. S 00108
Sharpe
Lathrop CA 95231
Landholding Agency: COE
Property Number: 31200820002
Status: Underutilized
Reasons: Secured Area

Bldgs. M03, MO14, MO17
Sandia National Lab
Livermore Co: Alameda CA 94550
Landholding Agency: Energy
Property Number: 41200220001
Status: Excess
Reasons: Extensive deterioration

Bldgs. C920, C921, C922
Sandia Natl Laboratories
Livermore Co: Alameda CA 94551
Landholding Agency: Energy
Property Number: 41200540001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 175
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630001
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Trailer 1403
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Trailer 3703
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630004
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 363
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710001
Status: Excess
Reasons: Secured Area

Bldgs. 436, 446
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710002
Status: Excess
Reasons: Secured Area

Bldg. 3520
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710003
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 4182, 4184, 4187
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710004
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 5974
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710005
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 194A, 198
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720007
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 213, 280
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720008
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 312, 345
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 2177, 2178
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720010
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 2687, 3777

Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 263, 419
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720012
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 1401, 1402, 1404
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720013
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 1405, 1406, 1407
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 1408, 1413, 1456
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720015
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 2684
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720016
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. CM46A
Sandia Natl Lab
Livermore CA 94551
Landholding Agency: Energy
Property Number: 41200730005
Status: Excess
Reasons: Secured Area

Bldgs. 445, 534
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740001
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

4 Bldgs.
Lawrence Livermore Natl Lab
802A, 811, 830, 854A
Livermore CA
Landholding Agency: Energy
Property Number: 41200740002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 8806, 8710, 8711
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 1492, 1526, 1579
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740005
Status: Excess
Reasons: Secured Area

Bldgs. 1601, 1632
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740006
Status: Excess
Reasons: Secured Area

Bldgs. 2552, 2685, 2728
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740007
Status: Excess
Reasons: Secured Area

Bldgs. 2801, 2802
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740008
Status: Excess
Reasons: Secured Area

Bldgs. 3175, 3751, 3775
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740009
Status: Excess
Reasons: Secured Area

4 Bldgs.
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740010
Status: Excess
Directions: 4161, 4316, 4384, 4388.
Reasons: Secured Area

Bldgs. 4406, 4475
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740011
Status: Excess
Reasons: Secured Area

Bldgs. 4905, 4906, 4926
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740012
Status: Excess
Reasons: Secured Area

Bldg. 5425
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740013
Status: Excess
Reasons: Secured Area

10 Bldgs.
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200830002
Status: Excess
Directions: 2127, 4302, 4377, 4378, 4383, 5225, 5976, 5979, 5980, 6203.
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

5 Bldgs.
Lawrence Livermore Natl Lab
1481, 1527, 1884, 1885, 1927
Livermore CA
Landholding Agency: Energy
Property Number: 41200840001
Status: Excess
Reasons: Extensive deterioration

Bldgs. 3577, 3982, 4128
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840002
Status: Excess
Reasons: Secured Area.

Bldgs. 328, 367, 376
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840008
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 5125
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840009
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

6 Bldgs.
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840010
Status: Excess
Directions: 1407, 1408, 1413, 1492, 1526, 1579
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

6 Bldgs.
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840011
Status: Excess
Directions: 3775, 4161, 4316, 4388, 4905, 4906
Reasons: Within 2000 ft. of flammable or explosive material Secured Area.

Bldgs. 8710, 8711, 8806
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200840012
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

6 Bldgs.
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200920005
Status: Excess
Directions: 1541, 1878, 2727, 3180, 4107, 5477
Reasons: Secured Area.

Bldg. 004J

Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200930003
Status: Excess
Reasons: Secured Area.

Trailers 4, 5, 6, 7, 9, 11, 12
National Park
Death Valley CA 92328
Landholding Agency: Interior
Property Number: 61200930008
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 2533
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520005
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 13111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520006
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 53325, 53326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520007
Status: Excess
Reasons: Extensive deterioration, Secured Area.

5 Bldgs.
Marine Corps Base
53421, 53424 thru 53427
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520008
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 61311, 61313, 61314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520009
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 61320–61324, 61326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520010
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 62711 thru 62717
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520011
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 4
Naval Submarine Base
Point Loma CA
Landholding Agency: Navy
Property Number: 77200520014
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 8915, 8931
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530004
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 11, 112
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530005
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 805
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530006
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 810 thru 823
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530007
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 851, 859, 864
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530008
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 1146
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530009
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 1370, 1371, 1372
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530011
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 115
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200530012
Status: Excess
Reasons: Extensive deterioration.

Bldg. 1674
Marine Corps Base
Camp Pendletoon CA 92055
Landholding Agency: Navy
Property Number: 77200530027
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2636, 2651, 2658
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530028
Status: Excess
Reasons: Extensive deterioration, Secured Area.

4 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530029
Status: Excess
Directions: 26053, 26054, 26056, 26059
Reasons: Extensive deterioration, Secured Area.

Bldgs. 53333, 53334
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530030
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 53507, 53569
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530031
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 170111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530032
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. PM4–3
Naval Base
Oxnard Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530033
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 1781
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200540001
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 398, 399, 404
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540003
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 388, 389, 390, 391
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540004
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 16
Naval Submarine Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200540017
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 325
Naval Base
Port Hueneme Co: Ventura CA 93043

Landholding Agency: Navy
Property Number: 77200610001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within airport runway clear zone.

Bldgs. 1647, 1648
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610010
Status: Excess
Reasons: Extensive deterioration.

Bldg. 1713
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610011
Status: Excess
Reasons: Extensive deterioration.

Bldg. 220189
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610014
Status: Excess
Reasons: Extensive deterioration.

Bldg. 2295
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610015
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 22115, 22116, 22117
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610016
Status: Excess
Reasons: Extensive deterioration.

Bldg. 143
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610017
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 213, 243, 273
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610018
Status: Excess
Reasons: Extensive deterioration.

Bldg. 303
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610019
Status: Excess
Reasons: Extensive deterioration.

Bldg. 471
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610020
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 979, 928, 930
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610021
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 999, 1000
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610022
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 305, 353
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610023
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 358, 359, 360, 361
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610024
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 581
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610026
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. A25, A27
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610027
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 31926, 31927, 31928
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610058
Status: Excess
Reasons: Extensive deterioration.

Bldg. 41326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610059
Status: Excess
Reasons: Extensive deterioration.

Bldg. 41816
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610060
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 1468, 1469
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630002
Status: Unutilized
Reasons: Secured Area.

Bldg. 30869
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200630005
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2–8, 3–10
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630009
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 6–11, 6–12, 6–819
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 85
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 120, 123
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 724
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 764
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630014
Status: Unutilized
Reasons: Secured Area.

Bldg. 115
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 323
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 488
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630017
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 842
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630018

Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 927
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630019
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 1150
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630020
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 1361
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. PH546
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200640027
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. PH425
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. PM 134
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710023
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. PH837, PH1372
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710024
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 523107
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710025
Status: Excess
Reasons: Extensive deterioration.

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710026
Status: Excess
Directions: 523112, 523113, 523114, 523115, 523116, 523117.
Reasons: Extensive deterioration.

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710027
Status: Excess
Directions: 523122, 523123, 523124, 523125, 523126, 523127.
Reasons: Extensive deterioration.

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710028
Status: Excess
Directions: 523132, 523133, 523134, 523135, 523136, 523137.
Reasons: Extensive deterioration.

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710029
Status: Excess
Directions: 523142, 523143, 523144, 523145, 523146, 523147.
Reasons: Extensive deterioration.

Bldgs. 523156, 523157
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710030
Status: Excess
Reasons: Extensive deterioration.

Bldg. 30726
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200710047
Status: Excess
Reasons: Secured Area.

Bldgs. PH284, PH339
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. PH805, PH1179
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. PH1207, PH1264, PH1288
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. PM 3–53, PM129, PM402
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. LP908
Naval Base
Laguna Peak
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. PM790
Naval Base
Oxnard CA 93043
Landholding Agency: Navy
Property Number: 77200720006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 53402
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720007
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 307
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720009
Status: Excess
Reasons: Secured Area.

Bldg. 3135
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720010
Status: Excess
Reasons: Secured Area.

Bldgs. 30727, 31409
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720011
Status: Excess
Reasons: Secured Area.

Bldgs. 60142, 60158
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720012
Status: Unutilized
Reasons: Extensive deterioration, Not accessible by road.

Bldgs. 60160, 60162, 60164
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720013
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 60203, 60210, 60211
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720014
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 60214, 60215
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720015
Status: Unutilized

Reasons: Extensive deterioration.

Bldgs. 60227, 60243, 60250
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720016
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 60313
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720017
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 404
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200720032
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 3267
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720039
Status: Unutilized
Reasons: Secured Area.

Bldgs. 11090, 98033
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720054
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 41314, 41362
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720055
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 192, 193, 410
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720063
Status: Excess
Reasons: Secured Area.

Bldg. 415
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730013
Status: Unutilized
Reasons: Secured Area.

Bldgs. 3363, 3364
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730014
Status: Unutilized
Reasons: Secured Area.

4 Bldgs.
Naval Base
3185D, 3222, 3251, 3309
San Diego CA
Landholding Agency: Navy
Property Number: 77200730015
Status: Unutilized
Reasons: Secured Area.

Portion/Bldg. T17
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200730016
Status: Underutilized
Reasons: Secured Area.

Bldg. 297
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730017
Status: Unutilized
Reasons: Secured Area.

Bldgs. 13, 87
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730022
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 243
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730023
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 381
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730024
Status: Excess
Reasons: Secured Area.

4 Bldgs.
Naval Air Station
493, 663, 682, 784
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730025
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 809
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730026
Status: Excess
Reasons: Secured Area.

Bldg. 983
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730027
Status: Excess
Reasons: Secured Area.

Bldg. 1459
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730028
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 334
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730029
Status: Excess
Reasons: Secured Area.

Bldgs. 124, 148
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740002
Status: Excess
Reasons: Secured Area.

Bldgs. 314, 341, 636
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740003
Status: Excess
Reasons: Secured Area.

Bldgs. 710, 802, 826
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740004
Status: Excess
Reasons: Secured Area.

Bldgs. 60139, 60180
Naval Air Station
San Clemente CA
Landholding Agency: Navy
Property Number: 77200740005
Status: Excess
Reasons: Secured Area.

Bldgs. 41313, 41314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740006
Status: Excess
Reasons: Secured Area, Extensive deterioration.

4 Bldgs.
Marine Corps Base
41359, 41362, 41365, 41366
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740007
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 43976
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740008
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 53440, 53831
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740009
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 410365
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740010
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 259
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740015

Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 41356
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740017
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 84
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200740018
Status: Excess
Reasons: Secured Area.

4 Bldgs.
Marine Corps Base
41312, 53426, 53427, 53430
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810008
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2537, 2538
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810009
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 43286, 43287
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810010
Status: Excess
Reasons: Extensive deterioration.

Bldg. 33007
Naval Air Weapons Station
China Lake CA
Landholding Agency: Navy
Property Number: 77200810011
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 22176, 62507, 410363
Marine Corps Base
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77200810021
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 25261, 41342, 41344
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810026
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 105
Naval Base
Point Loma Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200820005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. PH1230
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77200820021
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 17, 37, 130
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820023
Status: Excess
Reasons: Secured Area.

Bldgs. 3053, 3328
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820025
Status: Excess
Reasons: Secured Area.

Bldgs. 3368, 3370
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820026
Status: Excess
Reasons: Secured Area.

Bldgs. 3591, 3592
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820027
Status: Excess
Reasons: Secured Area.

Bldg. 3603
Naval Base
San Diego CA 92136
Landholding Agency: Navy
Property Number: 77200820028
Status: Excess
Reasons: Secured Area, Floodway.

Bldg. PH1230
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77200820029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. PM28
Naval Base
Point Mugu CA 93042
Landholding Agency: Navy
Property Number: 77200820030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. PH5295, PH5297
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

4 Bldgs.
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820032
Status: Unutilized
Directions: PH5303, PH5315, PH5318, PH5319
Reasons: Extensive deterioration, Secured Area.

Bldgs. PH5323, PH5329
Naval Base
Oxnard CA 93042
Landholding Agency: Navy
Property Number: 77200820033
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 60180, 60139
San Clemente Island
Naval Base
Coronado CA
Landholding Agency: Navy
Property Number: 77200830001
Status: Excess
Reasons: Secured Area.

Bldg. 148
Naval Amphibious Base
Coronado CA
Landholding Agency: Navy
Property Number: 77200830002
Status: Excess
Reasons: Secured Area.

Bldgs. 13, 87, 124, 243
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830003
Status: Excess
Reasons: Secured Area.

5 Bldgs.
Naval Air Station
307, 311, 314, 341, 381
North Island CA
Landholding Agency: Navy
Property Number: 77200830004
Status: Excess
Reasons: Secured Area.

Bldgs. 493
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830005
Status: Excess
Reasons: Secured Area.

Bldgs. 636, 663, 682
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830006
Status: Excess
Reasons: Secured Area.

Bldgs. 710, 784
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830007
Status: Excess
Reasons: Secured Area.

Bldgs. 802, 809, 826
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830008
Status: Excess
Reasons: Secured Area.

Bldgs. 983, 1459
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200830009
Status: Excess
Reasons: Secured Area.

Bldg. 33005

Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200830011
Status: Excess
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 2, 10, 59
Naval Base
Point Loma CA
Landholding Agency: Navy
Property Number: 77200830012
Status: Unutilized
Reasons: Secured Area.

Bldgs. 25152, 41321, 41406
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830022
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 1391
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830025
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 1211, 1213, 1214, 1216
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830026
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 52654, 52655
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200830027
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 453, 454, 508, 509
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200840003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldgs. 950, 952, 994
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200840004
Status: Unutilized
Reasons: Secured Area.

4 Bldgs.
Marine Corps Base
14113, 14114, 14126, 21401
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77200840010
Status: Excess
Reasons: Secured Area, Extensive deterioration.

4 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200910001
Status: Excess
Directions: 41350, 51916T, 62357T, 62367.
Reasons: Secured Area, Extensive deterioration.

6 Bldgs.
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200910002
Status: Excess
Directions: C38, C47, C85, C93B, C101, C102.
Reasons: Extensive deterioration, Secured Area.

Bldgs. 78, 126
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200910003
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 3493
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200920001
Status: Unutilized
Reasons: Secured Area.

Bldgs. 2245, 2513T, 5509
Marine Corps Air Station
Miramar CA
Landholding Agency: Navy
Property Number: 77200920002
Status: Excess
Reasons: Secured Area, Extensive deterioration.

8 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200920003
Status: Excess
Directions: 1255, 1490, 14121, 14122, 14125, 14127, 62432, 140135.
Reasons: Secured Area, Extensive deterioration.

4 Bldgs.
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200920004
Status: Excess
Directions: 02702, 02703, 02704, 02705.
Reasons: Secured Area, Extensive deterioration.

Bldgs. PM3–4, PM153
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920005
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

11 Bldgs.
Naval Base
San Nicholas Island Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920006
Status: Unutilized
Directions: SNI11, 16, 22, 45, 49, 71, 72, 141, 202, 213, 229.
Reasons: Secured Area, Extensive deterioration.

Bldgs. PM126, 327, 327–A
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920007
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. PH 462
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920008
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

14 Bldgs.
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920009
Status: Unutilized
Directions: PM4–4, 4–27, 4–30, 6–817, 37, 42, 223, 401, 733, 793, 803, 841, 842, 855.
Reasons: Extensive deterioration, Secured Area.

Bldgs. PH274, 462, 808, 837
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200920010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 22172
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200920020
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. SNI258
Naval Base
San Nicolas Island CA 93043
Landholding Agency: Navy
Property Number: 77200920021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

6 Bldgs.
Naval Base
Point Mugu CA 93042
Landholding Agency: Navy
Property Number: 77200920022
Status: Unutilized
Directions: PM1823A&B, 1825A&B, 1827A&B.
Reasons: Secured Area.

9 Bldgs.
Naval Base
Point Mugu CA 93042
Landholding Agency: Navy
Property Number: 77200920023
Status: Unutilized
Directions: PM1936, 1937, 1938, 1939, 1959, 1961, 1963, 1965, 1967.
Reasons: Secured Area.

Bldgs. 22172, 62432
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200920027
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 14123
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200920031
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 3302
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200920032
Status: Unutilized
Reasons: Secured Area.

Bldg. 1680
Naval Base Coronado
Warner Springs CA
Landholding Agency: Navy
Property Number: 77200920033
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. PH–11
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77200920034
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 01474
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200930001
Status: Excess
Reasons: Secured Area.

Bldgs. 2246, 2247, 5632T
Marine Corps Air Station
Miramar CA
Landholding Agency: Navy
Property Number: 77200930002
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 88
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200930014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Structure 363
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200940001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 43257
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200940005
Status: Excess
Reasons: Secured Area, Extensive deterioration.

6 Bldgs.
Marine Corps Air Station
Miramar CA
Landholding Agency: Navy
Property Number: 77200940009
Status: Excess
Directions: 9618, 9278T, 2003T, 1271T, 1272T, 2740T.
Reasons: Extensive deterioration, Secured Area.

Bldg. 01325
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200940010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

7 Bldgs.
Marine Corps Air Station
Miramar CA
Landholding Agency: Navy
Property Number: 77200940012
Status: Excess
Directions: 9022, 9272, 9539, 9540, 9604, 9623, 9624.
Reasons: Secured Area, Extensive deterioration.

Bldg. X
Naval Base Coronado
San Diego CA 92135
Landholding Agency: Navy
Property Number: 77201010011
Status: Unutilized
Reasons: Secured Area, Within airport runway clear zone.

Bldgs. 425, 494, 1395, 1471
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77201010012
Status: Unutilized
Reasons: Secured Area, Floodway.

8 Bldgs.
Naval Base
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77201010013
Status: Unutilized
Directions: 827, 1206, 1207, 1374, 1375, 1376, 1527, 1528.
Reasons: Secured Area, Floodway.

Bldgs. 1675, 3881
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77201010018
Status: McKinney/Base Closure
Reasons: Extensive deterioration.

Connecticut

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Floodway, Extensive deterioration.

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reasons: Secured Area.

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reasons: Secured Area.

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reasons: Extensive deterioration.

District of Columbia

Bldg. 396
Naval Support Facility
Anacostia Annex DC 20373
Landholding Agency: Navy
Property Number: 77200630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Florida

Bldg. SF–17
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. SF–33
Franklin Lock
Alva Co: Lee FL 33920
Landholding Agency: COE
Property Number: 31200620008
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 25
(f) Richmond Naval Air Station
15810 SW. 129th Ave.
Miami Co: Dade FL 33177
Landholding Agency: COE
Property Number: 31200620031
Status: Excess
Reasons: Extensive deterioration.

Bldg. SF–14
S. Florida Operations Ofc. Reservation
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200710001
Status: Unutilized
Reasons: Secured Area.

Bldg. L–10
Jim Woodruff Reservoir
Chattachoochee FL 32324
Landholding Agency: COE
Property Number: 31200820003
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. SF–78
Lock & Dam
Moore Haven FL
Landholding Agency: COE
Property Number: 31200920026
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. U–150
Naval Air Station
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200520044
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. V1221 A
Naval Air Station
Sigsbee Park
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200530013
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 969
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540014
Status: Unutilized
Reasons: Secured Area.

Bldgs. 1759, 1760
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200540015
Status: Unutilized
Reasons: Secured Area.

Bldg. 1917
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540016
Status: Unutilized
Reasons: Secured Area.

Bldgs. 1, 2
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540018
Status: Excess
Reasons: Extensive deterioration, Secured Area, Floodway.

Bldg. 24
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540019
Status: Excess
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 66
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540020
Status: Excess
Reasons: Extensive deterioration, Floodway, Secured Area.

Bldg. 216
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540021
Status: Excess
Reasons: Secured Area, Floodway, Extensive deterioration.

Bldgs. 437, 450
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540022
Status: Excess
Reasons: Extensive deterioration, Floodway, Secured Area.

Bldgs. 1234, 1235
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540023
Status: Excess
Reasons: Secured Area, Floodway, Extensive deterioration.

Bldg. 212
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200620011
Status: Unutilized
Reasons: Extensive deterioration, Floodway, Secured Area.

Bldg. 508
Naval Station
Mayport FL 32228
Landholding Agency: Navy
Property Number: 77200620035
Status: Unutilized
Reasons: Secured Area, Floodway.

Bldg. 834
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630022
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 2658
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630023
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 3483
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630024
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 6144
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630025
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. F11
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630026
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. A225, A409
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630027
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. A515
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. A635
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. A993, A994
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630030
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. A1068
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630031
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. A4021
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630032
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 4080
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630033
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

88 Facilities
Saufley Field
Pensacola FL 32508
Landholding Agency: Navy
Property Number: 77200740016
Status: Unutilized
Reasons: Within airport runway clear zone.

Bldgs. C5, A329
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200810007
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2, 5, 24, 26
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200820006
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 104A, 136, 159
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820007
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

6 Bldgs.
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820008
Status: Unutilized

Directions: 323, 324, 338, 339, 347, 348.
Reasons: Secured Area, Extensive deterioration.

5 Bldgs.
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820009
Status: Unutilized
Directions: 607, 612, 614B, 674, 675.
Reasons: Secured Area, Extensive deterioration.

Bldgs. 820, 890
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 1756, 1937
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200820011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Georgia

Bldg. #WRSH18
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430006
Status: Unutilized
Reasons: Secured Area.

Bldg. W03
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430007
Status: Unutilized
Reasons: Extensive deterioration, Within 2000 ft. of flammable or explosive material, Secured Area.

Gatehouse #W03
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510001
Status: Unutilized
Reasons: Extensive deterioration.

WRSH14, WRSH15, WRSH18
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510002
Status: Unutilized
Reasons: Extensive deterioration.

Pumphouse
Carters Lake
Oakman GA 30732
Landholding Agency: COE
Property Number: 31200520002
Status: Unutilized
Reasons: Extensive deterioration.

Vault Toilet
Lake Sidney Lanier
Buford GA 30518
Landholding Agency: COE
Property Number: 31200540003
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. WC–19
Walter F. George Lake
Fort Gaines GA 39851
Landholding Agency: COE
Property Number: 31200630007
Status: Unutilized
Reasons: Extensive deterioration.

Radio Room
Walter F. George Lake
Ft. Gaines GA 39851
Landholding Agency: COE
Property Number: 31200640004
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. JST–16711
Hesters Ferry Campground
Lincoln GA
Landholding Agency: COE
Property Number: 31200710002
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
West Point Lake
WH16, WH18, WR02, WA03
West Point GA 31833
Landholding Agency: COE
Property Number: 31200820004
Status: Unutilized
Reasons: Extensive deterioration.

Pumphouse
Carters Lake
Oakman GA 30732
Landholding Agency: COE
Property Number: 31200820005
Status: Unutilized
Reasons: Extensive deterioration.

4 Stables
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200820006
Status: Unutilized
Reasons: Extensive deterioration.

9 Comfort Stations
Hartwell Lake & Dam
Hartwell GA 30643
Landholding Agency: COE
Property Number: 31200920001
Status: Unutilized
Directions: HAR 16099, 16100, 16102, 16555, 16920, 16838, 18482, 18483.
Reasons: Extensive deterioration.

RBR–19069
Richard B. Russell Lake
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200920002
Status: Unutilized
Reasons: Extensive deterioration.

5 Comfort Stations
Hartwell Lake & Dam
Hartwell GA 30643
Landholding Agency: COE
Property Number: 31200920027
Status: Unutilized
Directions: HAR–16113, 18157, 18172, 18357, 18524.
Reasons: Extensive deterioration.

Well House #3
JST–15732
McCormick GA
Landholding Agency: COE
Property Number: 31200920028
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. LC–05, LC–06, LC–07
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31201010001
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 5101
Naval Submarine Base
Kings Bay Co: Camden GA 31547
Landholding Agency: Navy
Property Number: 77200520004
Status: Unutilized
Reasons: Floodway, Extensive deterioration, Secured Area.

Bldg. 0038
Naval Submarine Base
Kings Bay GA 31547
Landholding Agency: Navy
Property Number: 77200620036
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

7 Bldgs.
Marine Logistics Base
Albany GA
Landholding Agency: Navy
Property Number: 77200720040
Status: Excess
Directions: 7100, 7106, 7108, 7110, 5584, 7964, 7966.
Reasons: Secured Area.

Guam

Bldg. B–32
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520023
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 76, 77, 79
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520024
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
Naval Forces
261, 262, 263, 269
Marianas GU
Landholding Agency: Navy
Property Number: 77200520025
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 404NM
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520026
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 3150, 3268
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520030
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 5409, 5412, 5413
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520031

Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 5500
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520032
Status: Unutilized
Reasons: Extensive deterioration.

73 Bldgs.
Naval Computer Station
Marianas GU
Landholding Agency: Navy
Property Number: 77200520045
Status: Excess
Directions: A700–A716, A725, A728, A735, A741–A784, A803–A805, A811–A813, A829–A831.
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2006, 2009
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520048
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2014, 2916
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520049
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 277, 308
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610028
Status: Excess
Reasons: Secured Area

Bldgs. 1686, 1689, 1690
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610029
Status: Excess
Reasons: Secured Area.

Bldgs. 1714, 1767, 1768
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610030
Status: Excess
Reasons: Secured Area.

Bldgs. 1771, 1772, 1773
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610031
Status: Excess
Reasons: Secured Area.

Bldgs. 1791, 1792
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610032
Status: Excess
Reasons: Secured Area.

Bldgs. 3000, 3001
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610033
Status: Excess
Reasons: Secured Area.

Bldgs. 3002, 3004, 3005
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610034
Status: Excess
Reasons: Secured Area.

Bldgs. 3006, 3007
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610035
Status: Excess
Reasons: Secured Area.

Steam Plant
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610036
Status: Excess
Reasons: Secured Area.

Bldgs. 403, 404
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620013
Status: Unutilized
Reasons: Secured Area.

Bldgs. 464, 729
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620014
Status: Unutilized
Reasons: Secured Area.

Bldgs. 836, 837
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 11XC7
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620016
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 23YC1, 23YC2, 23YC3
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 23YC4, 23YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620018
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 24YC7, 24YC8
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620019
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 26YC3, 26YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620020
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Old Bus Stop
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

2 Guard Houses
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Magazines
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620023
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 151, 152, 153
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200630001
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 4
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710002
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. C115
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710003
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 160
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710004
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 176
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710005
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 33
Naval Base

Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710006
Status: Excess
Reasons: Extensive deterioration.

Bldg. 219
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710007
Status: Excess
Reasons: Extensive deterioration.

Bldg. 950
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710008
Status: Excess
Reasons: Extensive deterioration.

Bldg. 1769
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710009
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 3186, 3187, 3188
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710010
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 4408, 4409
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710011
Status: Excess
Reasons: Extensive deterioration.

Hazmat Storage
Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710012
Status: Excess
Reasons: Extensive deterioration.

Storage Bldg.
Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710013
Status: Excess
Reasons: Extensive deterioration.

10 Bldgs.
Naval Base
North Tipalao
Santa Rita GU
Landholding Agency: Navy
Property Number: 77200920035
Status: Unutilized
Directions: 802, 803, 804, 811, 812, 813, 814, 821, 822, 823.
Reasons: Secured Area.

5 Bldgs.
Naval Base
North Tipalao
Santa Rita GU
Landholding Agency: Navy
Property Number: 77200920036
Status: Unutilized
Directions: 809, 810, 819, 820, 824.
Reasons: Secured Area.

10 Bldgs.
Naval Base
North Tipalao
Santa Rita GU
Landholding Agency: Navy
Property Number: 77200920037
Status: Unutilized
Directions: 972, 974, 975, 982, 971, 973, 970, 976, 978, 980.
Reasons: Secured Area.

Bldgs. 59, 70, 71
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200920038
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

13 Bldgs.
Naval Base, NCTS
Dededo GU
Landholding Agency: Navy
Property Number: 77200920039
Status: Unutilized
Directions: 174, 176, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 491.
Reasons: Secured Area.

Bldg. 367 & Storage Bldg.
Naval Base
Main Base
Dededo GU
Landholding Agency: Navy
Property Number: 77200920040
Status: Unutilized
Reasons: Secured Area.

Bldg. 575
Naval Base
Camp Covington
Dededo GU
Landholding Agency: Navy
Property Number: 77200920041
Status: Unutilized
Reasons: Secured Area.

6 Bldgs.
Naval Base
Former FAA Compound
Dededo GU
Landholding Agency: Navy
Property Number: 77200920042
Status: Unutilized
Directions: 1880, 1881, 1882, 1883, 1884, 1885.
Reasons: Extensive deterioration.

9 Bldgs.
Naval Base
Piti GU
Landholding Agency: Navy
Property Number: 77200940006
Status: Unutilized
Directions: 92, 204, 211NH, 292, 453, 454, 4407PP, 5120, 5125.
Reasons: Extensive deterioration. Secured Area.

Hawaii

Bldg. 346
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200610002
Status: Excess
Reasons: Extensive deterioration.

Bank
Marine Corps Base
Kaneohe Bay HI 96863
Landholding Agency: Navy
Property Number: 77200830019
Status: Unutilized
Reasons: Secured Area.

Bldgs. S378, 469
Naval Station
Ford Island
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200910005
Status: Underutilized
Reasons: Secured Area.

Bldg. 3
Opana Reg. Relay Facility
Kahuku HI 96731
Landholding Agency: Navy
Property Number: 77200920014
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Idaho

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reasons: Secured Area.

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reasons: Secured Area.

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reasons: Secured Area.

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reasons: Secured Area.

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610022
Status: Unutilized
Reasons: Secured Area.

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reasons: Secured Area.

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415

Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reasons: Secured Area.

Bldgs. CPP638, CPP642
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410014
Status: Excess
Reasons: Secured Area.

Bldg. CPP 743
Idaho Natl Eng lab
Scoville Co: Butte ID 83–415
Landholding Agency: Energy
Property Number: 41200410020
Status: Excess
Reasons: Secured Area.

Bldgs. CPP1647, 1653
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410022
Status: Excess
Reasons: Secured Area.

Bldg. CPP1677
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410023
Status: Excess
Reasons: Secured Area.

Bldg. 694
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410034
Status: Excess
Reasons: Secured Area.

Bldgs. CPP1604–CPP1608
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430071
Status: Excess
Reasons: Secured Area.

Bldgs. CPP1617–CPP1619
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430072
Status: Excess
Reasons: Secured Area.

6 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430073
Status: Excess
Directions: CPP1631, CPP1634, CPP1635, CPP1636, CPP1637, CPP1638.
Reasons: Secured Area.

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430074
Status: Excess
Directions: CPP1642, CPP1643, CPP1644, CPP1646, CPP1649.
Reasons: Secured Area.

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430075
Status: Excess
Directions: CPP1650, CPP1651, CPP1656.
Reasons: Secured Area.

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430076
Status: Excess
Directions: CPP1662, CPP1663, CPP1671, CPP1673, CPP1674.
Reasons: Secured Area.

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430077
Status: Excess
Directions: CPP1678, CPP1682, CPP1683, CPP1684, CPP1686.
Reasons: Secured Area.

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430078
Status: Excess
Directions: CPP1713, CPP1749, CPP1750, CPP1767, CPP1769.
Reasons: Secured Area.

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430079
Status: Excess
Directions: CPP1770, CPP1771, CPP1772, CPP1774, CPP1776.
Reasons: Secured Area.

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430081
Status: Excess
Directions: CPP1789, CPP1790, CPP1792, CPP1794.
Reasons: Secured Area.

Bldgs. CPP2701, CPP2706
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430082
Status: Excess
Reasons: Secured Area.

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430089
Status: Excess
Directions: TRA603, TRA604, TRA610.
Reasons: Secured Area.

Bldg. TAN611
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430090
Status: Excess
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430091
Status: Excess
Directions: TRA626, TRA635, TRA642, TRA648, TRA654.
Reasons: Secured Area

Bldg. TAN655
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430092
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430093
Status: Excess
Directions: TRA657, TRA661, TRA668.
Reasons: Secured Area

Bldg. TAN711
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430094
Status: Excess
Reasons: Secured Area

6 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430095
Status: Excess
Directions: CPP602–CPP606, CPP609.
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430096
Status: Excess
Directions: CPP611–CPP614, CPP616.
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430097
Status: Excess
Directions: CPP621, CPP626, CPP630, CPP639.
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430098
Status: Excess
Directions: CPP641, CPP644, CPP645, CPP649.
Reasons: Secured Area

Bldgs. CPP651–CPP655
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430099
Status: Excess
Reasons: Secured Area

Bldgs. CPP659–CPP663
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy

Property Number: 41200440001
Status: Excess
Reasons: Secured Area

Bldgs. CPP666, CPP668
Idaho Naitonal Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440002
Status: Excess
Reasons: Secured Area

1 Bldg.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440004
Status: Excess
Directions: CPP684
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440005
Status: Excess
Directions: CPP692, CPP694, CPP697–CPP699.
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440006
Status: Excess
Directions: CPP701, CPP701A, CPP708.
Reasons: Secured Area

Bldgs. 711, 719A
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440007
Status: Excess
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440008
Status: Excess
Directions: CPP724–CPP726, CPP728.
Reasons: Secured Area

Bldg. CPP729/741
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440012
Status: Excess
Reasons: Secured Area

Bldgs. CPP733, CPP736
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440013
Status: Excess
Reasons: Secured Area

Bldgs. CPP740, CPP742
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440014
Status: Excess
Reasons: Secured Area

Bldgs. CPP746, CPP748
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440015
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
CPP750, CPP751, CPP752
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440016
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
CPP753, CPP753A, CPP754
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440017
Status: Excess
Reasons: Secured Area

Bldgs. CPP760, CPP763
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440018
Status: Excess
Reasons: Secured Area

Bldgs. CPP764, CPP765
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440019
Status: Excess
Reasons: Secured Area

Bldgs. CPP767, CPP768
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440020
Status: Excess
Reasons: Secured Area

Bldgs. CPP791, CPP795
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440021
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
CPP796, CPP797, CPP799
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440022
Status: Excess
Reasons: Secured Area

Bldgs. CPP701B, CPP719
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440023
Status: Excess
Reasons: Secured Area

Bldgs. CPP720A, CPP720B
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440024
Status: Excess
Reasons: Secured Area

Bldg. CPP1781
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440025
Status: Excess
Reasons: Secured Area

2 Bldgs.
Idaho National Eng Lab
CPP0000VES–UTI–111, VES–UTI–112
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440026
Status: Excess
Reasons: Secured Area

Bldgs. TAN704, TAN733
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440028
Status: Excess
Reasons: Secured Area

Bldgs. TAN1611, TAN1614
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440029
Status: Excess
Reasons: Secured Area

Bldg. CF633
Idaho Natl Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200520005
Status: Excess
Reasons: Extensive deterioration.

Bldgs. B23–602, B27–601
Idaho Natl Laboratory
Idaho Falls ID 83415
Landholding Agency: Energy
Property Number: 41200820003
Status: Unutilized
Reasons: Secured Area.

Bldgs. CF–635, CF650
Idaho Natl Laboratory
Idaho Falls ID 83415
Landholding Agency: Energy
Property Number: 41200820005
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flmmable or explosive material.

Bldgs. CF–662, CF–692
Idaho Natl Laboratory
Idaho Falls ID 83415
Landholding Agency: Energy
Property Number: 41200820006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. CF–666
Idaho National Laboratory
Idaho Falls ID 83415
Landholding Agency: Energy
Property Number: 41201010005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Illinois

Bldg. CB562–7141
Wilborn Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620009
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7153
Wilborn Creek

Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620010
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7162
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620011
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7163
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620012
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7164
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620013
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7165
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620014
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7196
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620015
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7197
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620016
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7199
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620017
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–7200
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620018
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB562–9042
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620019
Status: Excess
Reasons: Extensive deterioration.

Bldg. CB639–7876
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200620020
Status: Excess
Reasons: Extensive deterioration.

Fee Booth
Bo Wood Recreation Area
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200630008
Status: Unutilized
Reasons: Extensive deterioration.

Comfort Station
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200710004
Status: Excess
Reasons: Extensive deterioration.

Comfort Station
Rend Lake Project
Benton IL 62812
Landholding Agency: COE
Property Number: 31200740001
Status: Excess
Reasons: Extensive deterioration.

Repair Unit Land
400 Old Rock Rd.
Granite City IL 62040
Landholding Agency: COE
Property Number: 31200920005
Status: Unutilized
Reasons: Extensive deterioration.

22 Comfort Stations
Carlyle Lake Project
Carlyle IL 62231
Landholding Agency: COE
Property Number: 31200920032
Status: Unutilized
Directions: CB561–7908, 7909, 7911, 7926, 7927, 7997, 7998, 7999, 8016, 8035, 8037, 8038, 8039, 8040, 8041, 8042, 8078, 8079, 8081, 8097, 8106, 8126.
Reasons: Extensive deterioration.

8 Bldgs.
Lake Shelbyville Project
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200920033
Status: Excess
Directions: CB562–7062, 7087, 7088, 7089, 7106, 7140, 7166, 9038.
Reasons: Extensive deterioration.

23 Bldgs.
Rend Lake Project
Benton IL 62812
Landholding Agency: COE
Property Number: 31200920034
Status: Excess
Directions: CB639–7750, 8771, 7757, 7800, 7801, 7811, 7824, 7833, 7834, 7835, 7836, 7838, 7842, 7840, 7839, 7841, 7850, 7870, 7874, 7875, 7877, 7878, 7891.
Reasons: Extensive deterioration.

Trailer
Rend Lake Project
Benton IL 62812
Landholding Agency: COE
Property Number: 31200940003
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 306A, B, C, TR–5
Argonne National Lab
Argonne IL 60439
Landholding Agency: Energy
Property Number: 41200720017
Status: Excess
Reasons: Secured Area.

Bldgs. 310, 330
Argonne National Lab
DuPage IL 60439
Landholding Agency: Energy
Property Number: 41200920007
Status: Excess
Reasons: Contamination, Secured Area.

Indiana

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reasons: Extensive deterioration.

Iowa

Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–1902
Landholding Agency: COE
Property Number: 31200410001
Status: Excess
Reasons: Extensive deterioration.

Bldg. 29355
Island View Park
Centerville IA 52544
Landholding Agency: COE
Property Number: 31201010002
Status: Excess
Reasons: Extensive deterioration.

Kansas

No. 01017
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210001
Status: Unutilized
Reasons: Extensive deterioration.

6 Bldgs.
Cottonwood Point/Hillsboro Cove
Marion Co: Coffey KS 66861
Landholding Agency: COE
Property Number: 31200340001
Status: Excess
Reasons: Extensive deterioration.

20 Bldgs.
Riverside
Burlington Co: Coffey KS 66839–8911
Landholding Agency: COE
Property Number: 31200340002
Status: Excess
Reasons: Extensive deterioration.

2 Bldgs.
Canning Creek/Richey Cove
Council Grove Co: Morris KS 66846–9322
Landholding Agency: COE
Property Number: 31200340003
Status: Excess
Reasons: Extensive deterioration.

6 Bldgs.
Santa Fe Trail/Outlet Channel
Council Grove Co: Morris KS 66846
Landholding Agency: COE
Property Number: 31200340004
Status: Excess
Reasons: Extensive deterioration.

16 Bldgs.
Cottonwood Point
Marion KS
Landholding Agency: COE
Property Number: 31200530003
Status: Excess

Reasons: Extensive deterioration.

3 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530004
Status: Excess
Reasons: Extensive deterioration.

2 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 6047
Landholding Agency: COE
Property Number: 31200530005
Status: Excess
Reasons: Extensive deterioration.

Bldgs.
Canning Creek
Council Grove Co: Morris KS 66846
Landholding Agency: COE
Property Number: 31200620022
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 28370, 28373, 28298
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710006
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 51026, 40016
Outlet Park
Junction City KS 66441
Landholding Agency: COE
Property Number: 31201010003
Status: Excess
Reasons: Extensive deterioration.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reasons: Other—Spring House.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway.
Reasons: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway.
Reasons: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway.
Reasons: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reasons: Floodway.

Tract 1379
Barkley Lake
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31200420001
Status: Unutilized
Reasons: Other—landlocked.

Tract 4300
Barkley Lake
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31200420002
Status: Unutilized
Reasons: Floodway.

Tracts 317, 318, 319
Barkley Lake
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31200420003
Status: Unutilized
Reasons: Floodway.

Steel Structure
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440006
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material.

Comfort Station
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Floodway.

Shelter
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440008
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material.

Parking Lot
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440009
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material.

Loading Docks
Nolin Lake
Bee Spring KY 42007
Landholding Agency: COE
Property Number: 31200540006
Status: Unutilized
Reasons: Extensive deterioration.

Sewage Treatment Plant
Smith Ridge Rec Area
Campbellsville KY 42718
Landholding Agency: COE
Property Number: 31200740008
Status: Excess
Reasons: Extensive deterioration.

Sewage Treatment Plant
Carr Creek Lake
Sassafras KY 41759
Landholding Agency: COE
Property Number: 31200920029
Status: Unutilized
Reasons: Floodway, Extensive deterioration.

Sewage Plant, Pump Station
Nolin River Lake
Bee Spring KY
Landholding Agency: COE
Property Number: 31200930005
Status: Excess
Reasons: Extensive deterioration.

Launching Ramp
Wolf Creek Dam
Somerset KY 42501
Landholding Agency: COE
Property Number: 31200940005
Status: Unutilized
Reasons: Floodway.

Louisiana

Bldg. 11
Naval Support Activity
New Orleans LA 70142
Landholding Agency: Navy
Property Number: 77200810027
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Maryland

Brandywine Family Hsg. Annex
13001–13041 Molly Berry Rd.
Brandywine MD 20613
Landholding Agency: GSA
Property Number: 54201010006
Status: Surplus
GSA Number: NCR–D–MR–1108–AA
Reasons: Within 2000 ft. of flammable or explosive material.

Bldg. 2075
Naval Surface Warfare
Indian Head MD
Landholding Agency: Navy
Property Number: 77200630043
Status: Excess
Reasons: Extensive deterioration.

9 Bldgs
National Naval Medical Ctr
Bethesda MD 20889
Landholding Agency: Navy
Property Number: 77200920028
Status: Unutilized
Directions: 17, 18, 21, 49, 69, 141, 146, 150, 174.
Reasons: Extensive deterioration, Secured Area.

5 Bldgs.
National Naval Medical Ctr
Bethesda MD
Landholding Agency: Navy
Property Number: 77200920030
Status: Unutilized
Directions: 23, 29, 139, 176, 219.
Reasons: Secured Area.

Massachusetts

Lee House
Knightville Dam Project
Huntington MA
Landholding Agency: COE
Property Number: 31200720003
Status: Unutilized
Reasons: Extensive deterioration.

Westview Street Wells

Lexington MA 02173
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reasons: Extensive deterioration.

Mississippi

Bldg. CB–70
Columbus Lake
Columbus MS 39701
Landholding Agency: COE
Property Number: 31200820009
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 3053
ERDC
Vicksburg MS 39180
Landholding Agency: COE
Property Number: 31200930008
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 9
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 22, 27, 41
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610040
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 108, 181, 183
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610041
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 201
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 270, 270A–1, 270A–2
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610043
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 375, 420
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610044
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 95, 96
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720046
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone, Secured Area.

Bldg. 167
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720047
Status: Unutilized
Reasons: Secured Area.

Bldgs. 212, 228
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720048
Status: Unutilized
Reasons: Secured Area.

Bldgs. 266, 267
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720049
Status: Unutilized
Reasons: Secured Area.

Bldgs. 351, 445
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720050
Status: Unutilized
Reasons: Secured Area.

Bldgs. 182, 183
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810014
Status: Unutilized
Reasons: Secured Area.

Bldgs. 222, 230, 326
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810015
Status: Unutilized
Reasons: Secured Area.

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reasons: Floodway.

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reasons: Extensive deterioration.

Missouri

Rec Office
Harry S. Truman Dam
Osceola Co: St. Clair MO 64776
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reasons: Extensive deterioration.

Privy/Nemo Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120001
Status: Excess
Reasons: Extensive deterioration.

Privy No. 1/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120002
Status: Excess
Reasons: Extensive deterioration.

Privy No. 2/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120003
Status: Excess
Reasons: Extensive deterioration.

#07004, 60006, 60007
Crabtree Cove/Stockton Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200220007
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Old Mill Park Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200310007
Status: Excess
Reasons: Extensive deterioration.

Stockton Lake Proj. Ofc.
Stockton Co: Cedar MO 65785
Landholding Agency: COE
Property Number: 31200330004
Status: Unutilized
Reasons: Extensive deterioration.

House
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420005
Status: Unutilized
Reasons: Extensive deterioration.

30x36 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420006
Status: Unutilized
Reasons: Extensive deterioration.

30x26 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420007
Status: Unutilized
Reasons: Extensive deterioration.

30x10 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420008
Status: Unutilized
Reasons: Extensive deterioration.

30x26 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420009
Status: Unutilized
Reasons: Extensive deterioration.

9x9 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420010
Status: Unutilized
Reasons: Extensive deterioration.

Tract 1111
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420011
Status: Excess
Reasons: Extensive deterioration.

Shower
Pomme de Terre Lake
Hermitage Co: Polk MO 65668
Landholding Agency: COE
Property Number: 31200420012
Status: Unutilized
Reasons: Extensive deterioration.

11 Bldgs.
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200430013
Status: Excess
Directions: Fairfield, Tally Bend, Cooper Creek, Shawnee Bend.
Reasons: Extensive deterioration.

2 Storage Bldgs.
District Service Base
St. Louis MO
Landholding Agency: COE
Property Number: 31200430014
Status: Excess
Reasons: Extensive deterioration.

Privy
Pomme de Terre Lake
Wheatland Co: Hickory MO
Landholding Agency: COE
Property Number: 31200440010
Status: Underutilized
Reasons: Floodway.

Vault Toilet
Ruark Bluff
Stockton MO
Landholding Agency: COE
Property Number: 31200440011
Status: Excess
Reasons: Extensive deterioration.

Comfort Station
Overlook Area
Stockton MO
Landholding Agency: COE
Property Number: 31200440012
Status: Excess
Reasons: Extensive deterioration.

Maintenance Building
Missouri River Area
Napoleon Co: Lafayette MO 64074
Landholding Agency: COE
Property Number: 31200510007
Status: Excess
Reasons: Floodway.

Bldg. 34001
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510008
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 34016, 34017
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510009
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200610008
Status: Unutilized
Reasons:
Extensive deterioration.

Bldgs. 43841, 43919
Clearwater Project
Piedmont MO 63957
Landholding Agency: COE
Property Number: 31200630010
Status: Unutilized
Reasons: Extensive deterioration.

Dwelling
Harry S. Truman Project
Roscoe MO
Landholding Agency: COE
Property Number: 31200640013
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 50005
Ruark Bluff East
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710011
Status: Excess
Reasons: Extensive deterioration.

Bldg. 07002
Crabtree Cove Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710012
Status: Excess
Reasons: Extensive deterioration.

Comfort Station
Riverlands Way Access
West Alton MO 63386
Landholding Agency: COE
Property Number: 31200710013
Status: Excess
Reasons: Extensive deterioration.

Bldg. #55001
Cooper Creek
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200720005
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 40006, 40007
Pomme de Terre Lake
Pittsburg MO 65724
Landholding Agency: COE
Property Number: 31200730012
Status: Excess
Reasons: Extensive deterioration.

3 Facilities
Wappapello Lake Project
Wayne MO 63966
Landholding Agency: COE
Property Number: 31200730013
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 05004, 05008
Cedar Ridge Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200740009
Status: Excess
Reasons: Extensive deterioration.

Bldg. 11002
Greenfield Access
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200740010
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 14008, 14009, 14010
Hawker Point Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200740011
Status: Excess
Reasons: Extensive deterioration.

Bldg. 34006
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200740012
Status: Excess
Reasons: Extensive deterioration.

Bldg. ES801–8319
Wappapello Lake Project
Wayne MO 63966
Landholding Agency: COE
Property Number: 31200740013
Status: Excess
Reasons: Extensive deterioration

Bldg. 14004
Hawker Point Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200820008
Status: Excess
Reasons: Extensive deterioration.

Picnic Shelter
ES801–8357, 009R31
Wappapello MO 63966
Landholding Agency: COE
Property Number: 31200830001
Status: Excess
Reasons: Extensive deterioration.

Picnic Shelter
ES801–8358, 009R32
Wappapello MO 63966
Landholding Agency: COE
Property Number: 31200830002
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 23002, 23006
Masters Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200840009
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 50014, 50015
Ruark Bluff West
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200840010
Status: Excess
Reasons: Extensive deterioration.

10 Vault Comfort Station

Mark Twain Lake
Monroe City MO 63456
Landholding Agency: COE
Property Number: 31200920045
Status: Excess
Directions: CC302–7388, 7396, 7413, 7486, 7535, 7536, 7542, 7543, 7552, 7553.
Reasons: Extensive deterioration.

Picnic Shelter ES801–8343
Wappapello Lake Project
Wappapello MO 63966
Landholding Agency: COE
Property Number: 31200920046
Status: Excess
Reasons: Extensive deterioration.

42 Privies
Stockton Project Office
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200920047
Status: Excess
Directions: Cedar Ridge, Crabtree Cove, Hawker Point, High Point, Masters, Mutton Creek, Orleans Trail, Ruark Bluff East, Ruark Bluff West, Stockton Area.
Reasons: Extensive deterioration

Bldgs. 47005, 47018
Pomme de Terre Lake
Hermitage MO 65724
Landholding Agency: COE
Property Number: 31200920048
Status: Unutilized
Reasons: Extensive deterioration.

30 Bldgs.
Harry S. Truman Reservoir
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200920049
Status: Unutilized
Directions: 13012, 13014, 13015, 31005, 31006, 31007, 40005, 40006, 40007, 51008, 51009, 60005, 60006, 60007, 60008, 60009, 60010, 70004, 70005, 70006, 13013, 51006, 51007, 51010, 63009, 63011, 70003, 07010, 60016, 63030.
Reasons: Extensive deterioration.

Bldg. 34010
Orleans Trail Park
Stockton MO
Landholding Agency: COE
Property Number: 31200930006
Status: Excess
Reasons: Extensive deterioration.

8 Bldgs.
Harry Truman Reservoir
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200930007
Status: Unutilized
Directions: #07007, 07008, 07009, 05011, 49008, 49009, 63004, 63005.
Reasons: Extensive deterioration.

5 Well Houses
Wappapello Lake Project
Wayne MO 63966
Landholding Agency: COE
Property Number: 31200940009
Status: Unutilized
Reasons: Extensive deterioration.

CC3029057, CC3027354
Mark Twain Lake
Monroe City MO 63456
Landholding Agency: COE
Property Number: 31201010004
Status: Excess
Reasons: Extensive deterioration.

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reasons: Secured Area.

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reasons: Secured Area.

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reasons: Secured Area.

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reasons: Secured Area.

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reasons: Secured Area.

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reasons: Secured Area.

Nebraska

Vault Toilets
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210006
Status: Unutilized
Reasons: Extensive deterioration.

Patterson Treatment Plant
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210007
Status: Unutilized
Reasons: Extensive deterioration.

#30004
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220008
Status: Unutilized
Reasons: Extensive deterioration.

#3005, 3006
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220009
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 70001, 70002
South Outlet Park
Republican City NE
Landholding Agency: COE
Property Number: 31200510010
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 40002, 40003, 40006
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610009
Status: Excess
Reasons: Extensive deterioration.

Bldg. 40020
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610010
Status: Excess
Reasons: Extensive deterioration.

4 Bldgs.
43004, 43007, 43008, 43009
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610011
Status: Excess
Reasons: Extensive deterioration.

6 Bldgs.
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610012
Status: Excess
Directions: 50003, 50004, 50005, 50006, 50007, 50008.
Reasons: Extensive deterioration.

Nevada

28 Facilities
Nevada Test Site
Mercury Co: Nye NV 89023
Landholding Agency: Energy
Property Number: 41200310018
Status: Excess
Reasons: Secured Area, Other—contamination.

31 Bldgs./Facilities
Nellis AFB
Tonopah Test Range
Tonopah Co: Nye NV 89049
Landholding Agency: Energy
Property Number: 41200330003
Status: Unutilized
Reasons: Secured Area.

42 Bldgs.
Nellis Air Force Base
Tonopah Co: Nye NV 89049
Landholding Agency: Energy
Property Number: 41200410029
Status: Unutilized
Directions: 49–01, NM104, NM105, 03–35A–H, 03–35J–N, 03–36A–C, 03–36E–H, 03–36J–N, 03–36R, 03–37, 15036, 03–44A–D, 03–46, 03–47, 03–49, 03–88, 03–89, 03–90.
Reasons: Secured Area.

241 Bldgs.
Tonopah Test Range
Tonopah Co: Nye NV 89049

Landholding Agency: Energy
Property Number: 41200440036
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

10 Bldgs.
Nevada Test Site
Mercury Co: Nye NV 89023
Landholding Agency: Energy
Property Number: 41200610003
Status: Excess
Reasons: Secured Area.

3 Bldgs.
Nevada Test Site
23–790, 06–CP50, 26–2107
Mercury Co: Nye NV 89023
Landholding Agency: Navy
Property Number: 77200510025
Status: Excess
Reasons: Secured Area, Other—contamination.

Units 501–521
Naval Air Station
Fallon NV
Landholding Agency: Navy
Property Number: 77200710017
Status: Excess
Reasons: Secured Area.

New Mexico

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reasons: Extensive deterioration.

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 26, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810008
Status: Underutilized
Reasons: Secured Area.

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reasons: Secured Area.

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reasons: Secured Area.

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reasons: Secured Area.

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration, Within 2000 ft. of flammable or explosive material.

Bldg. 31
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reasons: Secured Area.

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reasons: Secured Area.

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reasons: Secured Area.

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 186, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 188, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reasons: Secured Area.

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reasons: Secured Area.

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reasons: Secured Area.

Bldg. 312, TA–21

Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reasons: Secured Area.

Bldg. 313, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reasons: Secured Area.

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reasons: Secured Area.

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reasons: Secured Area.

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reasons: Secured Area.

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reasons: Secured Area.

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020003
Status: Unutilized
Reasons: Secured Area.

Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized
Reasons: Secured Area.

Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reasons: Secured Area.

Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reasons: Secured Area.

Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reasons: Secured Area.

Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reasons: Secured Area.

Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reasons: Secured Area.

Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reasons: Secured Area.

Bldg. B117
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220032
Status: Excess
Reasons: Extensive deterioration.

Bldg. B118
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220033
Status: Excess
Reasons: Extensive deterioration.

Bldg. B119
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220034
Status: Excess
Reasons: Extensive deterioration.

Bldg. 2, TA–11
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200240004
Status: Unutilized
Reasons: Secured Area.

Bldg. 4, TA–41
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200240005
Status: Unutilized
Reasons: Secured Area.

Bldg. 116, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200310003
Status: Unutilized
Reasons: Secured Area.

Bldgs. 1, 2, 3, 4, 5, TA–28
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200310004
Status: Unutilized
Reasons: Secured Area.

Bldgs. 447, 1483
Los Alamos Natl Laboratory
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200410002
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 99650
Sandia National Laboratory
Albuquerque Co: Bernalillo NM 87185
Landholding Agency: Energy
Property Number: 41200510004
Status: Unutilized
Reasons: Secured Area.

Bldgs. 807, 6017 CAMU2&CAMU3
Sandia Natl Laboratories
Albuquerque NM 87185
Landholding Agency: Energy
Property Number: 41200730001
Status: Unutilized
Reasons: Secured Area.

Bldg. 6502
Sandia National Lab
Albuquerque NM 87185
Landholding Agency: Energy
Property Number: 41200810002
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 6596
Sandia National Labs
Albuquerque NM 87185
Landholding Agency: Energy
Property Number: 41200920001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

9 Bldgs.
Los Alamos National Lab
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200920006
Status: Excess
Directions: 08–0026, 08–0030, 08–0065, 16–0193, 16–0242, 16–0244, 16–0897, 16–1489, 55–0107.
Reasons: Secured Area.

2 Bldgs.
Los Alamos National Lab
18–0257, 18–0258
Los Alamos NM 87545

Landholding Agency: Energy
Property Number: 41200920008
Status: Excess
Reasons: Extensive deterioration, Secured Area.

9 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200920009
Status: Excess
Directions: 53–0401, 53–0403, 53–0409, 53–0456, 53–0514, 53–0525, 53–0535, 53–0544, 53–0675.
Reasons: Extensive deterioration, Secured Area.

6 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200920010
Status: Excess
Directions: 54–0117, 54–0185, 54–210, 54–211, 54–221, 54–221, 60–0282.
Reasons: Extensive deterioration, Secured Area.

6 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200920011
Status: Excess
Directions: 21–0155, 21–0209, 21–0213, 21–0227, 21–0229, 21–0257.
Reasons: Extensive deterioration, Secured Area.

8 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200920012
Status: Excess
Directions: 54–0226, 63–0001, 63–0002, 63–0003, 63–0004, 63–0077, 63–0078, 63–0093.
Reasons: Extensive deterioration, Secured Area.

7 Bldgs.
Los Alamos National Lab
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200930001
Status: Unutilized
Directions: 16–0421, 18–0005, 18–0026, 18–0129, 18–0141, 18–0147, 18–0189.
Reasons: Extensive deterioration, Secured Area.

7 Bldgs.
Los Alamos National Lab
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200930002
Status: Unutilized
Directions: 52–0035, 52–0036, 52–0105, 52–0123, 60–0045, 69–0002, 69–0005.
Reasons: Extensive deterioration, Secured Area.

11 Bldgs.
Los Alamas Natl Lab
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200930004
Status: Excess
Directions: 21–0031, 21–0042, 21–0080, 21–0212, 21–0328, 21–0355, 21–0357, 21–0370, 54–0062, 54–0215, 54–0216.
Reasons: Extensive deterioration, Secured Area.

11 Bldgs.
Los Alamos Natl Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200930005
Status: Excess
Directions: 03–2239, 03–02240, 03–1535, 03–1651, 03–1790, 16–0251, 16–0898, 16–1407, 48–0046, 48–0047, 64–0027.
Reasons: Secured Area.

5 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200940001
Status: Excess
Directions: 54–0002, 54–0008, 54–0011, 54–0020, 54–0048.
Reasons: Extensive deterioration, Secured Area.

10 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200940002
Status: Excess
Directions: 54–0153, 54–0156, 54–0224, 54–0242, 54–0281, 54–0282, 54–0289, 54–0464, 54–1051, 54–1052.
Reasons: Extensive deterioration, Secured Area.

10 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200940003
Status: Excess
Directions: 15–0263, 16–0306, 16–0430, 16–0435, 16–0437, 18–0028, 18–0037, 18–0138, 18–0227, 18–0297.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

13 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200940004
Status: Unutilized
Directions: 54–0306, 54–0315, 54–0324, 54–0325, 54–1058, 54–0296, 54–0304, 54–0367, 54–0483, 54–1027, 54–1028, 54–1030, 54–1041.
Reasons: Extensive deterioration, Secured Area.

9 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200940005
Status: Unutilized
Directions: 35–0046, 35–0224, 35–0226, 35–0227, 35–0249, 35–0250, 35–0256, 35–0337, 35–0382.
Reasons: Extensive deterioration, Secured Area.

13 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201010003
Status: Unutilized
Directions: 03–2237, 09–0273, 36–0082, 46–0165, 46–0179, 46–0185, 46–0231, 46–0232, 46–0234, 46–0254, 46–0314, 46–0546, 52–0043.
Reasons: Extensive deterioration, Secured Area.

11 Bldgs.
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41201010004
Status: Unutilized
Directions: 03–1516, 03–1533, 03–1559, 03–1566, 08–0020, 08–0032, 09–0051, 09–0214, 11–0024, 11–0036, 14–0006.
Reasons: Extensive deterioration, Secured Area.

New York

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 0096
Brookhaven National Lab
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200730004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 913T
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200830001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldgs. 680B, 680C
Brookhaven Natl Lab
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200920002
Status: Excess
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material.

North Carolina

Preston Clark USARC
1301 N. Memorial Dr.
Greenville Co: Pitt NC 27834
Landholding Agency: COE
Property Number: 31200620032
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. MC–A01
Morehead City NC
Landholding Agency: COE
Property Number: 31200740014
Status: Excess
Reasons: Extensive deterioration.

5 Bldgs.
Natural Park
Wilkesboro NC 28697
Landholding Agency: COE
Property Number: 31200930012
Status: Unutilized
Directions: WC–A01, WC–AC01, WC–AW01, WC–FR01, WC–FC01.

Reasons: Extensive deterioration.

3 Bldgs.
Natural Park
Wilkesboro NC 28697
Landholding Agency: COE
Property Number: 31200930013
Status: Unutilized
Directions: BM–W01, BR–R02, RM–M06.
Reasons: Extensive deterioration.

Bldg. 82
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510009
Status: Underutilized
Reasons: Secured Area.

Bldg. 4314
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510010
Status: Underutilized
Reasons: Secured Area

Bldg. 124
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510023
Status: Underutilized
Reasons: Secured Area

Bldgs. 73, 95, 1018
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620003
Status: Unutilized
Reasons: Secured Area

Bldg. 499
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620038
Status: Unutilized
Reasons: Secured Area

Bldgs. 3177, 3885
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620039
Status: Unutilized
Reasons: Secured Area

Bldg. 4473
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620040
Status: Unutilized
Reasons: Secured Area

Bldg. 4523
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620041
Status: Unutilized
Reasons: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reasons: Extensive deterioration

Ohio

Installation 39875
Hayes Reserve Center
Fremont OH 43420
Landholding Agency: COE
Property Number: 31200740016
Status: Excess
Reasons: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reasons: Extensive deterioration

Oklahoma

Comfort Station
LeFlore Landing PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240008
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Braden Bend PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240009
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Salt Creek Cove
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240010
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Wilson Point
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240011
Status: Excess
Reasons: Extensive deterioration

2 Comfort Stations
Landing PUA/Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240012
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
South PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240013
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
North PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240014
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240015
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240016
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Brooken Cove PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240017
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Outlet Channel/Walker Creek
Waurika OK 73573–0029
Landholding Agency: COE
Property Number: 31200340013
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Damsite South
Stigler OK 74462–9440
Landholding Agency: COE
Property Number: 31200340014
Status: Excess
Reasons: Extensive deterioration

19 Bldgs.
Kaw Lake
Ponca City OK 74601–9962
Landholding Agency: COE
Property Number: 31200340015
Status: Excess
Reasons: Extensive deterioration

30 Bldgs.
Keystone Lake
Sand Springs OK 74063–9338
Landholding Agency: COE
Property Number: 31200340016
Status: Excess
Reasons: Extensive deterioration

13 Bldgs.
Oologah Lake
Oologah OK 74053–0700
Landholding Agency: COE
Property Number: 31200340017
Status: Excess
Reasons: Extensive deterioration

14 Bldgs.
Pine Creek Lake
Valliant OK 74764–9801
Landholding Agency: COE
Property Number: 31200340018
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Sardis Lake
Clayton OK 74536–9729
Landholding Agency: COE
Property Number: 31200340019
Status: Excess
Reasons: Extensive deterioration

22 Bldgs.
Skiatook Lake
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340020
Status: Excess
Reasons: Extensive deterioration

40 Bldgs.
Eufaula Lake
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340021

Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Holiday Cove
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340022
Status: Excess
Reasons: Extensive deterioration

18 Bldgs.
Fort Gibson
Ft. Gibson Co: Wagoner OK 74434–0370
Landholding Agency: COE
Property Number: 31200340023
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fort Supply
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340024
Status: Excess
Reasons: Extensive deterioration

Game Bird House
Fort Supply Lake
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340025
Status: Excess
Reasons: Extensive deterioration

11 Bldgs.
Hugo Lake
Sawyer OK 74756–0099
Landholding Agency: COE
Property Number: 31200340026
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Birch Cove/Twin Cove
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340027
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fairview Group Camp
Canton OK 73724–0069
Landholding Agency: COE
Property Number: 31200340028
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Chouteau Bluff
Gore Co: Wagoner OK 74935–9404
Landholding Agency: COE
Property Number: 31200340029
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Newt Graham L
Gore OK 74935–9404
Landholding Agency: COE
Property Number: 31200340030
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Damsite/Fisherman's Landing
Sallisaw OK 74955–9445
Landholding Agency: COE
Property Number: 31200340031
Status: Excess
Reasons: Extensive deterioration

10 Bldgs.
Webbers Falls Lake
Gore OK 74435–5541
Landholding Agency: COE
Property Number: 31200340032
Status: Excess
Reasons: Extensive deterioration

Bldg.
Lower Storage Yard
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530007
Status: Excess
Reasons: Extensive deterioration.

3 Bldgs.
Birch Cove PUA
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530008
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Canadian Public Use Area
Canton Co: Blaine OK 73724
Landholding Agency: COE
Property Number: 31200530009
Status: Excess
Reasons: Extensive deterioration.

3 Bldgs.
Porum Landing PUA
Stigler Co: McIntosh OK 74462
Landholding Agency: COE
Property Number: 31200530010
Status: Excess
Reasons: Extensive deterioration.

2 Bldgs.
Bluff/Afton Landing
Ft. Gibson Co: Wagoner OK 74434
Landholding Agency: COE
Property Number: 31200530012
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Lake Office
Ft. Supply Co: Woodward OK 73841
Landholding Agency: COE
Property Number: 31200530013
Status: Excess
Reasons: Extensive deterioration.

4 Bldgs.
Overlook PUA
Ft. Supply Co: Texas OK 73841
Landholding Agency: COE
Property Number: 31200530014
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Hugo Lake
Sawyer Co: Chocktaw OK 74756
Landholding Agency: COE
Property Number: 31200530015
Status: Excess
Reasons: Extensive deterioration.

2 Bldgs.
Sarge Creek PUA
Ponca City Co: Kay OK 74601
Landholding Agency: COE
Property Number: 31200530016
Status: Excess
Reasons: Extensive deterioration.

5 Bldgs.
Hawthorne Bluff
Oologah Co: Rogers OK 74053
Landholding Agency: COE
Property Number: 31200530017
Status: Excess
Reasons: Extensive deterioration.

12 Bldgs.
Trout Stream PUAs
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530018
Status: Excess
Reasons: Extensive deterioration.

14 Bldgs.
Chicken Creek PUAs
Gore Co: Cherokee OK 74435
Landholding Agency: COE
Property Number: 31200530019
Status: Excess
Reasons: Extensive deterioration.

4 Bldgs.
Snake Creek Area
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530020
Status: Excess
Reasons: Extensive deterioration.

3 Bldgs.
Brewer's Bend
Gore Co: Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200530021
Status: Excess
Reasons: Extensive deterioration.

Facility
Hulah Lake
Copan Co: Osage OK 74022
Landholding Agency: COE
Property Number: 31200620025
Status: Excess
Reasons: Extensive deterioration.

Bldg.
Webbers Falls
Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200620026
Status: Excess
Reasons: Extensive deterioration.

24 Bldgs.
Hulah Lake
Copan OK
Landholding Agency: COE
Property Number: 31200630011
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 44760, 44707
Canton Lake
Canton OK 73724
Landholding Agency: COE
Property Number: 31200630012
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Skiatook Lake
Skiatook OK 74070
Landholding Agency: COE
Property Number: 31200630013
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 43263, 42364
Oologah Lake
Oologah OK 74053
Landholding Agency: COE
Property Number: 31200630015
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Webbers Falls Lake
Webbers Falls OK

Landholding Agency: COE
Property Number: 31200630016
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 43523, 43820
Hugo Lake
Sawyer OK 74756
Landholding Agency: COE
Property Number: 31200630017
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Newt Graham Lock 18
Inola OK
Landholding Agency: COE
Property Number: 31200640014
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
Gore OK 74435
Landholding Agency: COE
Property Number: 31200640016
Status: Unutilized
Directions: Afton Landing or Bluff Landing.
Reasons: Extensive deterioration.

Pinecr-58321
Pine Creek Lake
Valiant OK
Landholding Agency: COE
Property Number: 31200710015
Status: Unutilized
Reasons: Extensive deterioration.

KAW–58649
Garrett's Landing
Kaw City OK
Landholding Agency: COE
Property Number: 31200710016
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Sizemore Landing
Gore OK 74435
Landholding Agency: COE
Property Number: 31200720007
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Taylor Ferry
Fort Gibson OK 74434
Landholding Agency: COE
Property Number: 31200720008
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 42670, 42634
Tenkiller Lake
Gore OK 74435
Landholding Agency: COE
Property Number: 31200730014
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 41946
Webbers Falls Lake
Webbers Lake OK
Landholding Agency: COE
Property Number: 31200730015
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 44760, 44707
Canton Lake
Canton OK
Landholding Agency: COE
Property Number: 31200730016
Status: Unutilized
Reasons: Extensive deterioration.

6 Bldgs.
Hugo Lake
Sawyer OK
Landholding Agency: COE
Property Number: 31200730017
Status: Unutilized
Directions: 43803, 43802, 43827, 43760, 43764, 43763.
Reasons: Extensive deterioration.

Gatehouse
Porum Landing
Stigler OK 75562
Landholding Agency: COE
Property Number: 31200740017
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 42008, 55088
Webbers Falls Lake
Webbers Falls OK
Landholding Agency: COE
Property Number: 31200740019
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
Optima Lake
Texas OK
Landholding Agency: COE
Property Number: 31200820010
Status: Unutilized
Directions: 43119, 43192, 43193, 43262.
Reasons: Extensive deterioration.

Bldg. FTGIBS–57431
Fort Gibson
Fort Gibson OK
Landholding Agency: COE
Property Number: 31200840011
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 43446, Keystone
Washington Irving Rec Area
Sand Springs OK 74063
Landholding Agency: COE
Property Number: 31200920010
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 43611, 43612, 43545
Kaw Lake
Coon Creek
Ponca City OK 74604
Landholding Agency: COE
Property Number: 31200920011
Status: Unutilized
Reasons: Extensive deterioration.

9 Bldgs.
Eufaula Lake
Stigler OK 74462
Landholding Agency: COE
Property Number: 31200920012
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 44065
Fort Gibson
Taylor Ferry South
Ft. Gibson OK 74434
Landholding Agency: COE
Property Number: 31200920013
Status: Unutilized
Reasons: Extensive deterioration.

10 Bldgs.
Flat Rock Creek
Fort Gibson OK 74434
Landholding Agency: COE
Property Number: 31200920014
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 44763
Canton Lake
Canton OK 73724
Landholding Agency: COE
Property Number: 31200920015
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 43302, 43303
Newt Graham Lock & Dam
Inola OK 74036
Landholding Agency: COE
Property Number: 31200920016
Status: Unutilized
Reasons: Extensive deterioration.

5 Bldgs.
Eufaula Lake
Stigler OK 74462
Landholding Agency: COE
Property Number: 31200920050
Status: Unutilized
Directions: EUFUAL–44237, 44147, 56608, 56609, 56570.
Reasons: Extensive deterioration.

61 Structures
Newt Graham Lock & Dam
Inola OK 74036
Landholding Agency: COE
Property Number: 31200920051
Status: Unutilized
Reasons: Extensive deterioration.

19 Structures
Tenkiller Lake
Webber Falls
Gore OK 74435
Landholding Agency: COE
Property Number: 31200920052
Status: Unutilized
Reasons: Extensive deterioration.

40 Structures
Tenkiller Lake
Gore OK 74435
Landholding Agency: COE
Property Number: 31200920053
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. RSKERR–42811
Kerr Lock & Dam
Sallisaw OK 74955
Landholding Agency: COE
Property Number: 31200930009
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 43992
Fort Gibson Lake
Fort Gibson OK 74434
Landholding Agency: COE
Property Number: 31200940010
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 43847, 43783
Hugo Lake
Sawyer OK 74756
Landholding Agency: COE
Property Number: 31200940011
Status: Unutilized
Reasons: Extensive deterioration.

32 Bldgs.
Optima Lake
Texas OK
Landholding Agency: COE
Property Number: 31200940012
Status: Unutilized
Reasons: Extensive deterioration.

CANTON 44700, 44701, 44762
Big Bend Park
Canton OK 73724
Landholding Agency: COE
Property Number: 31201010005
Status: Unutilized
Reasons: Extensive deterioration.

Oregon

2 Floating Docks
Rogue River
Gold Beach Co: Curry OR 97444
Landholding Agency: COE
Property Number: 31200430015
Status: Excess
Reasons: Floodway.

2 Trailers
John Day Project
#1 West Marine Drive
Boardman Co: Morrow OR 97818
Landholding Agency: COE
Property Number: 31200510012
Status: Unutilized
Reasons: Extensive deterioration.

Restroom—V0035
McNary Lock & Dam
Umatilla OR
Landholding Agency: COE
Property Number: 31200940013
Status: Unutilized
Reasons: Extensive deterioration.

Pennsylvania

Bldgs. TIO 12328, 12333
Tionesta PA 16353
Landholding Agency: COE
Property Number: 31200820011
Status: Unutilized
Reasons: Extensive deterioration.

Z–Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 13, 90, 93, 97
Naval Support Activity
Philadelphia PA 19111
Landholding Agency: Navy
Property Number: 77200820012
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 431, 483
Naval Support Activity
Philadelphia PA 19111
Landholding Agency: Navy
Property Number: 77200820013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Extensive deterioration.

Bldgs. 530, 534, 567, 585
Naval Support Activity
Philadelphia PA 19111
Landholding Agency: Navy
Property Number: 77200820014
Status: Excess
Reasons: Extensive deterioration, Within 2000 ft. of flammable or explosive material.

Bldgs. 618, 743
Naval Support Activity
Philadelphia PA 19111
Landholding Agency: Navy
Property Number: 77200820015
Status: Excess
Reasons: Extensive deterioration.

Bldg. 37
Naval Support Activity
Philadelphia PA
Landholding Agency: Navy
Property Number: 77200930009
Status: Excess
Reasons: Secured Area.

Bldgs. 619, 636, 662, 947
Naval Business Center
Philadelphia PA 19112
Landholding Agency: Navy
Property Number: 77200930010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material.

Bldgs. 47, 531, 1070
Naval Support Activity
Mechanicsburg PA
Landholding Agency: Navy
Property Number: 77200930018
Status: Excess
Reasons: Extensive deterioration.

17 Bldgs.
Naval Support Activity
Philadelphia PA
Landholding Agency: Navy
Property Number: 77201010014
Status: Excess
Directions: 23, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58.
Reasons: Secured Area.

Rhode Island

Bldg. 305CP
Naval Station
Newport RI 02841
Landholding Agency: Navy
Property Number: 77200820004
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldg. 1A–CC
Naval Station
Newport RI 02841
Landholding Agency: Navy
Property Number: 77200820022
Status: Excess
Reasons: Secured Area.

Bldg. 164
Naval Station
Newport RI 02841
Landholding Agency: Navy
Property Number: 77200820036
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Floodway, Secured Area.

Bldgs. 348, 85CHI
Naval Station
Newport RI
Landholding Agency: Navy
Property Number: 77200820043
Status: Unutilized
Reasons: Secured Area.

Facility 670
Naval Station
Harbor Island
Newport RI 02841
Landholding Agency: Navy
Property Number: 77200820044
Status: Excess
Reasons: Extensive deterioration, Secured Area.

South Carolina

36 Bldgs.
J. Strom Thurmond Lake
Clarks Hill SC 29821
Landholding Agency: COE
Property Number: 31200920017
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. JST 17244
J. Strom Thurmond Lake
Clarks Hill SC 29821
Landholding Agency: COE
Property Number: 31200920018
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 701–6G
Jackson Barricade
Jackson SC
Landholding Agency: Energy
Property Number: 41200420010
Status: Unutilized
Reasons: Secured Area.

Bldg. 211–000F
Nuclear Materials Processing Facility
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420011
Status: Excess
Reasons: Secured Area.

Bldg. 221–001F
Nuclear Materials Processing Facility
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420015
Status: Excess
Reasons: Secured Area.

Bldg. 190–K
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420030
Status: Unutilized
Reasons: Secured Area.

Bldg. 710–015N
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430002
Status: Excess
Reasons: Secured Area.

Bldg. 713–000N
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430003
Status: Excess
Reasons: Secured Area.

Bldgs. 80–9G, 10G
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430006
Status: Excess
Reasons: Secured Area.

Bldgs. 105–P, 105–R
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430007
Status: Excess
Reasons: Secured Area.

Bldg. 183–003L
Savannah River Operations
Aiken SC 29802

Landholding Agency: Energy
Property Number: 41200430009
Status: Excess
Reasons: Secured Area.

Bldg. 221–016F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430014
Status: Excess
Reasons: Secured Area.

Bldgs. 221–053F, 054F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430016
Status: Excess
Reasons: Secured Area.

Bldgs. 252–003F, 005F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430017
Status: Excess
Reasons: Secured Area.

Bldg. 315–M
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430030
Status: Excess
Reasons: Secured Area.

Bldg. 716–002A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430040
Status: Excess
Reasons: Secured Area.

Bldgs. 221–21F, 22F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430042
Status: Excess
Reasons: Secured Area.

Bldg. 221–033F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430043
Status: Excess
Reasons: Secured Area.

Bldg. 254–007F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430044
Status: Excess
Reasons: Secured Area.

Bldg. 281–001F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430045
Status: Excess
Reasons: Secured Area.

Bldg. 281–004F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430046
Status: Excess
Reasons: Secured Area.

Bldg. 281–006F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430047
Status: Excess
Reasons: Secured Area.

Bldg. 703–045A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430050
Status: Excess
Reasons: Secured Area.

Bldg. 703–071A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430051
Status: Excess
Reasons: Secured Area.

Bldg. 754–008A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430058
Status: Excess
Reasons: Secured Area.

Bldg. 186–R
Savannah River Site
Aiken SC
Landholding Agency: Energy
Property Number: 41200430063
Status: Unutilized
Reasons: Secured Area.

4 Bldgs.
Savannah River Site
#281–2F, 281–5F, 285–F, 285–5F
Aiken SC
Landholding Agency: Energy
Property Number: 41200430066
Status: Unutilized
Reasons: Secured Area.

Bldg. 701–000M
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430084
Status: Unutilized
Reasons: Secured Area.

Bldg. 690–000N
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200440032
Status: Underutilized
Reasons: Secured Area.

Facility 701–5G
Savannah River Site
New Ellenton SC
Landholding Agency: Energy
Property Number: 41200530003
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 714–000A
Savannah River Site
Aiken SC
Landholding Agency: Energy
Property Number: 41200620014
Status: Underutilized
Reasons: Secured Area.

Bldg. 777–018A
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200620022
Status: Excess
Reasons: Secured Area.

Bldgs. 108–1P, 108–2P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200630007
Status: Unutilized
Reasons: Secured Area.

Bldg. 701–001P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640002
Status: Unutilized
Reasons: Secured Area.

Bldgs. 151–1P, 151–2P
Savannah River site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640004
Status: Unutilized
Reasons: Secured Area.

Bldg. 191–P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640005
Status: Unutilized
Reasons: Secured Area.

Bldg. 710–P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640006
Status: Unutilized
Reasons: Secured Area.

Bldg. 614–63G
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710006
Status: Unutilized
Reasons: Secured Area.

Bldgs. 701–2G, –905–117G
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710007
Status: Unutilized
Reasons: Secured Area.

Bldgs. 108–1R, 108–2R
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710010
Status: Unutilized
Reasons: Secured Area.

Bldgs. 717–003S, 717–010S
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710011
Status: Unutilized
Reasons: Secured Area.

Facility 151–1R
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200810001
Status: Underutilized
Reasons: Secured Area.

Bldgs. 1000 thru 1021
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200440018
Status: Unutilized
Reasons: Secured Area.

Bldg. 102
Marine Corps Recruit Depot
Parris Island Co: Beaufort SC 29905
Landholding Agency: Navy
Property Number: 77200530017
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Floodway.

21 Bldgs.
Naval Weapons Station
Goose Creek Co: Berkely SC 29445
Landholding Agency: Navy
Property Number: 77200620034
Status: Unutilized
Directions: 4, 167C, 174, 180, 350, 383, 400, 410, 769, 790, 823, 824, 904, 930, 930A, 953, 953A, 971, 975, 2305, 3526.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 1148
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200630044
Status: Excess
Reasons: Extensive deterioration.

Bldg. 200
Marine Corps Recruit Depot
Parris Island SC 29905
Landholding Agency: Navy
Property Number: 77200720018
Status: Unutilized
Reasons: Secured Area, Floodway.

Bldgs. 908, 1ATX211–1ATX220
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810029
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 40, 48, 856
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 934, 2333
Naval Weapons Station
Goose Creek SC 29445
Landholding Agency: Navy
Property Number: 77200810031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

South Dakota

Mobile Home
Tract L–1295
Oahe Dam
Potter SD 00000
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reasons: Extensive deterioration.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Directions: US Highway 85.
Reasons: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011503
Status: Underutilized
Directions: TN Highway 135.
Reasons: Floodway.

Water Treatment Plant
Dale Hollow Lake Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reasons: Other—water treatment plant.

Water Treatment Plant
Dale Hollow Lake Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reasons: Other—water treatment plant.
Water Treatment Plant
Dale Hollow Lake Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reasons: Other—water treatment plant.

Comfort Station/Land
Cook Campground
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31200420024
Status: Unutilized
Reasons: Floodway.

Tracts 915, 920, 931C–1
Cordell Hull Dam/Reservoir
Cathage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31200430016
Status: Unutilized
Reasons: Other—landlocked, Floodway.

Residence #5
5050 Dale Hollow Dam Rd.
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200540010
Status: Unutilized
Reasons: Other—landlocked.

Bldg.
Dale Hollow Lake Dam
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200610013
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 2010
Oak Ridge Natl Laboratory
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200710009
Status: Excess
Reasons: Secured Area, Extensive deterioration.

3 Bldgs.
Y–12 Natl Nuclear Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200720001
Status: Unutilized
Directions: 9104–01, 9104–02, 9104–03.
Reasons: Secured Area.

Bldgs. 1035, 1058, 1061
E. Tennessee Technology Park
Oak Ridge TN
Landholding Agency: Energy
Property Number: 41200730002
Status: Unutilized
Reasons: Secured Area, Contamination, Extensive deterioration.

Bldgs. 1231, 1416
E. Tennessee Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200730003
Status: Unutilized
Reasons: Contamination, Secured Area, Extensive deterioration.

Bldgs. 413, 1059
E. TN Tech Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200730006
Status: Excess
Reasons: Contamination, Secured Area.

Bldgs. 1000, 1008F, 1028
E. TN Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810005
Status: Excess
Reasons: Secured Area.

Bldgs. 1101, 1201, 1501
E. TN Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810006
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.

4 Bldgs.
East TN Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810007
Status: Excess
Directions: 1513, 1515, 1515E, 1515H.
Reasons: Secured Area.

3 Bldgs.
Y–12 National Security Complex
9706–01, 9706–01A, 9711–05
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810008
Status: Unutilized

Reasons: Secured Area.
3 Bldgs.
Y–12 National Security Complex
9733–01, 9733–02, 9733–03
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810009
Status: Unutilized
Reasons: Secured Area.

Bldgs. 9734, 9739
Y–12 National Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810010
Status: Unutilized
Reasons: Secured Area.

4 Bldgs.
Y–12 Natl Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200910001
Status: Unutilized
Directions: 9201–05, 9622, 9769, 9983–HP.
Reasons: Secured Area.

13 Bldgs.
Y–12 Natl Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200920003
Status: Unutilized
Directions: 9404–02, 9404–04, 9409–04, 9409–30, 9416–18, 9416–21, 9709, 9709–19, 9720–19A, 9720–19B, 9724–01, 9766, 9983–FE.
Reasons: Secured Area.

Bldgs. 2, 3, 5
Naval/Marine Corps Rsv Ctr
Knoxville Co: Knox TN 37920
Landholding Agency: Navy
Property Number: 77200530018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 9720–03, 9720–06
Y–12 Natl Nuclear Security Complex
Oak Ridge TN 37831
Landholding Agency: Navy
Property Number: 77200720038
Status: Unutilized
Reasons: Secured Area.

Texas

Comfort Station
Overlook PUA
Powderly Co: Lamar TX 75473–9801
Landholding Agency: COE
Property Number: 31200240018
Status: Excess
Reasons: Extensive deterioration.

148 Bldgs.
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200740018
Status: Unutilized
Reasons: Extensive deterioration.

18 Bldgs.
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200820012
Status: Unutilized
Reasons: Extensive deterioration.

Bldg.
Stilling Basin
Pat Mayes Lake
Powderly TX 75473
Landholding Agency: COE
Property Number: 31200820013
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs. Burns Run Area
Texoma Lake
57667, 42562, 42486, 42568
Denison TX
Landholding Agency: COE
Property Number: 31200840012
Status: Unutilized
Reasons: Extensive deterioration.

Bldgs. 42466, 42508
Johnson Creek/Caney Creek
Denison TX
Landholding Agency: COE
Property Number: 31200920019
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
Lake Texoma
42558, 42473, 42543, 42496
Denison TX
Landholding Agency: COE
Property Number: 31200920020
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 42479
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200930010
Status: Unutilized
Reasons: Extensive deterioration.

Boat Dock
Pat Mayse Lake
Powderly TX 75473
Landholding Agency: COE
Property Number: 31200940014
Status: Unutilized
Reasons: Extensive deterioration.

Old USMC Training Center
Fort Point
Galveston TX 77550
Landholding Agency: COE
Property Number: 31200940015
Status: Unutilized
Reasons: Extensive deterioration.
5 Bldgs.
Pat Mayse Lake
Powderly TX 75473
Landholding Agency: COE
Property Number: 31201010006
Status: Unutilized
Directions: 43018, 43017, 43010, 43011, 43012
Reasons: Extensive deterioration.

Zone 12, Bldg. 12–20
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200220053
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 12–017E, 12–019E
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200320010
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material.

4 Bldgs.
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540002
Status: Unutilized
Directions: 12–009, 12–009A, 12–R–009A, 12–R–009B
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 12–011A
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540003
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 12–097
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 11–54, 11–54A
Zone 11
Plantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630008
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 12–002B
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

4 Bldgs.
12–003, 12–R–003, 12–003L
Zone 12, Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630010
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 12–014
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 12–24E
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 11–029, Zone 11
Pantex Plant
Amarillo Co: Carson TX 79120

Landholding Agency: Energy
Property Number: 41200640007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 11–010, T09–031
Pantex Plant
Amarillo TX 79120
Landholding Agency: Energy
Property Number: 41200810011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 4–24, 4–27, 4–29
Pantex Plant
Amarillo TX 79120
Landholding Agency: Energy
Property Number: 41200830003
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 11–027
Pantex Plant
Amarillo TX 79120
Landholding Agency: Energy
Property Number: 41200830004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

3 Bldgs.
Pantex Plant
12–0245, 12–041SS, 12–075A
Amarillo TX 79120
Landholding Agency: Energy
Property Number: 41200830005
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 04–024, 04–027, 04–029
Pantex Plant
Amarillo TX
Landholding Agency: Energy
Property Number: 41200840003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 09–013, 09–125
Pantex Plant
Amarillo TX
Landholding Agency: Energy
Property Number: 41200840004
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

5 Bldgs.
Pantex Plant
Amarillo TX
Landholding Agency: Energy
Property Number: 41200840005
Status: Unutilized
Directions: 09–095, 09–126, 09–132, 09–132A, 09–134.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 11–027
Pantex Plant
Amarillo TX
Landholding Agency: Energy
Property Number: 41200840006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

4 Bldgs.
Pantex Plant
Amarillo TX
Landholding Agency: Energy
Property Number: 41200840007
Status: Unutilized
Directions: 12–R–009B,12–0245, 12–041SS, 12–075A.
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

6 Bldgs.
Pantex Plant
Amarillo TX 79121
Landholding Agency: Energy
Property Number: 41200920004
Status: Unutilized
Directions: 09–056, 11–R–016, 11–030, 12–023, 12–045, 12–047, 12–005G3.
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 09–145
Pantex Plant
Amarillo TX 79120
Landholding Agency: Energy
Property Number: 41200940006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Extensive deterioration, Secured Area.

Bldg. 1732
Naval Air Station
Corpus Christi Co: Nueces TX
Landholding Agency: Navy
Property Number: 77200540007
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldg. 243
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640035
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1430
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1500
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 4151
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640038
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 3379, 3380
Naval Air Station
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200810023
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 1414, 3190
Naval Air Station
Joint Reserve Base
Ft. Worth TX 76127
Landholding Agency: Navy
Property Number: 77200830031
Status: Unutilized
Reasons: Secured Area.

Utah

5 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720033
Status: Unutilized
Directions: 4D, 6A, 6C, 8C, 10B.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

4 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720034
Status: Unutilized
Directions: 11, 15, 16, 19.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 22A, 22B, 22C
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720035
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 23A, 23B, 23C
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720036
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

4 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720037
Status: Unutilized
Directions: 33, 45B, 45C, 46D.
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Virginia

Bldgs. JHK–17433, JHK–17446
John H. Kerr Project
Boydton VA
Landholding Agency: COE
Property Number: 31200740020
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. JHK–16754
Henderson Point
Mecklenburg VA 23917
Landholding Agency: COE
Property Number: 31200840013
Status: Unutilized
Reasons: Extensive deterioration.

4 Bldgs.
Philpott Lake
16232, 16233, 16234, 16235
Bassett VA 24055
Landholding Agency: COE
Property Number: 31200920021

Status: Unutilized
Reasons: Extensive deterioration.

6 Bldgs.
John H. Kerr Lake & Dam
Mecklenburg VA 23917
Landholding Agency: COE
Property Number: 31200920022
Status: Unutilized
Directions: ID# JHK 15776, 16754, 16810, 17051, 17845, 18244.
Reasons: Extensive deterioration.

3 Comfort Stations
John H. Kerr Lake & Dam
Mecklenburg VA 23917
Landholding Agency: COE
Property Number: 31200920054
Status: Unutilized
Directions: JHK–17450, 17451, 17457.
Reasons: Extensive deterioration.

5 Bldgs.
John H. Kerr Lake & Dam
Mecklenburg VA 23917
Landholding Agency: COE
Property Number: 31200930014
Status: Unutilized
Directions: JHK–15782, 17134, 17453, 17456, 18017.
Reasons: Extensive deterioration.

Bldgs. 22624, 41438, 41439
John Flannagan Dam
Haysi VA 24256
Landholding Agency: COE
Property Number: 31200940016
Status: Unutilized
Reasons: Extensive deterioration.

9 Bldgs.
Philpott Lake & Dam
Bassett VA 24055
Landholding Agency: COE
Property Number: 31200940017
Status: Unutilized
Directions: 15640, 16753, 16775, 16883, 18840, 18854, 18835, 16749, 15636.
Reasons: Extensive deterioration.

Bldgs. 17454, 17455
John Kerr Lake & Dam
Boydton VA 23917
Landholding Agency: COE
Property Number: 31200940018
Status: Unutilized
Reasons: Extensive deterioration.

Chesapeake Light Station
Virginia Beach VA
Landholding Agency: GSA
Property Number: 54201010011
Status: Surplus
GSA Number: 4–X–VA–0739
Reasons: Floodway, Not accessible by road.

Bldgs. 500, 501
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640012
Status: Excess
Reasons: Extensive deterioration.

Bldg. 628
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640013
Status: Excess
Reasons: Extensive deterioration.

Bldg. 2398
Naval Station
Norfolk VA
Landholding Agency: Navy
Property Number: 77200730021
Status: Excess
Reasons: Secured Area.

Bldgs. 375, 502, 502A
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810002
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 503, 503A, 504
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810003
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 505, 505A
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810004
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 1213, 1979
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810005
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2007, 2008
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200810006
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 439, 466
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820016
Status: Excess
Reasons: Secured Area.

Bldgs. 760, 761
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820017
Status: Excess
Reasons: Secured Area.

Bldgs. 1820, 1895
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820018
Status: Excess
Reasons: Secured Area.

Bldgs. 1977, 1978, 1983
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820019
Status: Excess
Reasons: Secured Area.

Bldg. CAD–RR
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200820020
Status: Excess
Reasons: Secured Area.

Bldg. 3186
Naval Amphibious Base
Little Creek Co: Norfolk VA
Landholding Agency: Navy
Property Number: 77200840006
Status: Unutilized
Reasons: Secured Area.

Bldg. NAB757
Naval Amphibious Little Creek
Norfolk VA
Landholding Agency: Navy
Property Number: 77200840008
Status: Unutilized
Reasons: Secured Area.

19 Ammunition Bunkers
Naval Weapons Station
Ammo Plant 1 & 2
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840009
Status: Excess
Reasons: Extensive deterioration, Secured Area.

11 Bldgs.
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840019
Status: Excess
Directions: 10, 11, 97, 97A, 98, 472, 526, 527, 528, 528A, 1592.
Reasons: Secured Area, Extensive deterioration.

8 Bldgs.
Naval Weapons Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200840020
Status: Excess
Directions: 109, 110, 500A, 501A, 627, 629, 1249, 1462.
Reasons: Secured Area, Extensive deterioration.

5 Bldgs.
Naval Amphibious Base
Norfolk VA
Landholding Agency: Navy
Property Number: 77200840021
Status: Unutilized
Directions: 3375, 3420, 3550, 3695, 3891.
Reasons: Secured Area, Extensive deterioration.

Bldg. 3605
Naval Amphibious
Little Creek
Norfolk VA
Landholding Agency: Navy
Property Number: 77200910020
Status: Unutilized
Reasons: Secured Area.

6 Bldgs.
Naval Station
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77200930005
Status: Excess
Directions: FRP14, FRP15, FRP33, P17, P64, LP69.

Reasons: Secured Area, Extensive deterioration.
7 Bldgs.
Naval Station
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77200930007
Status: Excess
Directions: Q57, Q99, Q99A, SP83, SP85, SP85A, SP125.
Reasons: Secured Area, Extensive deterioration.

Bldg. LP23
Naval Station
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77200930024
Status: Excess
Reasons: Secured Area.

Bldgs. 3112, 3113
Marine Corps Base
Quantico VA
Landholding Agency: Navy
Property Number: 77200940007
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 1200
Naval Support Activity
Dahlgren VA 22448
Landholding Agency: Navy
Property Number: 77200940008
Status: Excess
Reasons: Extensive deterioration.

Bldgs. 39, 41, 90, M4
Naval Shipyard
St. Juliens Creek Annex
Chesapeake VA
Landholding Agency: Navy
Property Number: 77201010015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 13, 46
Naval Shipyard
St. Juliens Creek Annex
Chesapeake VA
Landholding Agency: Navy
Property Number: 77201010016
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

7 Bldgs.
Naval Shipyard
St. Juliens Creek Annex
Chesapeake VA
Landholding Agency: Navy
Property Number: 77201010017
Status: Unutilized
Directions: 117, 118, 178, 238, 703, 1511, M23.
Reasons: Secured Area, Extensive deterioration.

Washington

Madame Dorion Vault Toilet
McNary Lock & Dam
Walla Walla WA
Landholding Agency: COE
Property Number: 31200920023
Status: Unutilized
Reasons: Extensive deterioration.

Chiawana Park Restroom
McNary Lock & Dam
Pasco WA 99301
Landholding Agency: COE
Property Number: 31200920024
Status: Unutilized
Reasons: Extensive deterioration.

79 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620010
Status: Excess
Directions: Infrastructure Facilities.
Reasons: Secured Area.

87 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99351
Landholding Agency: Energy
Property Number: 41200620011
Status: Excess
Directions: Mobile Offices.
Reasons: Secured Area.

139 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620012
Status: Excess
Directions: Office Facilities.
Reasons: Secured Area.

122 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620013
Status: Excess
Directions: Process Facilities.
Reasons: Secured Area.

Bldg. 529
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reasons: Secured Area.

Bldg. 8
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430025
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 10, 11
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430026
Status: Excess
Reasons: Extensive deterioration, Secured Area.

Bldgs. 2656–2658
Naval Air Station
Lake Hancock
Coupeville Co: Island WA 98239
Landholding Agency: Navy
Property Number: 77200430027
Status: Unutilized
Reasons: Secured Area.

Bldgs. 2652, 2705
Naval Air Station
Whidbey
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440010
Status: Unutilized
Reasons: Secured Area.

Bldgs. 79, 884
NAS Whidbey Island
Seaplane Base
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440011
Status: Unutilized
Reasons: Secured Area.

Bldg. 121
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440012
Status: Unutilized
Reasons: Secured Area.

Bldg. 419
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440013
Status: Unutilized
Reasons: Secured Area.

Bldgs. 2609, 2610
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440014
Status: Unutilized
Reasons: Secured Area.

Bldg. 2753
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440015
Status: Unutilized
Reasons: Secured Area.

Bldg. 108
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200510015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 351
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200530026
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 1032
Naval Base
Bangor Tower Site
Silverdale WA 98315
Landholding Agency: Navy
Property Number: 77200630045
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 71
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 82, 83

Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640008
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 168, 188
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640009
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 729
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 910, 921
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldgs. 407, 447
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640014
Status: Excess
Reasons: Secured Area.

Bldg. 867
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640015
Status: Excess
Reasons: Secured Area.

Bldgs. 937, 975
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640016
Status: Excess
Reasons: Secured Area.

Bldg. 1449
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640017
Status: Unutilized
Reasons: Secured Area.

Bldg. 1670
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640018
Status: Unutilized
Reasons: Secured Area.

Bldgs. 2007, 2801
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640019
Status: Unutilized
Reasons: Secured Area.

Bldgs. 6021, 6095
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640020
Status: Unutilized
Reasons: Secured Area.

Bldgs. 6606, 6661
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640021
Status: Unutilized
Reasons: Secured Area.

Bldgs. 726, 727, 734
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640022
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 901, 911
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640023
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 925, 938
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1020
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640025
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Fisher Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710015
Status: Excess
Reasons: Other—Remote Location.

Bldgs. 437, 853
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710018
Status: Unutilized
Reasons: Secured Area.

Bldg. 1039
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710019
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 1400, 1461
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710020
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 6026
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 6608, 6609, 6904
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710022
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 110, 116
Naval Air Station
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200740013
Status: Excess
Reasons: Secured Area.

Bldg. 839
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200740014
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldgs. 402, 403, 2634
Naval Air Station
Oak Harbor Co: Whidbey Island WA 96278
Landholding Agency: Navy
Property Number: 77200810020
Status: Excess
Reasons: Extensive deterioration.

Bldg. 7658
Naval Base
Bangor WA
Landholding Agency: Navy
Property Number: 77200830017
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Bldgs. 986, 987
Naval Air Station
Whidbey Island
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200840001
Status: Unutilized
Reasons: Secured Area.

Bldg. 94
Naval Air Station
Whidbey Island
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200840002
Status: Excess
Reasons: Secured Area.

Bldgs. 20, 62, 2616, 2663
Naval Air Station
Whidbey Island WA
Landholding Agency: Navy
Property Number: 77200840017
Status: Excess
Reasons: Secured Area.

Bldg. 113
Naval Air Station
Whidbey Island WA 98278
Landholding Agency: Navy
Property Number: 77200920017

Status: Excess
Reasons: Secured Area.

6 Bldgs.
Naval Air Station
Whidbey Island WA 98278
Landholding Agency: Navy
Property Number: 77200920018
Status: Unutilized
Directions: 175, 855, 2601, 2602, 2603, 2604.
Reasons: Extensive deterioration, Secured Area.

Bldg. 1013
Naval Base Kitsap
Bangor WA
Landholding Agency: Navy
Property Number: 77200920019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2660, 2661, 2662
Naval Air Station
Whidbey Island WA 98278
Landholding Agency: Navy
Property Number: 77200920047
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 130
Naval Station
Pacific Beach WA 98571
Landholding Agency: Navy
Property Number: 77200930011
Status: Excess
Reasons: Extensive deterioration.

Bldg. 171
Naval Magazine
Indian Island
Port Hadock WA 98339
Landholding Agency: Navy
Property Number: 77200940003
Status: Excess
Reasons: Secured Area, Extensive deterioration.

GM–1, Gold Mountain
Naval Base
Transmitter/Generator Bldg.
Kitsap WA
Landholding Agency: Navy
Property Number: 77200940004
Status: Excess
Reasons: Secured Area.

Land

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reasons: Floodway.

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reasons: Floodway.

California

Trailer Space
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200520013
Status: Unutilized
Reasons: Secured Area.

Parcels 1, 2, 3, 4
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630003
Status: Underutilized
Reasons: Secured Area.

Parcels 11, 12, 13, 14, 15
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630004
Status: Underutilized
Reasons: Secured Area.

Sand Spit
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720008
Status: Underutilized
Reasons: Floodway.

Florida

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reasons: Other—Inaccessible.

Hawaii

14.235 parcel
Marine Corps Base
Kaneohe HI 96863
Landholding Agency: Navy
Property Number: 77200830020
Status: Unutilized
Reasons: Secured Area.

1,100 sq. ft./Land
Marine Corps Training
Area Bellows
Keolu Hills HI
Landholding Agency: Navy
Property Number: 77200930006
Status: Unutilized
Reasons: Secured Area.

Indiana

Approx. 0.2 acre
Naval Support Activity
Crane IN 47522
Landholding Agency: Navy
Property Number: 77200910006
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Directions: 14 miles from US Highway 68.
Reasons: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reasons: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reasons: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Directions: US Highway 62 to state highway 93.
Reasons: Floodway.

Barren River Lock No. 1
Richardsville Co: Warren KY 42270
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reasons: Floodway.

Green River Lock No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Directions: Off State Hwy. 369, which runs off of Western Ky. Parkway.
Reasons: Floodway.

Green River Lock No. 4
Woodbury Co: Butler KY 42288
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Directions: Off State Hwy 403, which is off State Hwy 231.
Reasons: Floodway.

Green River Lock No. 5
Readville Co: Butler KY 42275
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Directions: Off State Highway 185.
Reasons: Floodway.

Green River Lock No. 6
Brownsville Co: Edmonson KY 42210
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Directions: Off State Highway 259.
Reasons: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reasons: Floodway.

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reasons: Floodway.

Minnesota

Portion/Tract Wa-63
Wabasha MN
Landholding Agency: COE
Property Number: 31200940006
Status: Unutilized
Reasons: Other—inaccessible.

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reasons: Other—landlocked.

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reasons: Secured Area.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reasons: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden
null Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reasons: Floodway.

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison MT 59639
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reasons: Floodway.

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area.

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area.

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area.

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area.

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reasons: Floodway.

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reasons: Floodway.

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
Status: Unutilized
Reasons: Floodway.

Oregon

Tongue Point JCC
Parcels 24528, 24540, 24106
Astoria OR 97103
Landholding Agency: GSA
Property Number: 54201010009
Status: Excess
GSA Number: 9–L–OR–0782–AA
Reasons: Not accessible by road, Other—no public access.

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Landholding Agency: COE
Property Number: 31199011564
Status: Unutilized
Directions: Left hand side of entrance roadway to project.
Reasons: Floodway.

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reasons: Floodway.

Tract No. B–212C
Upstream from Gen. Jadwin Dam
Honesdale Co: Wayne PA 18431
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reasons: Floodway.

South Carolina

Laurel Bay Tract
Marine Corps Air Station
Beaufort SC
Landholding Agency: Navy
Property Number: 77200830010
Status: Excess
Reasons: Secured Area.

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Directions: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025.
Reasons: Floodway.

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Directions: Tracts E–513, E–512–1 and E–512–2.
Reasons: Floodway.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010935
Status: Excess
Directions: South of Old Jefferson Pike.
Reasons: Other—landlocked.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Directions: U.S. Highway 79/TN Highway 761.
Reasons: Floodway.

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Directions: Big Bottom Road.
Reasons: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Directions: TN Highway 52.
Reasons: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Directions: TN Highway 53.
Reasons: Floodway.

Tracts 608, 609, 611 and 612

Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Directions: Sullivan Bend Road.
Reasons: Floodway.

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Directions: Whites Bend Road.
Reasons: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Directions: TN Highway 85.
Reasons: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Directions: TN Highway 85.
Reasons: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Directions: Big Bottom Road.
Reasons: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Directions: Big Bottom Road.
Reasons: Floodway, Within airport runway clear zone.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Directions: Sullivan Bend Road.
Reasons: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Directions: TN Highway 85.
Reasons: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Directions: Brooks Ferry Road.
Reasons: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Directions: Sullivan Bend Road.
Reasons: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Directions: Interstate 40 to S. Mount Juliet Road.
Reasons: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Directions: Florence road near Enon Springs Road.
Reasons: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Directions: Lamon Road.
Reasons: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Directions: Jones Mill Road.
Reasons: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011497
Status: Underutilized
Directions: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Reasons: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Directions: US Highway 85.
Reasons: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011500
Status: Unutilized
Directions: Sugar Creek Road.
Reasons: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reasons: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Directions: TN Highway 53.
Reasons: Floodway.

Tract 104 et al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Directions: Highway 70 N.
Reasons: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Directions: Vivrett Creek Launching Area, Alvin Sperry Road.
Reasons: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reasons: Floodway.

Tract D, 7 acres
Cheatham Lock
Nashville Co: Davidson TN 37207
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reasons: Floodway.

Tract F–608
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420021
Status: Unutilized
Reasons: Floodway.

Tracts G702–G706
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420022
Status: Unutilized
Reasons: Floodway.

6 Tracts
Shutes Branch Campground
Lakewood Co: Wilson TN
Landholding Agency: COE
Property Number: 31200420023

Status: Unutilized
Reasons: Floodway.

Texas

Tracts 104, 105–1, 105–2
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reasons: Floodway.

Part of Tract 201–3
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reasons: Floodway.

Part of Tract 323
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reasons: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reasons: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reasons: Floodway.

Washington

405 sq. ft./Land
Naval Base Kitsap
Bangor WA
Landholding Agency: Navy
Property Number: 77200520060
Status: Unutilized
Reasons: Secured Area.

230 sq. ft. land
Naval Magazine
Indian Island WA
Landholding Agency: Navy
Property Number: 77200620037
Status: Underutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material.

Tabook Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710016
Status: Excess
Reasons: Other—Remote Location.

West Virginia

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia WV 26505
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reasons: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Directions: 20 miles east of Charleston, W. Virginia.
Reasons: Other—.03 acres; very narrow strip of land.

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reasons: Other—inaccessible.

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Part III

Department of Labor

Employment and Training Administration

20 CFR Part 655

Attestation Applications by Facilities Temporarily Employing H–1C Nonimmigrant Foreign Workers as Registered Nurses; Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB52

Attestation Applications by Facilities Temporarily Employing H–1C Nonimmigrant Foreign Workers as Registered Nurses; Final Rule

AGENCY: Employment and Training Administration, Labor, in collaboration with Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: The Employment and Training Administration (ETA) and the Wage and Hour Division of the Department of Labor (the Department or DOL) are publishing a Final Rule to implement the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005 (NRDARA), which reauthorized the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA), finalizing these rules for enforcement purposes. These Acts allowed certain health care facilities to file, and authorize the Department to review, approve and enforce, attestation applications to employ foreign workers as registered nurses in health professional shortage areas on a temporary basis under the H–1C visa. Facilities (hospitals meeting threshold criteria for the program) filed these forms with the Department as a condition for petitioning the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), for H–1C nurses.

DATES: This Final Rule is effective April 5, 2010.

FOR FURTHER INFORMATION CONTACT: For further information regarding 20 CFR 655, Subpart L, contact William L. Carlson, PhD, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210; Telephone (202) 693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

For further information regarding the H–1C enforcement process in 20 CFR 655, Subpart M of this part, contact Diane Koplewski, Immigration Branch Chief, Division of Enforcement Policy, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–3516, Washington, DC 20210; Telephone (202) 693–0071 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On August 22, 2000, the Department published in the **Federal Register** an Interim Final Rule (IFR) that was effective September 21, 2000 and implemented the NRDAA, Public Law 106–95, 113 Stat. 1312 (1999). See 65 FR 51138, Aug. 22, 2000. The NRDAA amended the Immigration and Nationality Act (INA) to create a new temporary visa program for nonimmigrant foreign workers to work as registered nurses (RNs or nurses) for up to 3 years, in certain facilities which serve Health Professional Shortage Areas (HPSAs). 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m). That temporary visa program expired 4 years after the effective date of regulations promulgated by each agency implementing the NRDAA, which for the Department was September 21, 2004. (For purposes of the nonimmigrant visa process at the Immigration and Naturalization Service (INS), now USCIS, the statute expired on, and no more H–1C petitions were accepted after, June 13, 2005.) The number of H–1C visas that could be issued was limited to 500 per year.

The NRDARA, Public Law 109–423, 120 Stat. 2900 (2006) extended the provisions of the NRDAA for 3 years starting from December 20, 2006, the date the NRDARA was enacted. It made no substantive changes to the NRDAA's provisions. Although the application period for H–1C visa petitions has now expired, H–1C visa holders are allowed to work in the United States (U.S.) until the expiration of their authorized stay, which may be as much as 3 years after the petition was authorized. This Final Rule is being promulgated to ensure worker protections are in place for nurses currently employed in H–1C status, whose stays may extend beyond December 20, 2009.

The Congress modeled the NRDAA (and, by extension, the NRDARA) in large measure after the H–1A registered nurse temporary visa program created by the Immigration Nursing Relief Act of 1989 (INRA), Public Law 101–238, 103 Stat. 2099 (1989), which itself expired on September 1, 1995. See, *e.g.,* H.R. Rpt. 135, at 2 (May 12, 1999). INRA was enacted in response to a nationwide shortage of nurses in the late 1980s, but also sought to address concerns about the increased dependence of health care providers on foreign RNs. Id. Because there did not appear to be a national nursing shortage at the time the NRDAA was enacted (H.R. Rpt. 135, at 5 (May 12, 1999)), the Congress enacted the NRDAA to respond to a very specific need for qualified nursing professionals in understaffed facilities serving mostly poor patients in certain inner cities and rural areas. See 145 Cong. Rec. H3476 (daily ed. May 24, 1999) (Statement of Rep. Rogan). The NRDAA adopted many of the U.S. worker protection provisions of the H–1A program under INRA. Penalties that the government could impose on employers for violating NRDAA provisions were similar to those under INRA.

The NRDAA also created some attestation obligations for employers that were not found in INRA. A more detailed discussion of the attestation requirements for facilities can be found in the preamble to the IFR at 65 FR 51138, Aug. 22, 2000.

The passage of the NRDARA in December 2006 acknowledged that the shortage of nurses in some places remained a significant problem and again sought to alleviate specific shortages in defined areas. *See, e.g.,* 152 Cong. Rec. S11175 (daily ed. Dec. 5, 2006) (Statement of Sen. Cornyn). No significant policy changes were required by that reauthorizing statute.

The definition of "facility" was not changed by the reauthorizing legislation. Only those hospitals that satisfied the criteria for a facility as of March 1997 continued to qualify as a facility eligible to file under the H–1C program for foreign registered nurses. The Department has consulted with and confirmed from the Health Resources and Services Administration of the Department of Health and Human Services (HHS) that only those 14 hospitals listed in the preamble to the IFR remain eligible to participate in the H–1C program. As explained in greater detail in the preamble to the IFR, the definition of facility requires the application of time-specific tests and does not afford any flexibility with regard to these criteria. 65 FR 51143, Aug. 22, 2000.

The Consolidated Natural Resources Act of 2008 (CNRA), Title VII, Public Law 110–229, 122 Stat. 754, 853, which extended U.S. immigration law to the Commonwealth of the Northern Mariana Islands (CNMI), also exempted facilities in Guam, the CNMI, and the Virgin Islands from certain cost reporting criteria necessary for H–1C eligibility

under sec. 212(m)(6)(B) of the INA (8 U.S.C. 1182(m)(6)(B)). This Final Rule incorporates this exemption. However, the CNRA did not provide any exemption from the requirement that a facility be a hospital located in one of the 50 States or District of Columbia, as defined in 42 U.S.C. 1395ww(d)(1)(B). See 8 U.S.C. 1182(m)(6). Accordingly, despite the exemption from certain cost reporting criteria, facilities in Guam, CNMI, and the Virgin Islands still would not be eligible to participate in the H–1C program. While no hospitals in these territories applied before the expiration of the filing period, the Department believes they would be ineligible because of their inability to meet the definition of a facility at 42 U.S.C. 1395ww(d)(1)(B).

Because the CNRA extended U.S. immigration law to the CNMI, we have included CNMI in the definition of State in this Final Rule to be consistent with the definition of "State" in the INA. The territories of Guam, the Virgin Islands, and Puerto Rico are already included in the definition of "State" in § 655.1102.

Several technical and clarifying amendments have been made to the IFR. These amendments are primarily a result of organizational changes within the Department and the transfer of the functions involving the processing of petitions from the former INS to USCIS. The responsibility of the Department of State has been amended in § 655.1101(d) to clarify that that agency makes determinations of visa eligibility. Finally, the Department has clarified that the Administrator will recommend a particular period for debarment of an entity found to be in violation in § 655.1255.

As explained in the preamble to the IFR, the NRDAA required the Department to impose a filing fee, not to exceed $250, for every attestation application filed. Since the Department was certain the monies that would be expended to administer and enforce the H–1C program would exceed the monies it was likely to collect from charging a fee of $250, it set the fee at that amount in the IFR at 65 FR 51142, Aug. 22, 2000. The filing fee under this Final Rule remains set at $250.

II. Discussion of Comments

The Department received comments on the IFR from four interested parties. In developing this Final Rule, the Department considered all their comments. All are addressed below.

A. Definitions of Terms Used in These Regulations

The definition of "nurse" in § 655.1102 eliminated the special provision for foreign workers who have received nursing education in Canada in order to implement the changes in the INA that eliminated the previous accommodation. To qualify as an H–1C nurse, the foreign worker must: (1) Have a full and unrestricted license to practice nursing in the country where the foreign worker obtained nursing education, or have received nursing education in the U.S.; (2) have passed the examination given by the Commission on Graduates for Foreign Nursing Schools, or have obtained a full and unrestricted (permanent) license to practice as a registered nurse in the State of intended employment in the U.S., or have obtained a full and unrestricted (permanent) license in any (other) U.S. State or territory and received temporary authorization to practice as a registered nurse in the State of intended employment; and (3) be fully qualified and eligible under the laws governing the place of intended employment to practice as a registered nurse immediately upon admission to the U.S. and be authorized under such laws to be employed by the employer.

A foreign nurse credentialing association expressed concurrence with the definition of "nurse" and stated the Department has correctly recognized that the procedures * * * should determine whether any foreign nursing degree is comparable to a U.S. nursing degree. No commenter opposed this definition. Accordingly, this Final Rule makes no changes to the definition from the IFR.

B. Who May File an Attestation Application

Section 655.1110 requires the employer's Chief Executive Officer (CEO) to sign ETA Form 9081, *Attestation for H–1C Nonimmigrant Nurses* (ETA Form 9081). One commenter contended that this requirement is unduly burdensome to the process of securing an approved attestation and hiring foreign nurses under the H–1C program. However, the commenter provided no documentary evidence or rationale to support its allegation. The same commenter suggested the H–1C requirements for signing ETA Form 9081 should mirror the H–1B requirements for signing a Labor Condition Application (LCA), which allow for an agent's or representative's signature.

The Department believes there is no statutory justification for the H–1C signatory requirements to mirror other program requirements for foreign labor certification programs administered by ETA. Nonetheless, it is worth noting the permanent labor certification program requires an application signed by the employer (specifically, an authorized representative, which is defined as an employee of the employer whose position or legal status authorizes the employee to act for the employer, see 20 CFR 656.3), and the H–2A and H–2B programs require an application signed by the employer or an individual with hiring authority. Furthermore, H–1C attestations differ from H–1B LCA attestations because, while H–1B attestations relate to the job opportunity, H–1C attestations also cover the eligibility of the institution itself to participate in the H–1C program. The latter represents a much broader attestation relating to the entity as a whole and thus is more appropriately signed by an employee of the employer with the authority to bind that entity.

Because an employer must file only one ETA Form 9081 each year it wishes to hire one or more H–1C nurses, the Department does not believe that requiring an employer's CEO to sign the form will have a significant impact on the entity or on its ability to hire foreign or domestic nurses. An employer-signed application lends credibility to the assertions made on the form by ensuring that each attestation contained on the form is true and correct at the time of signing and that the employer will continue to adhere to each attestation during its validity period. Our experience suggests that chief executives are frequently called on to sign or obligate the entity under their charge as a basic responsibility of the position. As such, the Department does not believe it is unreasonable to require the employer's CEO to sign the form.

C. The Meaning of "No Adverse Effect on Wages and Working Conditions"

The statute requires an attestation that the employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed. To meet this requirement, § 655.1112 requires the employer to pay each nurse employed by the facility at least the prevailing wage for the occupation in the geographic area. If the employer's nurses are covered by collectively bargained wage rates, § 655.1112(c)(1) stipulates such rates shall be considered prevailing for that employer. If the employer's nurses are not covered by collectively bargained wage rates, the IFR stipulated that the State Workforce Agency (SWA) shall determine the prevailing wage for similarly employed nurses in the geographic area in accordance with administrative guidelines or regulations issued by ETA. Section 655.1112(c)(2). Three commenters disagreed with the

requirements. These concerns are addressed in turn below.

The Department notes that the comments on the IFR were made before the publication of the Final Rule for the H–2B nonagricultural temporary worker program on December 19, 2008 (the December 2008 Rule), which amended § 655.1112(c)(2) to provide that the Office of Foreign Labor Certification's (OFLC) National Processing Center (NPC) in Chicago will provide the prevailing wages for nurses under the H–1C program from January 18, 2009.[1] See 73 FR 78020, Dec. 19, 2008. This federalization of prevailing wage determinations, discussed at length in the December 2008 Rule, was undertaken not because of a lack of ability on the part of the SWAs to engage in such determinations but to ensure consistency and uniformity in the process of prevailing wage determinations across all OFLC-administered programs. See 73 FR 78020, Dec. 19, 2008. The arguments presented by commenters to the IFR with regard to the prevailing wage determinations by SWAs are equally applicable to such determinations by the NPCs, and are accordingly reviewed and responded to as such, with any differences in such determinations noted.

1. Effect of the Prevailing Wage Request on the Speed of the Hiring Process

Two commenters expressed concern that obtaining a prevailing wage determination will slow down the hiring process. A third commenter claimed that requiring a prevailing wage determination for RNs will result in long delays because State Employment Security Agencies (the former name for SWAs) generally lack wage surveys for nurses. The Department finds these concerns to be without merit, as explained below, and therefore has made no changes from the IFR, beyond the amendment to § 655.1112(c)(2) by the December 2008 Rule.

The Department believes there is a benefit gained from the employer obtaining a prevailing wage determination; namely, a measurable assurance that the wage proposed to the foreign nurse is at least as high as, and therefore will not adversely affect, the wages of nurses similarly employed in the area of intended employment. This benefit significantly outweighs the additional time imposed by obtaining a prevailing wage determination. The NPC processes prevailing wage determination requests in an expeditious manner, and there is no information suggesting otherwise. The Department also notes that the relatively small numbers of hospitals able to participate in the program (at the most 14), and the fact that many are already subject to collective bargaining agreements that take precedence over any wage determination from another source, will prevent any significant impact on the workload of the NPC's prevailing wage experts.

The third commenter provided no documentary or other evidence to support its suggestion that SWAs have no wage information for RNs. The allegation is factually incorrect. The SWAs would have used the same database that the NPC currently uses. The Bureau of Labor Statistics' Occupational Employment Statistical Survey (OES) is the source for both the SWAs' and, as of January 2009, the NPC's prevailing wage determinations in the absence of a collective bargaining agreement. The OES produces readily available employment and wage estimates for nurses by geographic area, in some cases by county or counties, and in others by Metropolitan Statistical Area.

2. Dissimilarity Between H–1C and H–1B Regulations

Two commenters argued that the H–1C regulations should mirror the H–1B regulations with respect to the determination of the prevailing wage. The H–1B standard permits an employer to use a wage rate obtained from sources other than the SWA.

The Department has considered these comments. However, given the statutory requirements and substantive distinctions between the programs, the Department has made no changes from the IFR. The statutes authorizing the H–1C and H–1B programs do not mirror each other in their respective requirements for the prevailing wage calculation or attestation.

There are distinct differences between H–1C nurses and H–1B workers in specialty occupations that argue in favor of the Department treating these programs differently. These include, but are not limited to, the differences in the average Specific Vocational Preparation (SVP) for occupations in the H–1B program and the typical SVP for the occupation in the H–1C program; the breadth and narrowness of the range of occupations covered by each program; and the disparity between the two programs with respect to collective bargaining agreements.

These substantive differences demonstrate some significant distinctions between these two programs. The H–1B program was statutorily accorded flexibility to address prevailing wage rates across diverse professional occupations that are not typically subject to collective bargaining agreements. The H–1C program, by contrast, deals not only with a single occupation, but with job opportunities subject to stricter wage controls due to the specificity of locations and a greater presence of collective bargaining units. The narrowness of the H–1C program lends support to a stricter analysis of the wage, which in turn justifies controlling the source of prevailing wage information. Accordingly, the regulation will continue to make the distinction and not mirror the H–1B attestations.

3. Intent of the Congress

One commenter argued that the requirement to obtain a prevailing wage determination in the absence of collectively bargained wage rates conflicts with the intent of the Congress. This commenter asserted that the language for the second and third obligations assumed by the employer (no adverse effect; foreign worker will be paid the wage rate of registered nurses similarly employed by the facility) was taken verbatim from INRA. As such, this commenter believes that the legislative history for INRA is controlling for the regulations being promulgated for the NRDAA.

The comment proposed that the deletion of the words "prevailing wage rate" by Congress from an early draft of the INRA prior to final passage should require the Department to eliminate the necessity of obtaining prevailing wage determinations for the nursing profession. This commenter's solution to this issue is to allow employers to choose their own sources for the prevailing wage as others do in the H–1B program.

The rationale for requiring the NPC to determine the prevailing wage is discussed above. Section 655.1112(c)(2) instructs the NPC to determine the prevailing wage for similarly employed nurses in the geographic area in accordance with administrative guidelines or regulations issued by ETA. These guidelines include the *Prevailing Wage Determination Policy Guidance—Nonagricultural Immigration Programs*, revised November 2009 and located on the Department's Web site at: *http://www.foreignlaborcert.doleta.gov/pdf/*

[1] The Department also issued a **Federal Register** Notice on December 4, 2009, centralizing prevailing wage determination requests at the National Prevailing Wage and Help Center (NPWHC) as of January 1, 2010. *See* 74 FR 63795, Dec. 4, 2009. However, because the NPWHC did not commence its prevailing wage determination operations until after the period for filing H–1C petitions expired, this Final Rule retains all references to the NPC.

Policy_Nonag_Progs.pdf. This guidance allows the NPC to consider other surveys in their prevailing wage determination process.

The NPC can evaluate an employer's private survey in order to consider its use in determining a prevailing wage, if the employer chooses to submit such evidence and if the survey submitted meets the criteria for eligibility. The point, however, is that the NPC, and not the employer, must make the determination of which is the most appropriate source of the prevailing wage.

4. Effect on Small Hospitals

One commenter alleged that smaller non-profit and religious hospitals with lower wage scales will be prohibited from participating in the program because they will not be able to pay the prevailing wage.

There is no statutory exception for small non-profit or religious hospitals. The Congress duly considered this legislation not once, but twice, and chose not to make an exception for such hospitals, few of which meet the strict eligibility requirements for the H–1C program. As stated above, the second attestation element contained in the statute is that employment of the foreign worker will not adversely affect the wages and working conditions of nurses similarly employed.

The Department interprets this language to require that the employer, regardless of its size or business model, pay foreign workers no less than the prevailing wage for the occupation in the geographic area of employment, *i.e.*, no less than those who are similarly employed. Because DOL must use a consistent wage rate from which to ensure that similarly employed U.S. nurses in each geographic area (as well as in the employ of the same employer) in which H–1C nurses may be employed are not adversely affected, each employer must attest that it will pay each foreign nurse employed by the facility at least the prevailing wage for the occupation in the geographic area and not just in that organization's employ.

5. Expanded Definition of "Prevailing Wage Rate"

One commenter suggested that, if the Department decides to interpret the phrase "not adversely affect" consistently across programs, then it should also define the term "prevailing wage rate" consistently by allowing a 5 percent variance. In the alternative, the commenter suggested allowing independent published wage surveys or other legitimate wage data sources to be considered when issuing prevailing wages.

The first recommendation can no longer be followed because of legislative restrictions. The Consolidated Appropriations Act of 2005 (Pub. L. 108–447, 118 Stat. 2809) amended sec. 212(p)(3) of the INA to eliminate any variance from the actual and prevailing wage, which had in the past been customary to permit. *See* 69 FR 77326–27, 77366–67, Dec. 27, 2004. The prevailing wage required to be paid shall be 100 percent of the wage determined pursuant to those sections. In short, the Department is no longer permitted to allow a 5 percent variance for the permanent or temporary programs where it was previously allowed. Thus, imposing a 100 percent wage requirement, with no variance, within the H–1C program is consistent with that same requirement within the permanent and temporary programs. The NRDAA does not authorize a 5 percent variance from the prevailing wage and the Department believes it appropriate to apply this 100 percent wage requirement to the H–1C program, especially in light of clear congressional direction after the NRDAA that prohibited the 5 percent variance from the prevailing wage in other visa programs administered by the Department. With regard to the second suggestion, see discussion above in §§ 655.1112(c)(2) and 655.1112(c)(3).

D. Notification Facilities Must Provide to Nurses

Section 655.1116(d) requires the employer to provide a copy of the attestation, within 30 days of the date of filing, to every registered nurse employed at the facility. * * * This notification includes not only the RNs employed by the facility, but also includes any RN who is providing service at the facility as an employee of another entity, such as a nursing contractor.

Three commenters disagreed with the requirements and requested clarification on language used in this section.

1. Individual Notice Requirement

Two commenters expressed concern over the requirement that employers provide individual notice to RNs within 30 days of filing an attestation, and suggested eliminating the individual notice requirement entirely. These entities contended, in summary, that the requirement does not take into account the shortage of nurses in the U.S.; that there is no reason why notice requirements similar to those in the H–1B program are insufficient to protect U.S. nurses; and that the combined pressure of the limited number of H–1C visas and prohibition of employing more than 33 percent of total RN workforce through the H–1C program would protect U.S. workers from any negative effect on wages or terms and conditions of employment.

Two commenters also asserted that the regulation is vague and ambiguously worded with respect to the notice requirement. Both illustrated this purported ambiguity in situations in which a facility hires an RN between the date of individual notice and the date of filing, and asked whether the original notices would suffice or whether the facility would be required to provide notice to the newly hired nurse, which it alleged would constitute an administrative burden.

Requiring employers to provide notification to all RNs is a statutory requirement, as the NRDAA clearly provides that a copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing. The requirement of notice to all nurses employed at the facility, regardless of the employer who pays them, is imposed by statute and must accordingly remain. Individual notice is the only way to avoid the very ambiguities pointed out by the commenters. Only with individual notice can an employer attest with any certainty that it can meet the requirement of notice to all nurses employed at the facility.

With regard to the commenters' requests for clarification for notice to those hired after the date of notice but prior to the date of filing, the statute again provides the standard; employers must provide notice to all nurses that are employed at the facility on the date of filing. Every RN employed at the facility on the date of filing must be provided notice, regardless of his or her date of hire. Under the statute, the employer may choose to provide notice prior to filing, on the day of filing, or during the 30 days after filing, or any combination thereof. The regulations have been modified to clarify which nurses must be provided with notification, specifically, those employed at the facility on the date of filing the attestation application.

2. Notice to Contract Nurses

Two commenters expressed concern over the requirement that employers provide individual notice to contract RNs. Both contended that employers should not be required to provide individual notice to contract nurses because the elements of the attestation are not applicable to contract nurses. In

addition, both claimed that it is potentially impossible to locate every contract nurse to whom an employer would be required to provide notice.

The statute instructs employers to provide notice to all registered nurses employed at the facility. The statute does not limit the recipients of such notification to nurses employed by any one employer at the facility. Any such qualification would contravene the intent of the statute or the reauthorization, namely, to provide notice to the nurses at the facility of the hiring of H–1C nurses into the facility, regardless of who pays the U.S. nurses. By using the word "at" instead of "by" the Department believes that Congress specifically included a larger group than just those RNs that the facility itself directly employs. Accordingly, notice must be given to all RNs employed at the facility, including employees of staffing companies or other employers. This requirement is accomplished by the provision of notice outlined in the regulation.

3. Documentation Employers Must Provide to RNs

One commenter contended that the regulation is unclear in that it does not state what documentation employers must provide to nurses. The commenter advised that it interprets the regulations to mean that each nurse must be provided only with a copy of the attestation and asked for confirmation that this interpretation comported with the regulation.

The Department agrees with the commenter's interpretation. The statute requires a copy of the attestation be provided to RNs employed at the facility. No other documentation is required. As stated in the preamble to the IFR at 65 FR 51140, Aug. 22, 2000, this requirement may be satisfied by electronic means if an individual e-mail message, with the attestation as an attachment, is sent to every RN at the facility.

E. Criteria To Determine Whether To Certify an Application

Section 655.1130 requires the Department to conduct a simple verification that the attestation application is complete and not obviously inaccurate, and limits substantive review by the Department to only three attestations: (1) The employer's eligibility to participate in the program; (2) instances where the employer attests it is taking or will take a timely and significant step other than those listed in the regulations to recruit and retain U.S. nurses; and (3) instances where the employer asserts that taking a second timely and significant step is unreasonable.

One commenter expressed concern that the law does not authorize ETA to adjudicate attestations, merely to act as a repository for filed attestations. The commenter suggested that, in order for ETA to determine whether a hospital qualifies as a facility, it would have to conduct a substantive review of every submission, which the commenter argues conflicts with the original intent of the law.

The review process described in § 655.1130 is a streamlined version of the one used under the H–1A program, upon which the Congress modeled the H–1C legislation and in which the Department conducted full substantive review of all submissions. Unlike H–1B, the statute governing H–1C does not discuss nor limit the Secretary of Labor's (Secretary) review of the attestation. Thus, by limiting its review to only three of the attestation elements, the regulation provides for a lesser scope of review than is available under the statute.

Further, the statute instructs the Secretary to make available for public examination * * * for each such facility [that has filed a nonimmigrant petition], a copy of the facility's attestation (and accompanying documentation). This language implies the employer will submit documentation with an application. As such, it is within the Department's authority to request specific documents and, upon their receipt, to review that evidence.

For example, the statute specifically requires the employer to demonstrate that taking a second step is not reasonable if it chooses to take only one significant step as described in § 655.1114. Similarly, since the statute does not establish what a significant step means, it is within the Department's authority to define the standard and determine whether it has been met. The Department's requirement that the employer submit an explanation and appropriate documentation of any alternate significant step it chooses to take is, therefore, a reasonable exercise of its authority to interpret the statute.

The Department believes it is appropriate to review the application to ensure it is complete and lacking obvious inaccuracies. It is, moreover, incumbent on the Department to review an employer's eligibility to participate in the program, since program participation has been strictly circumscribed by Congress. The Department's past experience with the H–1C program supports continuing this practice, as several ineligible employers have filed attestations in an attempt to qualify. Based on the information from the Health Resources and Services Administration of HHS, the Department now believes that only those hospitals listed in the **Federal Register** at 65 FR 51143, Aug. 22, 2000, satisfy the eligibility criteria for a facility eligible to participate in the H–1C program.

However, as the certification is limited to the status of the facility as of March 31, 1997, the Department only need certify an employer once as a qualifying facility. Therefore, although the employer must continue to submit, and the Department must continue to review, the applications because attestation applications are only valid for either 1 year or the end of the period of admission for the last H–1C nurse entering under that application, whichever is later, there is no requirement that the employer support subsequent submissions with the same documentary evidence that it qualifies as a facility. Once an employer has qualified as a facility, its eligibility as a facility is thereafter established.

F. Enforcement Authority

Section 655.1200 provides that the Administrator shall conduct investigations as may be appropriate, either pursuant to a complaint or otherwise. This language is identical to that used in the predecessor H–1A program. Per the INA, these investigations are conducted only if the Secretary determines there is reasonable cause to believe the facility failed to meet the conditions attested to.

Two commenters asserted that the inclusion of the phrase or otherwise goes beyond the clear language of the law, which in their view limits the Department's authority to only conducting investigations in response to a complaint. One of these commenters also noted that § 655.1102(4) defines an aggrieved party to include a government agency which has a program that is impacted by the facility's alleged misrepresentation of material fact(s) or non-compliance with the attestation and believed that this definition would allow DOL to initiate investigations on its own initiative as an aggrieved party.

The Department believes that it has authority to investigate NRDAA compliance in the absence of a complaint. Although investigations in response to complaints are clearly provided for under 8 U.S.C. 1182(m)(2)(E), the provision also broadly states that the Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. The NDRAA

contains no statutory language prohibiting investigations in the absence of a complaint. Similarly, the legislative history of the NRDAA contains no language indicating Congress intended to prohibit directed investigations but instead reflects a broad grant of investigative authority. 145 Cong. Rec. H3478 (May 24, 1999) (statement of Rep. Rush) (The Secretary of Labor will oversee this [H–1C] process and provide penalties for non-compliance.); Id. at H3476 (statement of Rep. Rogan) (The H–1C program created by this bill would adopt those protections for American nurses contained in the expired H–1A program * * * additional protections have also been added).

Moreover, the NRDAA, 8 U.S.C. 1182(m)(2)(E), uses the same statutory language as was found in the H–1A temporary nurse program and the legislative history of the NRDAA indicates that the H–1C program was modeled after the H–1A program, *e.g.*, H.R. Rpt. 106–135, 1999. (The new program would be modeled after the expired 'H–1A' program.); 145 Cong. Rec. H3476 (daily ed. May 24, 1999) (statement of Rep. Rogan). The legislative history of the H–1A program clearly indicates that Congress intended for the Department to be authorized to conduct directed investigations, *see, e.g.*, H.R. Rpt. 288, 1989 U.S.C.C.A.N. at 1990 (Investigations may be initiated in two instances: (1) Through the Secretary of Labor when there is a reasonable cause to believe a facility fails to meet conditions of the attestation, and (2) upon the filing of a complaint by an aggrieved party). This position has been upheld by the Administrative Review Board (ARB) and the United States Court of Appeals for the Seventh Circuit. *Administrator* v. *Beverly Enterprises, Inc.* ARB Case No. 99–050 (July 31, 2002); *Administrator* v. *Alden Management Services, Inc.* ARB Case No. 00–020 & 00–021 (Aug. 30, 2002), affirmed, *Alden Management Services, Inc.* v. *Chao,* 532 F. 3d 578 (7th Cir. 2008). The Department concludes that the text and legislative history of the NRDAA, and that of the Nursing Relief Act establishing the H–1A program, support an interpretation that the Department has the authority to conduct investigations where there is reasonable cause to believe, even absent a complaint, that a facility has failed to meet conditions attested to. This position also furthers the purpose of the statute, especially because the Department has found that temporary nonimmigrant workers, such as H–1C nurses, are vulnerable to abuse and often reluctant to complain of violations of the law. For these reasons, the Department has not adopted the suggestions of the two commenters and retains the or otherwise language in § 655.1200.

One commenter believed that the IFR made it exceedingly simple to file a complaint and, despite the potential for abuse, provides no protection for facilities from those who would file complaints for reasons that are either frivolous or malicious. The commenter believed the IFR provided a golden opportunity for unscrupulous individuals and organizations to shake down hospitals for money and recommended that, at a minimum, copies of complaints should be provided to the hospital.

The Department believes these concerns do not require changes to the regulations, for the following reasons. First, the Department did not receive a single actionable complaint during the initial 4-year life of the NRDAA program, and thus has no reason to believe the potential abuses suggested occurred previously under the program or will occur in the future. Second, similar to the H–1B program, complaints are not investigated unless there is a reasonable cause to believe a violation has occurred. *See* § 655.1205(c). This mandatory reasonable cause determination serves as a check against frivolous complaints. Finally, with respect to the comment that copies of the complaint should be provided to the hospital, the Department continues to believe, as explained in the preamble to the IFR, that in order to assure effective enforcement it must maintain confidentiality for complainants. *See* 65 FR 51147, Aug. 22, 2000.

One commenter indicated that the IFR denies hospitals due process of law, violates generally accepted concepts of fairness and provides the Department with sweeping authority to conduct surprise raids of hospitals without notice. Furthermore, the commenter believed any surprise raid or search of a hospital's files would allow a Department investigator to threaten hospital administrators with summary arrest. The commenter recommended that the regulation require a reasonable notice of a DOL investigation that specifies what documents are sought.

The Department disagrees with this portrayal of its authority, and thus offers no regulatory changes, for the following reasons. First, the Department has no authority to arrest any party nor does it seek any such authority. Department investigations conducted to determine compliance with civil laws, not criminal laws, are normally limited to the review of appropriate records, interviews, and meetings with selected personnel. Further, the Department typically schedules investigations well in advance with employers, providing notice of the documents that are sought. The Department reserves its authority to carry out unannounced investigation visits, but normally does so only in the rare case where key records or personnel may not otherwise be available. In addition, while the Department conducted no investigations in the initial 4 years of the limited NRDAA program, Department enforcement of the similar H–1B program during this period provided no evidence of denial of due process or violation of the concepts of fairness. Finally, the INA and the implementing regulations provide explicit employer protections to ensure due process and fairness. *See, e.g.*, 8 U.S.C. 1182(m)(2)(E)(iii) and §§ 655.1215 and 655.1220.

G. Issuance of Findings

Section 655.1215 describes how the Administrator's investigation findings are issued. One commenter indicated that this section gives a party who wants to appeal a DOL determination an unreasonably short time (10 days) to submit a request for an Administrative Law Judge hearing, and recommended that a more appropriate time would be 30 days.

The short appeal time is necessitated by the statutory requirement to provide an opportunity for a hearing within 60 days of the date of the determination of a violation. *See* 8 U.S.C. 1182(m)(2)(E)(iii). The Department appreciates the concern expressed by the commenter and has extended the appeal period in the final regulation to 15 days. This timing will parallel the similar H–1B process, which also provides for a hearing within 60 days and sets a 15-day deadline for appeals.

H. Updates of Internal References and References to DHS Agencies

Several sections of the IFR reference the coordination between the Department and INS or the Department of Justice, which housed the now-defunct agency. Under the Homeland Security Act of 2002, most of the responsibilities assigned under the INA to the Attorney General were transferred to the Secretary of Homeland Security, effective March 2003. See 6 U.S.C. 271(b). Consequently, the references in the IFR to the Attorney General are replaced with the DHS or USCIS as appropriate.

In addition, this Final Rule updates references to the several Department

offices and activities. These include the elimination of the Employment Standards Administration, and updates to other internal technical references for the Department, such as the name of OFLC.

I. Miscellaneous Matters

One commenter made two additional miscellaneous suggestions regarding the DOL Web site.

1. List of HPSAs on DOL Web Site

One commenter suggested that ETA post a list of HPSAs on the DOL Web site. The Department assumes, for purposes of this analysis, the commenter intended that DOL post the qualifying HPSAs on its Web site.

The first of four criteria for a qualifying facility is location in an HPSA as of March 31, 1997. Any person can obtain the March 31, 1997, list of HPSAs from the **Federal Register** at 62 FR 29395, May 30, 1997. The Department has effectively met the commenter's request by providing a link to this particular **Federal Register** notice on the Department's Web site at *http://www.foreignlaborcert.doleta.gov/docs/hpsa.html.*

2. List ETA Form 9081 on DOL Web Site

One commenter suggested that ETA post Form 9081 on the DOL Web site. We agree with this comment, and have posted a current version of ETA Form 9081 on the OFLC Web site at *http://www.foreignlaborcert.doleta.gov/h-1c.cfm.*

III. Administrative Information

A. Executive Order 12866—Regulatory Planning and Review

Under Executive Order (E.O.) 12866, the Department must determine whether a regulatory action is significant and therefore subject to the requirements of the E.O. and subject to review by the Office of Management and Budget (OMB). Section 3(f) of the E.O. defines a significant regulatory action as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as economically significant); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

The Department has determined that this Final Rule is not an economically significant regulatory action under sec. 3(f)(1) of E.O. 12866. As noted above, the Department has been advised by the Health Resources and Services Administration of HHS that only those 14 hospitals listed in the preamble to the IFR at 65 FR 51143, Aug. 22, 2000, are known to be eligible to participate in this program. The statute giving rise to the H–1C program, moreover, mandates the introduction of no more than 500 nurses per year (for 3 years, ending in December 2009) through the program. Collectively, the changes made by this Final Rule will not have an annual effect on the economy of $100 million or more or adversely affect in any material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Therefore, the Department has concluded that this Final Rule is not economically significant.

The Department anticipates that the changes in this Final Rule would have little to no net direct impact on employers, above and beyond the baseline of the current costs required by the program as it is currently implemented. Further, the Department does not anticipate that this Final Rule would result in significant processing delays on its part.

This Final Rule is being treated as a significant regulatory action within the meaning of E.O. 12866, because it requires inter-agency coordination. Accordingly, OMB has reviewed the rule. The interim Final Rule was published in the **Federal Register** on August 22, 2000 and the Department received comments on the IFR from four interested parties. Only one comment related to inter-agency coordination. The commenter suggested that ETA post a list of HPSAs on the DOL Web site. HPSAs are determined by HHS. DOL has provided a link to the **Federal Register** notice on the Department's Web site at *http://www.foreignlaborcert.doleta.gov/docs/hpsa.html.*

The Department considered alternatives to this Final Rule as discussed in responding to comments, above. The Department has operated the H–1C program under the IFR since 2000. The minor changes made from the IFR to this Final Rule are made to reflect changes in the processing of applications in other areas.

B. Regulatory Flexibility Act

The Department certifies that this Final Rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (RFA) (5 U.S.C. 603(a)). The Act defines a small entity to include small organizations, which are not-for-profit enterprises independently owned and operated and not dominant in their field. The Final Rule applies to no more than 14 hospitals in the U.S. out of 6,541 hospitals nationwide (Census Bureau statistics for 2002 at *http://www.census.gov/prod/ec02/ec0262i02.pdf).* The Department does not know how many of the 14 hospitals that use this program or the 6,541 hospitals nationwide would be considered a small entity under the RFA. However, the cost to each of these 14 entities using these programs is not significant. The NRDARA requires payment of a filing fee of up to $250 per application by a facility, limits the number of H–1C visas issued to 500 per year, and limits the number of visas issued for each State in each fiscal year. The reauthorized H–1C program expired 3 years after enactment of the Act. Even taking into account the processing costs for actually filing the application (such as the time of a human resources professional to complete the form, make the necessary documentary records, etc.), these costs are accordingly not significant.[2]

C. Small Business Regulatory Enforcement Fairness Act

The Department was not required to produce a RFA. Therefore, it is also not required to produce any Compliance Guides for Small Entities as mandated by the Small Business Regulatory Enforcement Fairness Act (SBREFA). The Department has similarly concluded that this Final Rule is not a major rule requiring review by the Congress under the Small Business Regulatory Enforcement Fairness Act of

[2] The Department estimates that this work would be performed by a human resources manager at a hospital at an hourly rate of $42.15 (the wage as published by the Department's OES Survey, O*Net Online), which we multiplied by a factor of 1.43 to account for employee benefits (source: Bureau of Labor Statistics) to obtain a total hourly wage rate of $60.27. The Department multiplies this hourly wage rate by 1 hour, the time calculated to complete the information collection represented by the ETA 9081 and by the total number of H–1C Attestation (8) received in 2009. The Department then allotted an additional 30 minutes to account for paperwork follow-up by that professional, such as filing the retained paperwork to obtain a total cost for this requirement of $813.65 in 2009.

1996 (5 U.S.C. 801) because it will not likely result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

D. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 and 1532) directs agencies to assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector if the action includes any Federal Mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any single year. The Department certifies that this Final Rule contains no Federal Mandate.

This Final Rule, promulgated in order to provide guidance to those affected by the NRDARA, relieves the SWAs of the States in which the eligible hospitals are located of a mandate to inform the hospitals of the prevailing wage, but leaves in place a recent amendment to the regulations requiring the NPC to inform the hospitals of the prevailing wage that they are required to pay the nurses who will receive the visas under the H–1C program.

E. Executive Order 13132

The Department has reviewed this Final Rule in accordance with E.O. 13132 regarding federalism, and has determined that it does not have federalism implications. The Final Rule does 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.

F. Assessment of Federal Regulations and Policies on Families

This Final Rule does not affect family well being.

G. Paperwork Reduction Act and Privacy Act of 1974

As part of its continuing effort to reduce paperwork and respondent burden, the Department conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

In accordance with the PRA, the Department submitted an information collection request to OMB to reinstate, without change, ETA Form 9081 used in administering the IFR. OMB approved the reinstatement under control number 1205–0415. The form expires on November 30, 2010. This Final Rule introduces no substantive or material changes to ETA Form 9081 as approved by OMB; therefore, the Department is not resubmitting the form to OMB for review and approval under the PRA. An electronic fillable and printable version can be found at *http://www.foreignlaborcert.doleta.gov/pdf/eta9081.pdf.*

H. Executive Order 12630

The Department certifies that this Final Rule does not have property taking implications, *i.e.,* eminent domain.

I. Executive Order 12988

This regulation has been drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written so as to minimize litigation and provide clear legal standards for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

J. Plain Language

The Department has drafted this Final Rule in plain language.

Catalog of Federal Domestic Assistance Number: This program is not listed in the Catalog of Federal Domestic Assistance because the program does not provide financial assistance as defined in OMB Circular No. A–89.

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Health professions, Immigration, Labor, Penalties, Registered nurse, Reporting requirements, Students, Wages.

■ Accordingly, for the reasons stated in the preamble, 20 CFR part 655, is amended as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

■ 1. Revise the authority section for part 655 to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H)(i) and (ii), 1182(m), (n), and (t), 1184, 1188, and 1288(c) and (d); 29 U.S.C. 49 *et seq.;* sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 323, Pub. L. 103–206, 107 Stat. 2149; Title IV, Pub. L. 105–277, 112 Stat. 2681; Pub. L. 106–95, 113 Stat. 1312 (8 U.S.C. 1182 note); and 8 CFR 213.2(h)(4)(i).

Section 655.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.;* and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.;* and sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b1), 1182(n), 1182(t), and 1184; 29 U.S.C. 49 *et seq.;* sec 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1182 note); and Title IV, Pub. L. 105–277, 112 Stat. 2681.

Subparts J and K issued under 29 U.S.C. 49 *et seq.;* and sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c), 1182(m), and 1184; 29 U.S.C. 49 *et seq.,* and Pub. L. 109–423, 120 Stat. 2900.

Subparts L and M [Amended]

■ 2. In Subparts L (§§ 655.1100 through 655.1150) and M (§§ 655.1200 through 655.1260):

■ A. Remove the word "INS" and add in its place the word "USCIS" wherever it may occur; and

■ B. Remove the word "SESA" and add in its place the word "NPC" wherever it may occur.

■ 3. Revise § 655.1101 to read as follows:

§ 655.1101 What are the responsibilities of the government agencies and the facilities that participate in the H–1C program?

(a) *Federal agencies' responsibilities.* The Department of Labor (DOL), Department of Homeland Security, and Department of State are involved in the H–1C visa process. Within DOL, the Employment and Training Administration (ETA) and the Wage and Hour Division have responsibility for different aspects of the process.

(b) *Facility's attestation responsibilities.* Each facility seeking one or more H–1C nurse(s) must, as the first step, submit an attestation on Form ETA 9081, as described in § 655.1110 of this part, to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Chicago National Processing Center, 536 South Clark Street, Chicago, IL 60605–1509. If the attestation satisfies the criteria stated in § 655.1130 and includes the supporting information required by § 655.1110 and by § 655.1114, ETA shall accept the attestation form for filing, and return the accepted attestation to the facility.

(c) *H–1C petitions.* Upon ETA's acceptance of the attestation, the facility may then file petitions with U.S. Citizenship and Immigration Services (USCIS) for the admission of, change to, or extension of status of H–1C nurses. The facility must attach a copy of the accepted attestation (Form ETA 9081) to the petition or the request for adjustment or extension of status, filed with USCIS. At the same time that the facility files an H–1C petition with USCIS, it must also send a copy of the petition to the Employment and Training Administration, Administrator, Office of Foreign Labor Certification, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210. The facility must also send to this same ETA address a copy of the USCIS petition approval notice within 5 days after it is received from USCIS.

(d) *Visa issuance.* USCIS makes determinations, in adjudicating an H–1C petition, whether the foreign worker possesses the required qualifications and credentials to be employed as an H–1C nurse. The Department of State is subsequently responsible for determining visa eligibility.

(e) *Board of Alien Labor Certification Appeals (BALCA) review of Attestations accepted and not accepted for filing.* Any interested party may seek review by the BALCA of an Attestation accepted or not accepted for filing by ETA. However, such appeals are limited to ETA actions on the three Attestation matters on which ETA conducts a substantive review (*i.e.,* the employer's eligibility as a facility; the facility's attestation to alternative timely and significant steps; and the facility's assertion that taking a second timely and significant step would not be reasonable).

(f) *Complaints.* Complaints concerning misrepresentation of material fact(s) in the Attestation or failure of the facility to carry out the terms of the Attestation may be filed with the Wage and Hour Division of DOL, according to the procedures set forth in subpart M of this part. The Wage and Hour Administrator shall investigate and, where appropriate, after an opportunity for a hearing, assess remedies and penalties. Subpart M of this part also provides that interested parties may obtain an administrative law judge hearing and may seek review of the administrative law judge's decision at the Department's Administrative Review Board.

■ 4. Amend § 655.1102 as follows:

■ A. Remove the definitions of "Administrator, OWS", "Employment Standards Administration (ESA)," "Immigration and Naturalization Service (INS)", "Office of Workforce Security (OWS)" and "State Employment Security Agency (SESA)".

■ B. Add, in alphabetical order, the definitions of "Administrator, Office of Foreign Labor Certification (OFLC)", "Office of Foreign Labor Certification (OFLC)", and "U.S. Citizenship and Immigration Services (USCIS)."

■ C. Revise the definitions of "Employment and Training Administration (ETA)", "Facility", "United States", and "United States (U.S.) nurse."

The additions and revisions read as follows:

§ 655.1102 What are the definitions of terms that are used in these regulations?

* * * * *

Administrator, Office of Foreign Labor Certification (OFLC) means the primary official of the Office of Foreign Labor Certification (OFLC Administrator), or the OFLC Administrator's designee.

* * * * *

Employment and Training Administration (ETA) means the agency within the Department of Labor (DOL) which includes the Office of Foreign Labor Certification (OFLC).

Facility means a "subsection (d) hospital" (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that meets the following requirements:

(1) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 245e)); and

(2) Based on its settled cost report filed under Title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*) for its cost reporting period beginning during fiscal year 1994—

(i) The hospital has not less than 190 licensed acute care beds;

(ii) The number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

(iii) The number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under Title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.

(3) The requirements of paragraph (2) of this definition shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

* * * * *

Office of Foreign Labor Certification (OFLC) means the organizational component within the ETA that provides national leadership and policy guidance and develops regulations and procedures to carry out the responsibilities of the Secretary of Labor under the INA concerning foreign workers seeking admission to the United States.

* * * * *

United States (U.S.) means the continental U.S., Alaska, Hawaii, the Commonwealth of Puerto Rico, and the territories of Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

U.S. Citizenship and Immigration Services (USCIS) means the bureau within the Department of Homeland Security that makes determinations under the INA on whether to approve petitions seeking classification and/or admission of nonimmigrant nurses under the H–1C program.

United States (U.S.) nurse means any nurse who: is a U.S. citizen; is a U.S. national; is lawfully admitted for permanent residence; is admitted as a refugee under 8 U.S.C. 1157; or is granted asylum under 8 U.S.C. 1158.

* * * * *

■ 5. Revise § 655.1110 to read as follows:

§ 655.1110 What requirements are imposed in the filing of an attestation?

(a) *Who may file Attestations?*

(1) Any hospital which meets the definition of facility in §§ 655.1102 and 655.1111 may file an Attestation.

(2) ETA shall determine the hospital's eligibility as a facility through a review of this attestation element on the first Attestation filed by the hospital. ETA's determination on this point is subject to a hearing before the BALCA upon the request of any interested party. The BALCA proceeding shall be limited to the point.

(3) Upon the hospital's filing of a second or subsequent Attestation, its eligibility as a facility shall be controlled by the determination made on this point in the ETA review (and BALCA proceeding, if any) of the hospital's first Attestation.

(b) *Where and when should attestations be submitted?*

(1) Attestations shall be submitted, by U.S. mail or private carrier, to ETA at the following address: U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Chicago National Processing Center, 536 South Clark Street, Chicago, IL 60605–1509.

(2) Attestations shall be reviewed and accepted for filing or rejected by ETA within 30 calendar days of the date they are received by ETA. Therefore, it is recommended that attestations be submitted to ETA at least 35 calendar days prior to the planned date for filing an H–1C visa petition with USCIS.

(c) *What shall be submitted?*

(1) Form ETA 9081 and required supporting documentation, as described in paragraphs (c)(1)(i) through (iv) of this section.

(i) A completed and dated original Form ETA 9081, containing the required attestation elements and the original signature of the chief executive officer of the facility, shall be submitted, along with one copy of the completed, signed, and dated Form ETA 9081. Copies of the form and instructions are available at the address listed in paragraph (b) of this section.

(ii) If the Attestation is the first filed by the hospital, it shall be accompanied by copies of pages from the hospital's Form HCFA 2552 filed with the Department of Health and Human Services (pursuant to title XVIII of the Social Security Act) for its 1994 cost reporting period, showing the number of its acute care beds and the percentages of Medicaid and Medicare reimbursed acute care inpatient days (*i.e.*, Form HCFA–2552–92, Worksheet S–3, Part I; Worksheet S, Parts I and II).

(iii) If the facility attests that it will take one or more timely and significant steps other than the steps identified on Form ETA 9081, then the facility must submit (in duplicate) an explanation of the proposed step(s) and an explanation of how the proposed step(s) is/are of comparable significance to those set forth on the Form and in § 655.1114. (*See* § 655.1114(b)(2)(v).)

(iv) If the facility attests that taking more than one timely and significant step is unreasonable, then the facility must submit (in duplicate) an explanation of this attestation. (*See* § 655.1114(c).)

(2) Filing fee of $250 per Attestation. Payment must be in the form of a check or money order, payable to the "U.S. Department of Labor." Remittances must be drawn on a bank or other financial institution located in the U.S. and be payable in U.S. currency.

(3) Copies of H–1C petitions and USCIS approval notices. After ETA has approved the attestation used by the facility to support any H–1C petition, the facility must send copies of each H–1C petition and USCIS approval notice on such petition to Employment and Training Administration, Administrator, Office of Foreign Labor Certification, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210.

(d) *Attestation elements.* The attestation elements referenced in paragraph (c)(1) of this section are mandated by section 212(m)(2)(A) of the INA (8 U.S.C. 1182(m)(2)(A)). Section 212(m)(2)(A) requires a prospective employer of H–1C nurses to attest to the following:

(1) That it qualifies as a facility (*See* § 655.1111);

(2) That employment of H–1C nurses will not adversely affect the wages or working conditions of similarly employed nurses (*See* § 655.1112);

(3) That the facility will pay the H–1C nurse the facility wage rate (*See* § 655.1113);

(4) That the facility has taken, and is taking, timely and significant steps to recruit and retain U.S. nurses (*See* § 655.1114);

(5) That there is not a strike or lockout at the facility, that the employment of H–1C nurses is not intended or designed to influence an election for a bargaining representative for RNs at the facility, and that the facility did not lay off and will not lay off a registered nurse employed by the facility 90 days before and after the date of filing a visa petition (*See* § 655.1115);

(6) That the facility will notify its workers and give a copy of the Attestation to every nurse employed at the facility (*See* § 655.1116);

(7) That no more than 33 percent of nurses employed by the facility will be H–1C nonimmigrants (*See* § 655.1117); and

(8) That the facility will not authorize H–1C nonimmigrants to work at a worksite not under its control, and will not transfer an H–1C nonimmigrant from one worksite to another (*See* § 655.1118).

■ 6. Amend § 655.1115 by revising paragraph (b) to read as follows:

§ 655.1115 Element V—What does "no strike/lockout or layoff" mean?

* * * * *

(b) *Notice of strike or lockout.* In order to remain in compliance with the no strike or lockout portion of this attestation element, the facility must notify ETA if a strike or lockout of nurses at the facility occurs during the 1 year validity period of the attestation. Within 3 days of the occurrence of such strike or lockout, the facility must submit to the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210, by U.S. mail or private carrier, written notice of the strike or lockout. Upon receiving a notice described in this section from a facility, ETA will examine the documentation, and may consult with the union at the facility or other appropriate entities. If ETA determines that the strike or lockout is covered under USCIS regulation 8 CFR 214.2(h)(17), *Effect of a strike*, for "H" nonimmigrants, ETA must certify to USCIS, in the manner set forth in that regulation, that a strike or other labor dispute involving a work stoppage of nurses is in progress at the facility.

* * * * *

■ 7. Amend § 655.1116 by revising paragraph (b) to read as follows:

§ 655.1116 Element VI—What notification must facilities provide to registered nurses?

* * * * *

(b) *Notification of bargaining representative.*

(1) At a time no later than the date the attestation is transmitted to ETA, on ETA Form 9081, Attestation for H–1C Nonimmigrant Nurses, the facility must notify the bargaining representative (if any) for nurses at the facility that the attestation is being submitted. This notice may be either a copy of the attestation (ETA Form 9081) or a document stating that the attestations are available for review by interested parties at the facility (explaining how they can be inspected or obtained) and at the Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210. The notice must include the following statement: "Complaints alleging misrepresentation of material facts in the attestation or failure to comply with the terms of the attestation may be filed with any office of the Wage and Hour Division, United States Department of Labor."

(2) No later than the date the facility transmits a petition for H–1C nurses to USCIS, the facility must notify the

bargaining representative (if any) for nurses at the facility that the H–1C petition is being submitted. This notice may be either a copy of petition, or a document stating that the attestations and H–1C petition are available for review by interested parties at the facility (explaining how they can be inspected or obtained) and at the Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210. The notice must include the following statement: "Complaints alleging misrepresentation of material facts in the attestation or failure to comply with the terms of the attestation may be filed with any office of the Wage and Hour Division, United States Department of Labor."

* * * * *

■ 8. Amend § 655.1130 by revising paragraph (c) to read as follows:

§ 655.1130 What criteria does the Department use to determine whether or not to certify an Attestation?

* * * * *

(c) When the facility submits the attestation to ETA and provides the notice required by § 655.1116, the attestation must be made available for public examination at the facility. When ETA accepts the attestation for filing, the attestation will be made available, upon request, for public examination in the Office of Foreign Labor Certification, Employment Training Administration, U.S. Department of Labor, Room C–4312, 200 Constitution Avenue, NW., Washington, DC 20210.

* * * * *

■ 9. Amend § 655.1135 by revising paragraph (d) to read as follows:

§ 655.1135 What appeals procedures are available concerning ETA's actions on a facility's Attestation?

* * * * *

(d) *Where to file appeals.* Appeals made under this section must be in writing and must be mailed by certified mail to: U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Chicago National Processing Center, 536 South Clark Street, Chicago, IL 60605–1509.

* * * * *

■ 10. Amend § 655.1150 by revising paragraph (a) to read as follows:

§ 655.1150 What materials must be available to the public?

(a) *Public examination at ETA.* ETA will make available, upon request, for public examination at the Office of Foreign Labor Certification, Employment Training Administration, U.S. Department of Labor, Room C–4312, 200 Constitution Avenue, NW., Washington, DC 20210, a list of facilities which have filed attestations; a copy of the facility's attestation(s) and any supporting documentation; and a copy of each of the facility's H–1C petitions (if any) to USCIS along with the USCIS approval notices (if any).

* * * * *

■ 11. Revise § 655.1215 to read as follows:

§ 655.1215 How are the Administrator's investigation findings issued?

(a) The Administrator's determination, issued under § 655.1205(d), shall be served on the complainant, the facility, and other interested parties by personal service or by certified mail at the parties' last known addresses. Where service by certified mail is not accepted by the party, the Administrator may exercise discretion to serve the determination by regular mail. Where the complainant has requested confidentiality, the Administrator shall serve the determination in a manner which will not breach that confidentiality.

(b) The Administrator's written determination required by § 655.1205(c) shall:

(1) Set forth the determination of the Administrator and the reason or reasons therefore; prescribe any remedies or penalties including the amount of any unpaid wages due, the actions required for compliance with the facility Attestation, and the amount of any civil money penalty assessment and the reason or reasons therefore.

(2) Inform the interested parties that they may request a hearing under § 655.1220.

(3) Inform the interested parties that if a request for a hearing is not received by the Chief Administrative Law Judge within 15 days of the date of the determination, the determination of the Administrator shall become final and not appealable.

(4) Set forth the procedure for requesting a hearing, and give the address of the Chief Administrative Law Judge.

(5) Inform the parties that, under § 655.1255, the Administrator shall notify the Department of Homeland Security and ETA of the occurrence of a violation by the employer.

■ 12. Revise § 655.1255 to read as follows:

§ 655.1255 What are the procedures for debarment of a facility based on a finding of violation?

(a) The Administrator shall notify the Department of Homeland Security and ETA of the final determination of a violation by a facility upon the earliest of the following events:

(1) Where the Administrator determines that there is a basis for a finding of violation by a facility, and no timely request for hearing is made under § 655.1220; or

(2) Where, after a hearing, the administrative law judge issues a decision and order finding a violation by a facility, and no timely petition for review to the Board is made under § 655.1245; or

(3) Where a petition for review is taken from an administrative law judge's decision and the Board either declines within 30 days to entertain the appeal, under § 655.1245(c), or the Board affirms the administrative law judge's determination; or

(4) Where the administrative law judge finds that there was no violation by a facility, and the Board, upon review, issues a decision under § 655.1245(h), holding that a violation was committed by a facility.

(b) U.S. Citizenship and Immigration Services, upon receipt of the Administrator's notice under paragraph (a) of this section, shall not approve petitions filed with respect to that employer under section 212(m) of the INA (8 U.S.C. 1182(m)) during a period of at least 12 months from the date of receipt of the Administrator's notification. The Administrator must provide USCIS with a recommendation as to the length of the debarment.

(c) ETA, upon receipt of the Administrator's notice under paragraph (a) of this section, shall suspend the employer's attestation(s) under subparts L and M of this part, and shall not accept for filing any attestation submitted by the employer under subparts L and M of this part, for a period of 12 months from the date of receipt of the Administrator's notification or for a longer period if one is specified by the Department of Homeland Security for visa petitions filed by that employer under section 212(m) of the INA.

Signed in Washington, DC, this 26th day of February 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

Nancy Leppink,

Deputy Administrator, Wage and Hour Division.

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