



Federal Register

1-25-10

Vol. 75 No. 15

Pages 3847-3980

Monday

Jan. 25, 2010



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register**, www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 75 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005



Contents

Federal Register

Vol. 75, No. 15

Monday, January 25, 2010

Agency for Healthcare Research and Quality

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3908–3911

Agriculture Department

See Food Safety and Inspection Service

See Rural Housing Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3890–3892

Air Force Department

NOTICES

Meetings:

IS–GPS–200E Interface Control Working Group, 3901–3902

Army Department

See Engineers Corps

NOTICES

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application:

Monoclonal Antibodies Against Glycoprotein of Ebola Sudan Boniface Virus, 3900–3901

Meetings:

Board of Visitors, United States Military Academy, 3901

Centers for Disease Control and Prevention

NOTICES

Meetings:

Advisory Board on Radiation and Worker Health, 3911–3912

Healthcare Infection Control Practices Advisory Committee, 3912

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3907–3908

Civil Rights Commission

NOTICES

Meetings:

Illinois Advisory Committee, 3893

Coast Guard

RULES

Drawbridge Operation Regulations:

Great Egg Harbor Bay, between Beesleys Point and Somers Point, NJ, 3856–3859

Safety Zones:

Baltimore Captain of Port Zone, 3859–3862

Commerce Department

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

See Patent and Trademark Office

Comptroller of the Currency

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3966–3967

Copyright Office, Library of Congress

RULES

Mandatory Deposit of Published Electronic Works Available Only Online, 3863–3870

Defense Department

See Air Force Department

See Army Department

See Engineers Corps

See Navy Department

NOTICES

Meetings:

Federal Advisory Committee; Defense Science Board, 3898–3899

Privacy Act; Systems of Records, 3899–3900

Employment and Training Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3925–3928

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance, 3928–3939

Energy Department

See Energy Efficiency and Renewable Energy Office

NOTICES

Public Hearings:

Draft Tank Closure and Waste Management

Environmental Impact Statement for the Hanford Site, Richland, WA, 3902–3903

Energy Efficiency and Renewable Energy Office

RULES

Weatherization Assistance Program for Low-Income Persons, 3847–3856

Engineers Corps

PROPOSED RULES

Restricted Areas and Danger Zone at Naval Station Mayport, FL, 3883–3885

Environmental Protection Agency

RULES

Approval and Promulgation of Implementation Plans:

South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County; Correcting Amendment, 3870–3871

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3903–3904

Executive Office of the President

See Presidential Documents

Federal Aviation Administration**PROPOSED RULES**

Proposed Amendments of Class E Airspace:

Killeen, TX, 3877–3878
Lampasas, TX, 3878–3879

Proposed Establishment of Class E Airspace:

Kindred, ND, 3880–3881
Luverne, MN, 3879–3880

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3954

Deadline for Notification of Intent To Use Airport Improvement Program Primary, Cargo, and Nonprimary Entitlement Funds (Fiscal Year 2010), 3954–3955

Meetings:

RTCA Special Committee 220: Automatic Flight Guidance and Control, 3959

Noise Exposure Map:

Kona International Airport at Keahole, Keahole, North Kona, HI, 3959–3960

Record of Decision:

Proposed Bay Area Rapid Transit Connector Project, Oakland International Airport (OAK), 3962

Federal Communications Commission**RULES**

Promoting Diversification of Ownership in Broadcast Services; Suspension of Filing Date, 3871–3873

PROPOSED RULES

Amateur Service Rules, 3886–3888

Federal Emergency Management Agency**PROPOSED RULES**

Proposed Flood Elevation Determinations; Correction, 3885–3886

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3912–3913

Federal Highway Administration**NOTICES**

Environmental Impact Statements; Availability, etc.: Davis and Weber Counties, UT, 3955

Federal Railroad Administration**NOTICES**

Meetings:

Railroad Safety Advisory Committee, 3959

Petitions for Waivers of Compliance, 3960–3962

Federal Reserve System**NOTICES**

Changes in Bank Control:

Acquisitions of Shares of Banks or Bank Holding Companies, 3904

Federal Transit Administration**NOTICES**

Environmental Impact Statements; Availability, etc.:

Proposed Transit Improvements, Eastside Transit Corridor Phase 2, Los Angeles County, CA, 3956–3958

Financial Crimes Enforcement Network**NOTICES**

Requests for Nominations:

Bank Secrecy Act Advisory Group, 3967–3968

Fish and Wildlife Service**PROPOSED RULES**

Migratory Bird Subsistence Harvest in Alaska:

Harvest Regulations for Migratory Birds in Alaska During the 2010 Season, 3888–3889

Food Safety and Inspection Service**RULES**

Petitions for Rulemaking; Approval of Information Collection, 3847

Government Accountability Office**NOTICES**

Appointments to the Medicaid and CHIP Payment and Access Commission, 3904

Government Ethics Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3905

Health and Human Services Department

See Agency for Healthcare Research and Quality

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Indian Health Service

See National Institutes of Health

NOTICES

Meetings:

HIT Policy Committee's Workgroup, 3906

HIT Standards Committee Workgroup, 3905–3906

Homeland Security Department

See Coast Guard

See Federal Emergency Management Agency

See National Communications System

See U.S. Customs and Border Protection

Indian Health Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3906–3907

Industry and Security Bureau**NOTICES**

Meetings:

Transportation and Related Equipment Technical Advisory Committee, 3897

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See Minerals Management Service

International Trade Administration**NOTICES**

Application(s) for Duty-Free Entry of Scientific Instruments, 3895

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes:

Yale University, et al., 3895

Court Decision Not in Harmony With Final Results of Administrative Review:

Certain Preserved Mushrooms From the People's Republic of China, 3896

Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review:

Certain Welded Carbon Steel Pipe and Tube From Turkey, 3896–3897

Labor Department

See Employment and Training Administration

See Labor Statistics Bureau

See Occupational Safety and Health Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3923–3924

Secretary's Order 1–2010:

Delegations of Authority and Assignments of Responsibilities to Administrative Review Board, 3924–3925

Labor Statistics Bureau**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3926–3927

Land Management Bureau**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3914–3915

Environmental Impact Statements; Availability, etc.:

Proposed 3-Bars Ecosystem and Landscape Restoration Project, Eureka County, NV, 3916–3917

Meetings:

Northwest Colorado Resource Advisory Council, 3917

Partial Cancellation of Proposed Withdrawal; California, 3917–3919

Privacy Act; Systems of Records, 3919–3921

Proposed Reinstatement of Terminated Oil and Gas Lease (NDM 94701), 3921–3922

Library of Congress

See Copyright Office, Library of Congress

Maritime Administration**NOTICES**

Requested Administrative Waiver of the Coastwise Trade Laws, 3962–3964

Merit Systems Protection Board**NOTICES**

Opportunity To File Amicus Briefs, 3939

Minerals Management Service**NOTICES**

Environmental Documents Prepared in Support of Sand and Gravel Activities on the Outer Continental Shelf, 3915–3916

Revised Minerals Management Service Documentation of Section 106 Finding of Adverse Effect (Revised Finding):

Proposed Cape Wind Energy Project located on the Outer Continental Shelf (OCS) in Nantucket Sound; Availability, 3922

National Aeronautics and Space Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3939–3942

National Archives and Records Administration**RULES**

Photography in Public Exhibit Space, 3862–3863

National Communications System**NOTICES**

Meetings:

Presidents National Security Telecommunications Advisory Committee, 3913–3914

National Institutes of Health**NOTICES**

Meetings:

Center for Scientific Review, 3912

National Oceanic and Atmospheric Administration**RULES**

Fisheries of Exclusive Economic Zone Off Alaska:

Atka Mackerel in Bering Sea and Aleutian Islands Management Area; Closures and Openings, 3873–3874

Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing, etc., 3875

Pacific Cod by Vessels Participating in Amendment 80 Limited Access Fishery in Bering Sea, etc., 3874–3875

NOTICES

Meetings:

Mid-Atlantic Fishery Management Council, 3897–3898

National Science Foundation**NOTICES**

Meetings:

Proposal Review Panel for Chemistry, 3942

Navy Department**NOTICES**

Availability of Record of Decision:

Naval Surface Warfare Center Panama City Division Mission Activities, 3901

Nuclear Regulatory Commission**PROPOSED RULES**

Receipt of Petition for Rulemaking:

Mark Edward Leyse, 3876–3877

NOTICES

Environmental Impact Statements; Availability, etc.:

Carolina Power and Light Co., Shearon Harris Nuclear Power Plant, Unit 1, 3942–3943

Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 1 and 2, 3943–3944

Tennessee Valley Authority, Watts Bar Nuclear Plant Unit 1, 3945–3946

Establishment of Atomic Safety and Licensing Board:

Tennessee Valley Authority, Bellefonte Nuclear Plant, Units 1 and 2, 3946

Request for Action Under 10 CFR 2.206:

Northern States Power Co.; Prairie Island Nuclear Generating Plant, Units 1 and 2, 3946–3947

Occupational Safety and Health Administration**PROPOSED RULES**

Combustible Dust; Stakeholder Meetings, 3881–3883

Patent and Trademark Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3893–3894

Personnel Management Office**NOTICES**

Excepted Service, 3947

Presidential Documents**ADMINISTRATIVE ORDERS**

Government Agencies and Employees:

Contractors; Tax Delinquency (Memorandum of January 20, 2010), 3977–3980

Rural Housing Service**NOTICES**

Meetings:

USDA Section 538 Guaranteed Rural Rental Housing Program 2010 Industry Forums, 3892–3893

Securities and Exchange Commission**NOTICES**

Meetings; Sunshine Act, 3948

Order of Suspension of Trading:

Big Sky Energy Corp., et al., 3948

Self-Regulatory Organizations; Proposed Rule Changes:

Chicago Board Options Exchange, Inc., 3951–3952

International Securities Exchange, LLC, 3950–3951

NASDAQ Stock Market LLC, 3948–3950

State Department**NOTICES**

Delegation by the Under Secretary of State for Public Diplomacy and Public Affairs:

Coordinator, Bureau of International Information Programs, or to any Successor, 3952–3953

Meetings:

Study Group of the U.S. Department of State Advisory Committee on Private International Law, 3953

Re-Delegation to Daniel Sreebny of the Functions and Authorities of the Coordinator, Bureau of International Information Programs, 3953

Waiver of Restriction on Assistance to the Central Government of Egypt, 3953–3954

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Railroad Administration

See Federal Transit Administration

See Maritime Administration

Treasury Department

See Comptroller of the Currency

See Financial Crimes Enforcement Network

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 3964–3966

U.S. Customs and Border Protection**NOTICES**

Recordation of Trade Name Sony Ericsson Mobile Communications AB, 3914

Veterans Affairs Department**NOTICES**

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program, 3968–3972

Privacy Act; Systems of Records, 3972–3975

Separate Parts In This Issue**Part II**

Presidential Documents, 3977–3980

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Administrative Orders:**

Memorandums:

Memorandum of
January 20, 20103979**9 CFR**

3923847

10 CFR

4403847

Proposed Rules:

503876

14 CFR**Proposed Rules:**71 (4 documents) ...3877, 3878,
3879, 3880**29 CFR****Proposed Rules:**

19103881

33 CFR

1173856

1653859

Proposed Rules:

3343883

36 CFR

12803862

37 CFR

2023863

40 CFR

523870

44 CFR**Proposed Rules:**

673885

47 CFR

733871

Proposed Rules:

973886

50 CFR679 (3 documents)3873,
3874, 3875**Proposed Rules:**

923888

Rules and Regulations

Federal Register

Vol. 75, No. 15

Monday, January 25, 2010

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

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 392

[Docket No. FSIS-2009-0029]

Petitions for Rulemaking; Approval of Information Collection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; information collection approval.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing that the Office of Management and Budget (OMB) has approved the information collection associated with its final rule "Petitions for Rulemaking," published April 9, 2009.

DATES: On July 16, 2009, the Office of Management and Budget approved the information collection requirements for the rule published April 9, 2009, at 74 FR 16104 and effective June 8, 2009.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Director, Policy Issuances Division, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, Washington, DC 20250, (202) 720-5627.

SUPPLEMENTARY INFORMATION: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and correctly labeled and packaged.

FSIS is notifying the public that OMB has approved the information collection associated with the final rule "Petitions for Rulemaking," which published on April 9, 2009 (74 FR 16104). The final rule amended the FSIS administrative

regulations by adding a new part 392 that established regulations governing the submission of petitions for rulemaking to FSIS.

OMB had not approved the information collection requirements associated with the Petitions for Rulemaking final rule when the final rule published. Therefore, in the preamble to the rule, FSIS explained that it would collect no information associated with rule until the information collection request received OMB approval (74 FR 16104, 16106-16107). OMB approved the information collection on July 16, 2009; the OMB number is 0583-0136.

Therefore, FSIS will now begin to collect information associated with the final rule. In addition, now that FSIS is authorized to collect such information, effective January 25, 2010 the Agency will begin to post all petitions for rulemaking that it receives, along with any supporting documentation, on the FSIS Web site at http://www.fsis.usda.gov/regulations_&_policies/Petitions/index.asp (see 9 CFR 392.6(a)).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this document, FSIS will announce it on-line through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2009_Notices_Index/index.asp.

FSIS also will 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 our constituents and stakeholders. The *Update* is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The *Update* also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-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 at Washington, DC, on January 19, 2010.

Alfred V. Almanza,
Administrator.

[FR Doc. 2010-1263 Filed 1-22-10; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. EEWAP0515]

RIN 1904-AB97

Weatherization Assistance Program for Low-Income Persons

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy (DOE) is amending the eligibility provisions applicable to multi-unit buildings under the Weatherization Assistance Program for Low-Income Persons. As a result of today's final rule, if a multi-unit building is under an assisted or public housing program and is identified by the U.S. Department of Housing and Urban Development (HUD), and included on a list published by DOE, that building will meet certain income eligibility requirements, and will also satisfy one or both of the procedural requirements to protect against rent increases and undue or excessive enhancement of the weatherized building, as indicated by the list, under the Weatherization Assistance Program without the need for further evaluation or verification. The preamble of today's final rule also provides guidance to States with respect to addressing the requirement that the benefits of weatherization assistance in connection with such rental units,

including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units. If a multi-unit building includes units that participate in the Low Income Housing Tax Credit (LIHTC) Program, identified by HUD, or includes units that participate in the U.S. Department of Agriculture (USDA) Rural Housing Service's Multifamily Housing Programs, and is included on a list published by DOE, that building will meet the income eligibility requirements of the Weatherization Assistance Program without the need for further evaluation or verification. Today's final rule will reduce the procedural burdens on evaluating applications from buildings that are part of HUD assisted and public housing programs, the Federal LIHTC programs, and the USDA Rural Development program.

DATES: This final rule is effective February 24, 2010.

FOR FURTHER INFORMATION CONTACT:

Claire Broido Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Weatherization and Intergovernmental Program, EE-2K, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-1510, e-mail:

Claire.Johnson@ee.doe.gov, or Chris Calamita, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507, e-mail: *Christopher.Calamita@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

II. Proposed Regulation

III. Final Rule

A. Eligibility Requirements Met by Identified Housing

1. Income Requirement

a. Qualified Assisted Housing and LIHTC Programs

b. USDA Rural Development Program

2. Protection From Rent Increases

3. No Undue or Excessive Enhancement to the Value of the Dwelling Units

B. Other Eligibility Requirements

1. Accrual of Benefits

2. Permission of Owner or Owner's Agent

3. Owner Financial Participation

C. Other Comments Received

1. Allowable Expenditures

2. Prioritization/Promotion of Multi-Family Projects

IV. Regulatory Analysis

V. Approval of the Office of the Secretary

I. Introduction

Sections 411-418 of the Energy Conservation and Production Act (Act) established the Weatherization Assistance Program for Low-Income Persons (Weatherization Assistance

Program). (42 U.S.C. 6861 *et seq.*) The Weatherization Assistance Program reduces energy costs for low-income persons, families, and households by increasing the energy efficiency of their homes, while promoting their health and safety. DOE works in partnership with State- and local-level agencies to implement the Weatherization Assistance Program. DOE's Project Management Center awards grants to State-level agencies, which then contract with subgrantees (*e.g.*, local agencies). The subgrantees then provide weatherization services to eligible low-income families.

In establishing the Weatherization Assistance Program, Congress found that "a fast, cost-effective, and environmentally sound way to prevent future energy shortages in the United States while reducing the Nation's dependence on imported energy supplies is to encourage and facilitate, through major programs, the implementation of energy conservation and renewable-resource energy measures with respect to dwelling units." (42 U.S.C. 6861(a)(1)) Congress also recognized that many dwellings owned or occupied by low-income persons are energy inefficient and that low-income persons can least afford to make the modifications necessary to improve the energy efficiency of such dwellings. (42 U.S.C. 6861(a)(2)) Additionally, Congress directed that States, through Community Action Agencies and units of general purpose local government, should be encouraged, with Federal financial and technical assistance, to develop and support coordinated weatherization programs designed to alleviate the adverse effects of energy costs on low-income persons, to supplement other Federal programs serving such low-income persons, and to increase energy efficiency. (42 U.S.C. 6861(a)(4))

Congress, therefore, stated that the purpose of the Weatherization Assistance Program is to develop and implement an assistance program to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential energy expenditures, and improve their health and safety,¹ especially low-income persons who are particularly vulnerable such as the elderly, the handicapped, and children. (42 U.S.C. 6861(b))

The Weatherization Assistance Program statute recognizes that single-

¹ Weatherization work may include the abatement of hazards such as lead, which may be required prior to the installation of weatherization materials. See, 10 CFR 440.16(h).

family dwelling units are potentially high-energy-consuming dwelling units, and grantees should consider appropriate prioritization for such units or other high-energy-consuming dwelling units. (42 U.S.C. 6864(b)(2)) The statute also recognizes that in some instances, weatherization efforts under the program may be appropriate for buildings in which there are multiple rental units. (42 U.S.C. 6863(b)(5))

Congress recognized that additional considerations are necessary when evaluating the eligibility of multi-unit buildings, as opposed to single-family dwellings. In any case in which a person requesting weatherization assistance from a subgrantee for a dwelling that consists of a rental unit or rental units, the State, in implementing its weatherization program, must ensure that—

- The benefits of weatherization assistance in connection with such rental units, including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units;

- For a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed;

- The enforcement of the rent increase provision is provided through procedures established by the State by which tenants may file complaints and owners, in response to such complaints, shall demonstrate that the rent increase concerned is related to matters other than the weatherization work performed; and

- No undue or excessive enhancement will occur to the value of such dwelling units. (42 U.S.C. 6863(b)(5))

DOE provided additional direction regarding the eligibility of multi-unit buildings in the Weatherization Assistance Program regulations. Under the DOE regulations a subgrantee may weatherize a building containing rental dwelling units using financial assistance for dwelling units eligible for weatherization assistance, where:

- The subgrantee has obtained the written permission of the owner or his agent;

- Not less than 66 percent (50 percent for duplexes and four-unit buildings, and certain eligible types of large multi-

family buildings) of the dwelling units in the building:

- Are eligible dwelling units, or
- Will become eligible dwelling units within 180 days under a Federal, State, or local government program for rehabilitating the building or making similar improvements to the building; and

- The grantee has established procedures for dwellings which consist of a rental unit or rental units to ensure that:

- The benefits of weatherization assistance in connection with such rental units, including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units;

- For a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed;

- The enforcement of the rent increase provision is provided through procedures established by the State by which tenants may file complaints, and owners, in response to such complaints, shall demonstrate that the rent increase concerned is related to matters other than the weatherization work performed; and

- No undue or excessive enhancement shall occur to the value of the dwelling units.

10 CFR 440.22(b). An eligible dwelling unit is one that is occupied by a family unit (1) whose income is at or below 200 percent of the poverty level, (2) which contains a member who has received cash assistance payments under certain Social Security programs, or applicable State or local laws at any time during the 12-month period preceding the determination of eligibility under the Weatherization Assistance Program, or (3) if the State elects, is eligible for assistance under the Low-Income Home Energy Assistance Act, provided that such basis is at least 200 percent of the poverty level. 10 CFR 440.22(a); See also, 42 U.S.C. 6862(7).

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) significantly increased the focus of weatherization activities by providing \$5 billion in funding for the WAP program. This unprecedented level of funding supports the Administration's stated goal of weatherizing 30,000

homes a month. The increased weatherization effort will reduce the total residential energy expenditures, and improve their health and safety, of low-income persons on a much broader scale than previously seen, as well as additional benefits such as contributing to a reduction in greenhouse gas emissions due to the increased efficiency of the nation's building stock.

II. Proposed Regulation

DOE recognizes that determining the eligibility of multi-unit buildings may present difficulties to subgrantees in evaluating the income eligibility of tenants meeting the 200 percent of poverty requirement, and that this difficulty can be overcome where other Federal agencies already have procedures in place for determining such income eligibility. On May 21, 2009, DOE published a notice of proposed rulemaking (NPR) to address verification of the eligibility requirements under the weatherization program for multi-family buildings participating in other Federal programs.² 74 FR 23804. Following the publication of the NPR, DOE issued a notice announcing a public meeting that was held on June 18, 2009, and that extended the comment period to July 6, 2009. 74 FR 27945.

In the NPR, DOE proposed that if a multi-unit building is under an assisted or public housing program and is identified by HUD, and included on a list published by DOE, that building would meet certain income eligibility requirements, and the procedural requirements to protect against rent increases and undue enhancement of the weatherized building would be satisfied, under the Weatherization Assistance Program without the need for further evaluation or verification. Additionally, DOE proposed that if a multi-unit building includes units that participate in the LIHTC Program, identified by HUD, and included on a list published by DOE, that building would meet the income eligibility requirements of the Weatherization Assistance Program without the need for further evaluation or verification. DOE requested comment on how States and subgrantees may ensure compliance with the requirement that benefits of weatherization accrue primarily to low-income tenants that reside in such buildings. 74 FR at 23807.

² The proposal did not address the requirements applicable to permissible expenditures under WAP or the required weatherization materials. Those requirements, along with the requirements in 10 CFR Part 440 not addressed in today's final rule remain are not amended.

DOE stated that it believed that the proposed rule would reduce the procedural burdens on evaluating applications from buildings that are part of HUD-assisted and public housing programs, and the Federal LIHTC programs. 74 FR at 23807. The Act requires that DOE promulgate regulations that, in part, provide guidance to assist the States in their efforts to ensure that appropriate procedures are established to satisfy the procedural burdens. (42 U.S.C. 6863(b)(2))

III. Final Rule

In today's final rule, DOE is adopting the revisions to the Weatherization Assistance Program as proposed, with two differences. First, DOE is including buildings that participate in the USDA Rural Development program and are identified by USDA, on the list of buildings that meet the income requirements of the Weatherization Assistance Program without the need for additional verification.

Second, an additional list will be provided in order to address the current State practice for complying with the requirement to protect against rent increases. Buildings that have three or more years remaining under the applicable arrangement with HUD will be included, as appropriate, on a list that demonstrates compliance with the income requirements and compliance with the procedural requirements under the Weatherization Assistance Program to protect against rent increases and undue enhancement of the weatherized building. Buildings that have less than three years remaining under the applicable arrangement with HUD will be included on a separate list, as appropriate, to demonstrate compliance with the income requirements and compliance with the procedural requirement to protect against undue enhancement.

Today's final rule will reduce the review and verification that a subgrantee must undertake when evaluating the eligibility of the identified buildings. The purpose of today's final rule is to reduce the burden on States and subgrantees when evaluating applicability requirements for which HUD or USDA has already collected and verified the necessary data.

A. Eligibility Requirements Met by Identified Housing

1. Income Requirement

a. Qualified Assisted Housing and LIHTC Programs

As stated previously under the DOE regulations, a subgrantee can only weatherize a building containing rental dwelling units using financial assistance for dwelling units eligible for weatherization assistance, where not less than 66 percent (50 percent for duplexes and four-unit buildings, and certain eligible types of large multi-family buildings) of the dwelling units in the building meet the income eligibility levels. 10 CFR 440.22(b)(2).

HUD's Qualified Assisted Housing³ programs generally serve the population for which the Weatherization Assistance Program was established to serve. This assisted and public housing portfolio includes properties that are privately owned, but receive some form of HUD assistance subject to affordability and income requirements. Income targets for HUD programs are set in relationship to a percentage of area median income—generally, 30 to 80 percent of area median income. A review of data from HUD programs indicates that a large majority of residents in HUD assisted and public housing would meet the income eligibility requirements of the Weatherization Assistance Program. HUD data show that nationally close to 100 percent of residents in these properties meet the 200 percent income requirement, far exceeding the 66 percent threshold required under DOE's regulation. 10 CFR 440.22(b)(2).

Moreover, the income verification process applicable to the HUD programs is rigorous. Under these HUD programs, HUD assisted housing owners or public

housing authorities must determine each participating family's income before the family is permitted to move into the assisted housing, and at least annually thereafter. To ease the existing burden of manual verification and reduce the potential for human error, HUD has developed a sophisticated system of third-party income verifications, originally designated as the Upfront Income Verification (UIV) system, now known as the Enterprise Income Verification (EIV) system. The EIV system is now used voluntarily by HUD housing providers, but will convert to a mandatory system in January 2010. The EIV system, a central repository and source for income and benefit data, is accessible in a secure manner over the internet, for use by public housing authorities and owners or their agents to improve the accuracy of rent and income determinations. HUD monitors compliance with tenant eligibility requirements on an annual basis through management and occupancy reviews in addition to the submission of tenant data to HUD payment systems. Tenant eligibility certifications are required in order for subsidy payments to be authorized. A building owner must verify each family's income, assets, expenses, and deductions three times: (1) Prior to move-in, (2) as part of the annual recertification process, and (3) as a result of changes in income allowances, or family characteristics reported between annual re-certifications.

Property owners participating in the LIHTC Program are directed to utilize the income verification process set forth Internal Revenue Code Section 42, and Internal Revenue Service (IRS) Handbook 8823 (Chapter 5), and incorrect eligibility determinations may adversely affect the utilization of the tax credits.

After the initial determination of eligibility, owners, or their agents, are required to recertify each low-income household at least annually, within 120 days of the anniversary date of the occupancy. The allocating agency, typically a state housing finance agency, is responsible for monitoring compliance with the provisions during the affordability period and must report the results of monitoring to the IRS. The allocating agency is required to perform an on-site inspection and a review of 20 percent of tenant files at least every three years.

The income of the families occupying units in buildings under the Qualified Assisted Housing and LIHTC Programs is subject to HUD's rigorous verification processes. Given the nature of the data collected by HUD and the income

verification procedures employed under these housing programs, DOE has determined that buildings identified by HUD as having not less than 66 percent (50 percent for duplexes and four-unit buildings) of dwelling units occupied by family units whose income is at or below 200 percent of the poverty level would meet the minimum income eligibility requirements for multi-unit buildings under the Weatherization Assistance Program.

In the NOPR, DOE requested comments on its proposal that income data collected by HUD under the Qualified Assisted Housing and LIHTC programs would be sufficient for the purpose of demonstrating the income requirements of multi-unit buildings under the Weatherization Assistance Program. The responses DOE received supported the proposal and indicated that it would reduce burdens on property owners, tenants, grantees, and subgrantees thereby allowing more of the weatherization funds to be used for energy improvements. (*See LISC, p. 2*)

Some of the commenters indicated that a simpler and more effective approach would be to raise the income eligibility ceiling for the program, specifically by making eligible for the Weatherization Assistance Program any household that meets the National Housing Act definition of "low-income." DOE did not propose to amend the definition of "low-income" in the NOPR and such an amendment as suggested by commenters would be outside the scope of notice for this rulemaking.

DOE also received comments regarding the exclusion of Section 221(d)(3) and (d)(5) Below Market Interest Rate (BMIR), and Section 236 programs from eligibility. The comments expressed that these programs carry income restrictions and also typically use project-based Section 8 subsidies. The comments additionally indicated that residents using the Section 8 subsidies have the same income reporting requirements as other Section 8 subsidy holders. Commenters remarked that while not all Section 221(d)(3) BMIR and Section 236 properties have Section 8 housing, to the extent that they do, these properties should meet the definition of "qualified assisted housing." Some of the commenters suggested that the definition of "qualified assisted housing" be revised to clarify that Section 221(d)(3) BMIR and Section 236 buildings are only excluded from consideration as qualified assisted housing if fewer than 66 percent of the units have project-based Section 8 assistance. This issue was also raised at the public meeting held on June 18,

³ For the purposes of this rule, "Qualified Assisted Housing" includes public housing projects, and assisted housing projects that receive project-based Section 8 assistance, under the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 *et seq.*), Supportive Housing for the Elderly projects receiving HUD assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 17012), or Supportive Housing for Persons with Disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act, as amended (42 U.S.C. 8013). For the purpose of this rulemaking "Qualified Assisted Housing" does not include projects also benefiting from assistance under Section 221(d)(3) and (d)(5), and 236 of the National Housing Act (12 U.S.C. 17151(d)(3) and (d)(5), and 12 U.S.C. 1715z-1, respectively), except such Sections 221(d)(3) and 236 projects with Section 8 assistance on not less than 66 percent of the multi-family units are included. DOE notes that while these excluded projects will not be included in the published list of properties under today's final rule, these projects may qualify under the Weatherization Assistance Program so long as the projects meet all of the necessary requirements, including the verified tenant income levels.

2009. At that meeting, HUD stated that every family that receives housing assistance must certify their income before they move in and must recertify every year thereafter. Further, owners are required to monitor, certify, and maintain records of compliance with tenant eligibility. HUD also stated that nearly all of the residents within its programs being considered eligible meet the 200 percent above poverty line requirement stated in the public law, including the Section 221(d)(3) and Section 236 properties having Section 8 housing assistance under discussion.

DOE notes that Section 221(d)(3) and Section 236 may qualify under the Weatherization Assistance Program so long as the projects meet all of the necessary requirements, including the verified tenant income levels. To the extent that these properties have project-based assistance under the Section 8 program on not less than 66 percent of the multi-family units (50 percent for duplexes and four-unit buildings), and HUD includes such buildings in the list of properties meeting the income requirements of the Weatherization Assistance Program, Section 8 properties will be included in today's final rule.

After consideration of the comments, DOE concludes in today's final rule that the income data collected by HUD would be sufficient for the purpose of demonstrating the income requirements of multi-unit buildings under the Weatherization Assistance Program.

b. USDA Rural Development Program

DOE also received a number of comments indicating that buildings that participate in the USDA Rural Housing Service's Multifamily Housing Programs undergo equally rigorous income verifications. The income verification process for the Rural Housing Service's Multifamily Housing Programs is very similar to that of HUD. The USDA Rural Housing Service's Multifamily Housing Programs utilize HUD's income, asset and deduction requirements for eligibility to reside in Rural Housing Service multifamily properties and to receive the benefits of Rural Development's Rental Assistance subsidy programs. Property owners and their management agents are responsible for determining a family's income when they apply for housing. USDA performs an annual audit of a statistical sample of tenant files to ensure that the rent and subsidy are calculated properly, with adequate supporting documentation. In addition, USDA field staff performs periodic supervisory visit inspections where tenant files are selected at random and audited for confirmation of

documentation. In the 26 states that permit wage matching, USDA has initiated memoranda of understanding with these individual departments of labor to receive confirmation information on wages reported. USDA field staff provides such confirmation to property managers, who check the data against that reported by tenants. USDA multifamily regulations require that tenants recertify their income annually, and whenever they have a monthly income change of \$100 or more.

Unlike HUD, USDA maintains data on participation in the Rural Housing Service's Multifamily Housing Programs at a project level, as opposed to a building level. A single project may be comprised of more than one building. As a result of maintaining income data on a project level without knowing the breakdown of the income of tenants on a per building basis, a project identified by USDA as having 66 percent of the dwelling units occupied by low-income tenants does not ensure that each building in that project meets the 66 percent threshold. For example, if a project consisted of three buildings with ten units each, and two of the three buildings were occupied solely by low-income tenants, the project would have 66 percent of the dwelling units occupied by low-income tenants. However, the third building could have no low-income tenants.

The purpose of the proposed rule was to minimize duplicative verification requirements among Federal agencies. While the proposed rule considered coordinating WAP requirements with only HUD data, income data collected and verified by USDA provide a similar opportunity to minimize duplicative income verification requirements. DOE has determined that buildings identified by USDA as having 100 percent of dwelling units occupied by family units whose income is at or below 200 percent of the poverty level would meet the minimum income eligibility requirements for multi-unit buildings under the Weatherization Assistance Program. In order to ensure that the buildings identified by USDA meet the 66 percent requirement at the building level, the list of buildings identified by USDA will include only those projects for which 100 percent of the units are occupied by families that meet the Weatherization Assistance Program income requirement.

2. Protection From Rent Increases

Under the Weatherization Assistance Program, a grantee must establish procedures that ensure that for a reasonable period of time after weatherization work has been

completed on a dwelling containing a unit occupied by a low-income tenant, the tenant in that unit will not be subjected to rent increases unless those increases are demonstrated to be related to matters other than the weatherization work performed. 10 CFR 440.22(b)(3)(ii). The enforcement of this provision is provided through procedures established by the State by which tenants may file complaints, and owners in response to such complaints must demonstrate that the rent increase concerned is related to matters other than weatherization. 10 CFR 440.22(b)(3)(iii). Under the Qualified Assisted Housing programs, tenant rents are capped at 30 percent of their income, so tenants would not be subject to rent increases as a result of the weatherization.

DOE has proposed that the restrictions on rent for units in buildings participating in the Qualified Assisted Housing Programs would provide the assurance required under the Weatherization Assistance Program that for a reasonable period of time after weatherization work is completed on a dwelling occupied by a low-income family unit, rent will not increase. In the proposed rule, DOE requested comments on this issue. DOE also requested comments on its understanding that the LIHTC Program does not offer sufficiently uniform protections regarding rent increases so as to permit DOE to determine that buildings under the LIHTC Program would meet the rent control requirement of the Weatherization Assistance Program.

In response, DOE received comments supportive of a DOE determination that the Qualified Assisted Housing Program and LIHTC Program sufficiently protect low-income tenants from rent increases to satisfy the rent control requirement. One of the comments noted that currently some States require rent control provisions to remain in place for three years as a condition of weatherizing multi-family housing. If a HUD building were to have its rent structure expire within three years, the proposed categorical assurance would result in a less rigorous rent restriction on the HUD building than States apply to other multi-family buildings.

In today's final rule, DOE has determined, based on the nature of the conditions for property owners under the Qualified Assisted Housing Programs, that generally, the Qualified Assisted Housing Program sufficiently protects low-income tenants from rent increases so as to satisfy the requirement that grantees under the Weatherization Assistance Program

establish procedures to protect low-income tenants against rent increases resulting from weatherization. However, DOE recognizes that some States may currently require a three-year commitment from property owners to protect against rent increases resulting from the weatherization work.

To address the issue of current practice in some States, DOE will publish segregated information on the list of eligible multi-unit buildings identified by HUD in order to indicate which buildings have a minimum of three years remaining on their commitment with HUD. The properties included on the list of buildings that have less than three years remaining on their commitment with HUD will satisfy the income requirements and the requirement that limits undue enhancement. The properties included on the list that includes buildings with three or more years remaining on their commitment with HUD will satisfy the income eligibility requirements. They will also satisfy both of the procedural requirements to protect against rent increases and undue or excessive enhancement of the weatherized building, without the need for further evaluation or verification.

It is important to note that today's rule does not require a minimum of three years remaining on a building's commitment with HUD in order to comply with the rent control requirement under the Weatherization Assistance Program. A State may determine that a different timeframe is acceptable. However, in recognizing that some States currently require a three-year commitment from property owners to demonstrate compliance with the rent control provisions, the list of properties to be published by DOE will distinguish those for which there is at least three years remaining on the commitment to the Qualified Assisted Housing programs. For those properties that have less than three years remaining, the list will indicate the amount of time remaining under the commitment with HUD to allow States to determine whether that period is sufficient to satisfy the rent control requirement established by the State.

With regard to the LIHTC program, a comment indicated that although the LIHTC program provides for rent control, it does not have the same uniform restrictions as those associated with the Qualified Assisted Housing programs. The commenter stated that the fact that the LIHTC program does not have the same restrictions on rent control could be resolved with an agreement between the owner and the weatherization subgrantee that limits

rent increases according to a standard acceptable to DOE or the subgrantee. With respect to the issue of rent control in the LIHTC Program, DOE received comments indicating that for LIHTC properties, there is no direct cost-based rent setting under the LIHTC program and that the total tenant housing cost is capped by a formula based on the area median income. Commenters noted that while in practice LIHTC property rents are limited by the lower of the cap or market rents and therefore unlikely to increase as a result of weatherization costs, a rent controlling covenant running with the unit receiving weatherization funds could be an option. Another comment on the issue of rent control in the LIHTC program urged DOE to allow state agencies administering the Weatherization Assistance Program the flexibility to determine the appropriate rent control procedures.

DOE recognizes that properties under the LIHTC program may have various rent control conditions, however, the extent and nature of those conditions may not be uniform throughout the program. Under today's final rule, properties participating in the LIHTC program will not be included in the list of properties that meet the rent control provisions of the Weatherization Assistance Program without a need for additional conditions on the property owner. For the properties under the LIHTC program, the State, or weatherization grantee, maintains flexibility in establishing the necessary rent control conditions. After considering the comments, DOE maintains its preliminary understanding that the LIHTC Program does not provide sufficiently uniform protections against rent increases so that DOE could determine that buildings under the LIHTC Program would meet the rent control requirement of the Weatherization Assistance Program.

3. No Undue or Excessive Enhancement to the Value of the Dwelling Units

Weatherization of a building containing rental units requires that the applicable grantee ensure that no undue or excessive enhancement occur to the value of the dwelling units. 10 CFR 440.22(b)(3)(iv). The expenditures allowed under the Weatherization Assistance Program help focus enhancements on those that provide weatherization benefits. For example, repairs to a dwelling unit must be necessary to make the installation of weatherization materials effective. 10 CFR 440.18(d)(9). Moreover, for buildings that are in the Qualified Assisted Housing Programs, HUD

controls the capital improvements that may be made. In the NOPR, DOE requested comments on whether HUD control of improvements to buildings under the Qualified Assisted Housing programs would ensure that no undue or excessive enhancement would occur as a result of weatherization. DOE also requested comment on whether similar and sufficient controls were present under the LIHTC Program to allow DOE to make a similar finding for the LIHTC Program.

Commenters expressed their support for a DOE determination that controls over buildings in the Qualified Assisted Housing and LIHTC would ensure that no undue or excessive enhancement would occur as a result of weatherization. One commenter noted that with regard to the excessive enhancement issue, LIHTC properties should be treated in the same manner as Qualified Assisted Housing properties. The commenter added that the existence of maximum rental rates and long-term use restrictions in the LIHTC program acted as strong disincentives to the undertaking of excessive enhancements and for those reasons, the commenter urged DOE to conclude that LIHTC properties have controls in place to ensure no undue or excessive enhancement. This commenter indicated that DOE could alternatively consider defining "excessive enhancement" by reference to a savings to investment ratio over the lifecycle of the improvement.

DOE recognizes that some of the conditions placed on property owners under the LIHTC program may make it unlikely for weatherization work to result in undue or excessive enhancements to the property. However, in some cases, additional conditions may be required in order to assure compliance with this requirement. Because of the variability of arrangements under the LIHTC program, DOE is not including properties under the LIHTC program on the published list of properties that comply with the "no undue or excessive enhancement requirement" without need for further conditions or verification.

Based on review of the public comments, DOE has determined in today's final rule that the existing limits on permissible work under the Weatherization Assistance Program and the HUD control of improvements under the Qualified Assisted Housing programs provide the necessary assurances that no undue or excessive enhancement will occur as a result of the weatherization of the buildings identified by HUD.

B. Other Eligibility Requirements

1. Accrual of Benefits

Under the Weatherization Assistance Program regulations, a grantee must ensure that for multi-unit buildings the benefits of weatherizing a building that consists of rental units, including rental units where the tenant pays for energy through rent, accrue primarily to the low-income tenants. (42 U.S.C. 6863(b)(5)(A); 10 CFR 440.22(b)(3)(i)). The payment of utilities in Qualified Assisted Housing Programs and LIHTC can be structured in a number of ways. For centrally-metered utilities, utility expenditures are included in monthly rent payments. For individually- or sub-metered utilities, tenants may receive a utility allowance, or the utility allowance can be provided directly to the utility company. Given the variability with how the benefits of weatherization, particularly utility savings, could be realized by tenants in the Qualified Assisted Housing and LIHTC Programs, a request for weatherization of a multi-unit building on the list provided by HUD would need to demonstrate that the benefits of the weatherization work accrue primarily to the low-income tenants.

Compliance with the requirement for the benefits of weatherization to accrue to the low-income tenants can be demonstrated more readily when the weatherization results in reduced utility costs for the tenant. Under the Qualified Assisted Housing programs and the LIHTC Program, tenants may not directly pay for all or part of their utility bills. In instances in which tenants of a building do not directly pay utility costs and have capped rents, the property owner needs to demonstrate that benefits accrue primarily to the tenant of the weatherized units other than by the benefit of reduced utility bills. In the NOPR DOE requested comments on how to ensure compliance with the requirement that benefits of weatherization accrue primarily to the low-income tenants, including information on procedures that may be used by States and subgrantees to determine that the accrual provision is satisfied in the context of buildings in the Qualified Assisted Housing programs and LIHTC Program.

DOE finds that public comments provided helpful guidance on how States could potentially meet the requirement of ensuring that the benefits accrue primarily to low-income tenants. Some commenters submitted that reduced utility bills were not the only indication of a benefit accruing primarily to the low-income tenant and treating them as such would run

contrary to the realities of assisted rental housing and undermine the work many States have done to address housing and resident needs. The commenters urged DOE to determine that this accrual requirement could be met by the safer, healthier living environment low-income tenants experience as a result of weatherization. (*Nat'l Housing Law Project, SAHF, OH Partners for Affordable Energy*) Commenters also asserted that this requirement could be met by the preservation of the property as affordable rental housing. They indicated that weatherization funds help these properties manage rising energy costs and therefore, protect the long term viability and availability of affordable housing, thereby primarily benefiting current and future low-income tenants. (*See SAHF, p. 3-4; OH Partners for Affordable Energy, p. 4*) One commenter stated that in strong markets, properties are affordable only because of control or long-term use restrictions. Some comments urged DOE to determine that the accrual requirement could be met if a non-profit owns or controls the property or the property is subject to a low-income use restriction for a certain period of time. (*See SAHF, p. 3; NCLC, p.14*) DOE agrees that procedures under which weatherization work incorporates use agreements that extend the affordable character of the project for the low-income tenants can be relied on by States, in part, to ensure the accrual of benefits of the weatherization to low-income tenants.

Other commenters expressed that while the reduction of energy costs was not the only benefit low-income tenants could derive from weatherization, it was the most important. (*See NCLC/TLSC, p. 4-5*) They added that in instances where low-income tenants pay for utilities as part of their capped rent, the financial benefits resulting from weatherization accrue primarily to owners rather than low-income tenants. (*See NCLC/TLSC, p. 4-5*) In instances where low-income tenants pay for their own utilities, the commenters asserted that the benefits would accrue primarily to the tenants.

DOE has determined that the Qualified Assisted Housing programs, in and of themselves, may not provide the conditions necessary to ensure that the benefits of weatherization accrue primarily to the low-income tenants. This was recognized by many of the commenters who provided examples of instances in which the benefits could be demonstrated as accruing primarily to the low-income tenants through the imposition of conditions in addition to those present under the Qualified Assisted Housing Programs.

Administering State agencies have the responsibility to ensure that the benefits of weatherization activities at Qualified Assisted Housing properties accrue primarily to the low-income tenants. Thus, States may establish requirements and procedures for subgrantees to demonstrate that this standard is met.

Given the variability with how utility savings could be realized by tenants in the Qualified Assisted Housing and LIHTC programs, a request for weatherization of a multi-unit building that is on the list provided by HUD would still need to demonstrate to the State (or subgrantee administering the program) that the benefits of the weatherization work accrue primarily to the low-income tenants. Demonstration of the benefits of weatherization accruing primarily to the low-income tenants can include reduced utility costs, and also a combination of longer-term preservation of the property as affordable housing, continued monitoring by or on behalf of DOE of the Weatherization Assistance Program's statutorily required protection from rent increases to low income tenants, and the benefits of a healthier living environment (*e.g., improved livability from thermal insulation, reductions in drafts, and fewer problems with allergens in living units*).

Commenters cited procedures currently employed by States to ensure that the benefits of weatherization accrue primarily to low-income tenants. For example, the State of Washington recognizes "preserved low-income-housing, added comfort, and improved indoor air quality" as direct benefits to tenants, and requires documentation of the direct benefits that satisfy the accrual of benefits requirement. The approach taken by the State of Washington provides one model example of how States can ensure that the benefits of weatherization accrue primarily to low-income tenants. DOE is considering describing this and possibly other existing procedures in guidance as a non-inclusive list of examples of weatherization benefit accrual to low-income tenants. States may also consider other ways in which owner contributions or energy savings could be structured such that the benefits of weatherization can be shown to accrue primarily to the low-income tenants. These may include investments in capital expenditures such as energy efficient appliances, modernization of apartments, health and safety improvements, improved security systems, and other upgrades to the physical plant, as well as services such as such as broadband access, job

training through local community centers, and, access to local community facilities or after-school programs. States may consider these examples, a combination of these examples, or other conditions when considering how to ensure that the benefits of the weatherization accrue primarily to the low-income tenants.

2. Permission of Owner or Owner's Agent

Today's final rule will not alleviate the need for a subgrantee to obtain the written permission of the owner or the owner's agent or to confirm that a dwelling unit is not designated for acquisition or clearance by Federal, State, or local program within 12 months from the date of the weatherization.

3. Owner Financial Participation

DOE received a comment asserting that requiring additional owner contributions to participate in the weatherization program will create an additional and undue burden on the owner. (*OH Dept. of Development*) This commenter added that the owner contribution should be waived and required at the discretion of the State Home Weatherization Assistance Program recipient, and that it also be based on a financial analysis of the housing finance agency. (*OH Dept. of Development*) Today's final rule does not amend the regulatory provision regarding financial participation from building owners. As stated in the regulation, a State *may require financial participation where feasible* from owners of multi-family buildings. See, 10 CFR 440.22(d), emphasis added.

C. Other Comments Received

1. Allowable Expenditures

Some comments expressed interest in DOE addressing the restriction that prohibits weatherization funds from being used in buildings that have received funding since September 30, 1993. 10 CFR 440.18(f)(2)(iii). The commenters remarked that technological improvements and escalating energy prices since 1993 justify allowing weatherization programs to revisit properties that already received assistance.

DOE notes that the prohibition on the use of weatherization funds from being used in certain buildings that have received funds in previous years is established by statute and not subject to amendment by DOE. (See, 42 U.S.C. 6865(c)(2)).

2. Prioritization/Promotion of Multi-Family Projects

Some commenters presented the view that the rule could result in agencies providing services favoring multifamily properties than other types of properties. They urged that the decision on what types of dwellings to weatherize remain a local one because local agencies are most familiar with the needs of their communities. (*See OH Partners for Affordable Energy, others*)

Today's final rule does not require States to establish a particular prioritization with regard to the weatherization of multi-family buildings. Today's final rule minimizes procedural burdens on those States and subgrantees that choose to weatherize multi-family buildings for which the Federal government has data to support the eligibility of those buildings under DOE's Weatherization Assistance Program.

IV. Regulatory Analysis

A. Review Under Executive Order 12866

Today's final rule has been determined to be an economically significant regulatory action under section 3(f)(1) of Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993). Accordingly, this action was subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5; Recovery Act) provided \$5 billion for the Weatherization Assistance Program. Funding for grants under the Weatherization Assistance Program at a level greater than \$100 million makes this rulemaking economically significant under the Executive Order.

The weatherization grants provided under this program constitute transfer payments. In this case, the payments are from the Government to grantees (*e.g.*, States, units of general purpose of local government, and community action agencies), and the payments do not represent a change in the total resources available to society. The grants do generate impacts such as weatherization benefits, however, which are discussed qualitatively in this final rule.⁴ See OMB

⁴ It is important to note that rules that transfer Federal dollars often have opportunity costs or benefits in addition to the budgetary dollars spent because they can affect incentives, and thus lead to changes in the way people behave (*e.g.*, in their investment decisions). For example, OMB Circular A-94 suggests that transfers that result from increased taxes may be associated with a marginal excess burden (deadweight loss) of 25 cents per dollar of Federal revenue collected (p. 12).

Circular A-4, at 14, 38 and 46. Given that today's rule is finalized prior to complete expenditure of the Recovery Act funds by grantees and subgrantees under the Weatherization Assistance Program, today's final rule could impact the process used by grantees and subgrantees to evaluate applications with respect to multi-unit buildings that are covered by this final rule for the purpose of distributing funds provided under the Recovery Act. Such changes in the process for application evaluation have the potential to cause a change in the distribution of Recovery Act funding, which may constitute a transfer between different non-Federal entities. Such impacts would also be a consideration when categorizing this rulemaking under Executive Order 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," (67 FR 53461; August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's Web site: <http://www.gc.doe.gov>. Today's action revises the eligibility requirements that apply to the administration of the Weatherization Assistance Program grants by grantees and subgrantees. Because the matter of today's action relates to grants, it is not subject to the notice and comment provisions of the Administrative Procedure Act. 5 U.S.C. 553(a)(2). Therefore, the analytical requirements of the Regulatory Flexibility Act do not apply. Although DOE requested comment, today's final rule on the eligibility of multi-unit buildings under the Weatherization Assistance Program is not subject to any legal requirement to publish a general notice of proposed rulemaking.

C. Review Under the National Environmental Policy Act of 1969

DOE has determined that today's action is covered under the Categorical Exclusion found in DOE's National

Environmental Policy Act regulations at paragraph A.6. of Appendix A to subpart D, 10 CFR part 1021. That Categorical Exclusion applies to rulemakings that are strictly procedural, such as rulemaking establishing the administration of grants. Today's action amends the eligibility provisions for multi-unit buildings under the Weatherization Assistance Program. The regulations will not have direct environmental impacts. Accordingly, DOE has not prepared an environmental assessment or an environmental impact statement.

D. Review Under Executive Order 13132, "Federalism"

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that pre-empt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined today's final rule and has determined it will not pre-empt State law and will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, Civil Justice Reform, 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. The review required by sections 3(a) and 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the pre-emptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity

and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them.

DOE has completed the required review and determined that, to the extent permitted by law, today's action meets the relevant standards of Executive Order 12988.

F. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Subsection 101(5) of Title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to State, local, or tribal governments, or to the private sector, of \$100 million or more. Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments.

Today's final rule will not impose a Federal mandate on State, local or tribal governments, and it will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

G. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105-277) requires

Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under the Treasury and General Government Appropriations Act of 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

I. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use, should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's regulatory action will not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under Executive Order 13175

Executive Order 13175, "Consultation and Coordination with Indian Tribal

Governments” (65 FR 67249; November 9, 2000), requires DOE to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” refers to regulations that have “substantial direct effects 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.” Today’s regulatory action is not a policy that has “tribal implications” under Executive Order 13175. Today’s regulatory action amends the eligibility provisions applicable to multi-unit buildings under the Weatherization Assistance Program. DOE has reviewed today’s action under Executive Order 13175 and has determined that it is consistent with applicable policies of that Executive Order.

K. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today’s final rule prior to the effective date set forth at the outset of this notice. The report will state that it has been determined that the rule is a “major rule” as defined by 5 U.S.C. 804(2). DOE also will submit the supporting analyses to the Comptroller General in the U.S. Government Accountability Office (GAO) and make them available to each House of Congress.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today’s final rule.

List of Subjects in 10 CFR Part 440

Administrative practice and procedure, Aged, Energy conservation, Grant programs—energy, Grant programs—housing and community development, Housing standards, Indians, Individuals with disabilities, Reporting and recordkeeping requirements, Weatherization.

Issued in Washington, DC, on January 14, 2010.

Catherine R. Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

■ For the reasons set forth in the preamble, DOE is amending Part 440 of chapter II of title 10, Code of Federal Regulations to read as follows:

PART 440—WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

■ 1. The authority citation for Part 440 continues to read as follows:

Authority: 42 U.S.C. 6861, *et seq.*; 42 U.S.C. 7101 *et seq.*

■ 2. Section 440.22 is amended by adding paragraph (b)(4) to read as follows:

§ 440.22 Eligible dwelling units.

* * * * *

(b) * * *

(4)(i) A building containing rental dwelling units meets the requirements of paragraph (b)(2), and paragraphs (b)(3)(ii) and (b)(3)(iv), of this section if it is included on the most recent list posted by DOE of Assisted Housing and Public Housing buildings identified by the U.S. Department of Housing and Urban Development as meeting those requirements.

(ii) A building containing rental dwelling units meets the requirements of paragraph (b)(2), and paragraph (b)(3)(iv), of this section if it is included on the most recent list posted by DOE of Assisted Housing and Public Housing buildings identified by the U.S. Department of Housing and Urban Development as meeting those requirements.

(iii) A building containing rental dwelling units meets the requirement of paragraph (b)(2) of this section if it is included on the most recent list posted by DOE of Low Income Housing Tax Credit buildings identified by the U.S. Department of Housing and Urban Development as meeting that requirement and of Rural Housing Service Multifamily Housing buildings identified by the U.S. Department of Agriculture as meeting that requirement.

(iv) For buildings identified under paragraphs (b)(4)(i), (ii) and (iii) of this section, States will continue to be responsible for ensuring compliance with the remaining requirements of this section, and States shall establish requirements and procedures to ensure such compliance in accordance with this section.

* * * * *

[FR Doc. 2010-1300 Filed 1-22-10; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-0453]

RIN 1625-AA09

Drawbridge Operation Regulations; Great Egg Harbor Bay, Between Beesleys Point and Somers Point, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the US Route 9/Beesleys Point Bridge over Great Egg Harbor Bay, at mile 3.5, between Beesleys Point and Somers Point, NJ. This rule will allow the drawbridge to operate on an advance notice basis during specific dates and times of the year. The rule change will result in more efficient use of the bridge during dates and times of infrequent transit.

DATES: This rule is effective February 24, 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-2009-0453 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0453 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Sandra S. Elliott, Bridge Administration Branch, Fifth Coast Guard District, telephone 757-398-6557, e-mail Sandra.S.Elliott@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 24, 2009, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Great Egg Harbor Bay, between Beesleys Point and Somers Point, NJ, in the **Federal Register** (74 FR 30031). We received two comments on

the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The Cape May County Department of Public Works, (The County) is responsible for the operation of the U.S. Route 9 Bridge, at mile 3.5, across Great Egg Harbor Bay, between Beesleys Point and Somers Point, NJ. The County requested advance notification for vessel openings during specific dates

and times of the year due to the infrequency of requests for vessel openings of the drawbridge.

The U.S. Route 9/Beesleys Point Bridge has a vertical clearance of eight feet above mean high water in the closed-to-navigation position. The existing operating schedule is set out in 33 CFR 117.5, which requires the drawbridge to open promptly and fully for the passage of vessels when a request to open is given.

Bridge opening data, supplied by the County, revealed minimal requests for vessel openings during periods of time that the County desires to have the bridge unmanned. The numbers of openings vary from a high number of openings during the summer and a low number of openings during the winter. Similarly, there are very few openings during the hours of darkness. (See Table)

SUMMER BRIDGE OPENINGS—MAY 15 TO SEPTEMBER 30

	2003	2004	2005	2006	2007	2008
12 a.m. to 6 a.m	5	6	6	4	4	0
10 p.m. to 6 a.m	5	10	7	10	10	4
8 p.m. to 6 a.m	25	22	16	22	18	18

WINTER BRIDGE OPENINGS—OCTOBER 1 TO MAY 14

	2003	2004	2005	2006	2007	2008
12 a.m. to 6 a.m	2	5	4	1	5	5
10 p.m. to 6 a.m	4	5	8	1	5	9
8 p.m. to 6 a.m	5	5	11	3	7	10

Due to the small number of bridge openings during the winter from 2003 to 2008, the County requested to change the current operating regulation by requiring the draw of the bridge to open if at least two hours notice is given on signal from October 1 to May 14 from 8 p.m. to 6 a.m., and from May 15 to September 30 from 10 p.m. to 6 a.m. At all other times, the draw shall open on signal.

The County requests an additional change to the operating regulations to allow the U.S. Route 9/Beesleys Point Bridge to operate on an advance notice on December 24 through December 26 of every year. This advance notice request coincides with other drawbridges operated by the County for the same dates in December.

The County will install a sign on both faces of the bascule span indicating the hours of operations and a two-hour advance notice when the bridge is unmanned. The sign will also list the County Public Works Department 24-hour telephone number at (609) 368-4591.

The Coast Guard believes that all of the changes are reasonable because the drawbridge would still open during specific dates and times after the advance notice is given.

Discussion of Comments and Changes

The Coast Guard received two comments to the NPRM. One of the respondents was a commercial shipyard owner who did not foresee a problem

with the regulation as proposed. However, many of his commercial customers would prefer that the bridge be constructed for a wider horizontal clearance. In response, the County indicated that a budget has been developed for rehabilitation of their bridges and currently an investigation is under way to determine if a reasonable rehabilitation program can be undertaken to accommodate wider vessels.

The other respondent, a local resident, also agreed to the proposal, however, suggested that the bridge be left in the open position to vessels until the bridge is reopened to vehicle traffic. The County responded that due to the potential damage, the moveable span leaves must be physically locked with cables for the span to be in an up position for any length of time. The cost to design such a system would be excessive. However, the County expects to perform construction activity on the bridge within a year and would then have to lower the bridge for access. In addition, the County is concerned about vandalism if no one was at the bridge for long periods of time. Based on the comments received and information provided, the Coast Guard will implement the final rule with no substantive changes to the NPRM. Text modifications are revised for clarity and consistency.

Discussion of Rule

The Coast Guard will insert new regulations at 33 CFR § 117.722. The draw of the U.S. Route 9/Beesleys Point Bridge shall open if at least two hours notice is given from October 1 to May 14 from 8 p.m. to 6 a.m., from May 15 to September 30 from 10 p.m. to 6 a.m., and from 8 p.m. on December 24 until and including 6 a.m. on December 26 of every year; and shall open on signal at all other times.

Regulatory Analyses

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

Regulatory Planning and Review

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. We reached this conclusion based on the fact that these changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan

their trips in accordance with the bridge schedule to minimize delays.

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 will affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit the bridge from October 1 to May 14 from 8 p.m. to 6 a.m., from May 15 to September 30 from 10 p.m. to 6 a.m., and from 8 p.m. on December 24 until 6 a.m. on December 26.

This rule will not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, and mariners who plan their transits in accordance with the bridge schedule can minimize delay.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Act of 1966 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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 M16475.1D 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. Add new § 117.722 to read as follows:

§ 117.722 Great Egg Harbor Bay.

The draw of the U.S. Route 9/Beesleys Point Bridge, mile 3.5, shall open if at least two hours’ notice is given from October 1 to May 14 from 8 p.m. to 6

a.m., from May 15 to September 30 from 10 p.m. to 6 a.m., and from 8 p.m. on December 24 until and including 6 a.m. on December 26 of every year; and shall open on signal at all other times.

Dated: January 4, 2010.

Wayne E. Justice,

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

[FR Doc. 2010-1264 Filed 1-22-10; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-1130]

RIN 1625-AA00

Safety Zone; Baltimore Captain of Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone in all navigable waters of the Captain of the Port Baltimore zone. The temporary safety zone restricts vessels from transiting the zone during the effective period, unless authorized by the Captain of the Port Baltimore, or his designated representative. This safety zone is necessary to protect mariners from the hazards associated with ice in the navigable waterway.

DATES: This temporary interim rule is effective in the CFR on January 25, 2010 until April 15, 2010. This temporary interim rule is enforceable with actual notice by Coast Guard personnel beginning on January 6, 2010. Comments and related material must reach the Coast Guard on or before February 24, 2010 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG-2009-1130 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 temporary interim rule, call or e-mail Ronald L. Houck, Sector Baltimore Waterways Management Division, Coast Guard; 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-2009-1130), 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 delivery, 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-2009-1130" 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 and may change this 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-2009-1130" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit either 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).

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**.

Regulatory Information

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision

authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest. Immediate action is needed to mitigate the potential safety hazards associated with ice in the navigable waterway to life and property.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the unexpected nature and growth of ice formation in the Upper Chesapeake Bay and its tributaries and the Chesapeake and Delaware (C & D) Canal, the safety zone is necessary to protect life and property. Therefore a 30-day notice is impracticable.

Background and Purpose

During a moderate or severe winter, frozen waterways present numerous hazards to vessels. Ice in a waterway may hamper a vessel's ability to maneuver, and could cause visual aids to navigation to be submerged, destroyed or moved off station. Ice abrasions and ice pressure could also compromise a vessel's watertight integrity, and non-steel hulled vessels would be exposed to a greater risk of hull breach.

When ice conditions develop to a point where vessel operations become unsafe, it becomes necessary to impose operating restrictions to ensure the safe navigation of vessels. A safety zone is a tool available to the Captain of the Port (COTP) to restrict and manage vessel movement when hazardous conditions exist. The COTP Baltimore is establishing a safety zone within all navigable waters of the COTP Baltimore zone that will restrict access to certain vessels meeting certain conditions specified. Those vessels prohibited from entering the safety zone will be specified via broadcast notice to mariners and marine safety information bulletins.

Ice generally begins to form in the Upper Chesapeake Bay and its tributaries, including the C & D Canal, in late December or early January. During a moderate or severe winter, ice in navigable waters can become a serious problem, requiring the use of Federal, State and private ice breaking

resources. The Commander, Coast Guard Sector Baltimore will use his COTP authority to promote vessel safety in ice-congested waters and the continuation of waterborne commerce throughout the cold weather months.

Ice fields in the Upper Chesapeake Bay and its tributaries move with prevailing winds and currents. Heavy ice buildups can occur in the C & D Canal, from Town Point Wharf to Reedy Point. Other areas that are commonly affected by high volumes of ice are, the Elk River, Susquehanna River, Patapsco River, Nanticoke River, Wicomico River, Tangier Sound, Pocomoke River and Sound, and the Potomac River. Once ice buildup begins it can affect the transit of large ocean-going vessels. This regulation is intended to mitigate the threat ice in the COTP Baltimore zone poses to the maritime public.

Discussion of Rule

A safety zone is being established encompassing the COTP Baltimore Zone, as described in 33 CFR 3.25–15. The Captain of the Port Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. The purpose of this regulation is to promote maritime safety, and to protect mariners transiting the area from the potential hazards due to ice conditions that become a threat to navigation. The COTP will notify the maritime community, via marine broadcasts, of the location and thickness of the ice as well as the ability of vessels to transit through the safety zone depending on the prevailing ice conditions. Prevailing ice conditions will be categorized as Condition One, Condition Two, or Condition Three.

Ice Condition One is an emergency condition in which ice has largely covered the regulated area. Under these conditions, convoys may be required and restrictions based on shaft horsepower and vessel transit may be imposed by the COTP on certain vessels seeking to enter the safety zone.

Ice Condition Two is an alert condition in which at least 2 inches of ice begins to form in the regulated area. The COTP Baltimore may impose restrictions, including but not limited to, those based on shaft horsepower and hull type restrictions for certain vessels seeking to enter the safety zone.

Ice Condition Three is a readiness condition in which weather conditions are favorable for the formation of ice in the regulated area. Daily reports for the Coast Guard Stations and commercial vessels are monitored, and no limitations for vessels seeking to enter the zone based on vessel traffic, hull

type or shaft horsepower are anticipated.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation could hinder or prevent traffic from transiting the COTP Baltimore Zone, the effect of this regulation will not be significant because there is little vessel traffic associated with recreational boating and commercial fishing during the effective period.

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 will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate, transit or anchor in the regulated area, from January 6, 2010 until April 15, 2010. This safety zone will not have a significant economic impact on a substantial number of small entities due to a lack of seasonal vessel traffic associated with recreational boating and commercial fishing during the effective period. Although the safety zone will apply to the entire COTP Baltimore Zone, the Captain of the Port Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. Traffic will be allowed to pass through the zone with the permission of the COTP Baltimore. Also, the COTP will notify the maritime community, via marine broadcasts, of the location and thickness of the ice, as

well as the ability of vessels to transit through the safety zone.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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 (34)(g), of the Instruction. This rule involves establishing a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–1130 to read as follows:

§ 165.T05–1130 Safety zone; Baltimore Captain of the Port Zone.

(a) *Regulated area.* The following area is a safety zone: The navigable waters of the Captain of the Port Baltimore Zone, as described in 33 CFR 3.25–15.

(b) *Regulations.* All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23(d) of this part.

(1) Vessels are prohibited from entering into or moving within the safety zone unless they meet the requirements set forth by the Captain of the Port (COTP) Baltimore for the prevailing ice conditions. Requirements for entry during periods when the safety

zone is enforced will be described via Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22A (157.1 MHz). Requirements may include, but are not limited to, the use of convoys, restrictions on shaft horsepower, and hull type restrictions, dependent on the prevailing ice conditions and vessel type.

(2) Persons desiring to transit in the safety zone not meeting the requirements established by the COTP Baltimore must contact the COTP Baltimore or his designated representative at telephone number 410-576-2693 or on VHF-FM channel 16 (156.8 MHz) to seek permission prior to transiting the area. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Baltimore or his designated representative.

(3) The Coast Guard vessels enforcing this safety zone can be contacted on VHF-FM marine band radio channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The COTP Baltimore and his designated representatives can be contacted at telephone number 410-576-2693.

(4) The COTP Baltimore or his designated representative will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio channel 22A (157.1 MHz).

(c) *Definitions.* As used in this section:

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

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (b) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State and local agencies.

(e) *Enforcement period.* This section will be enforced from January 6, 2010 until April 15, 2010.

Dated: January 6, 2010.

Mark P. O'Malley,

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

[FR Doc. 2010-1265 Filed 1-22-10; 8:45 am]

BILLING CODE 9110-04-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1280

[FDMS Docket NARA-09-003]

RIN 3095-AB60

Photography in Public Exhibit Space

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA has revised its regulations on the use of film, photographic and videotape equipment inside the National Archives Building in Washington, DC. Filming, photographing, and videotaping for personal use will be prohibited in exhibits of the National Archives Experience (NAE) in Washington, DC, including the Declaration of Independence, the Constitution and the Bill of Rights (known as the Charters of Freedom) in the Rotunda of the National Archives Building. In 2003 NARA installed exhibit cases for displaying the Charters and other NAE documents to provide better clarity for viewing the exhibits. NARA seeks to ensure the necessary protection for the documents from the cumulative effects of photographic flash and to enhance the overall visitor experience.

DATES: This rule is effective February 24, 2010.

FOR FURTHER INFORMATION CONTACT: Marilyn Redman at telephone number 301-837-3174 or fax number 301-837-0319.

SUPPLEMENTARY INFORMATION: On July 31, 2009, NARA published a proposed rule in the **Federal Register** (74 FR 38153) for a 60-day public comment period. This proposed rule banned all filming, photographing and videotaping for personal use in exhibit areas of the National Archives Experience (NAE) in Washington, DC. The public comment period closed on September 29, 2009. In response, NARA received comments from three private citizens. All three of the commenters were opposed to the proposed rule.

Each of the commenters suggested that NARA install filters to the existing exhibit casing in order to protect the documents from damaging exposure to light sources. NARA used filters in earlier exhibit cases. Although, filters can remove high energy visible light and ultraviolet radiation, which are the most damaging light components, they do so by blocking some light in the blue and green part of the spectrum diminishing visibility of the display. NARA's 2003 renovations to the Rotunda included the

removal of previously installed green filters to enhance the documents' visibility and show the true colors of the documents thereby improving the visitors' experience. For document protection, the National Archives now filters exhibit lighting at its source to remove all ultraviolet and high energy visible light.

One commenter suggested that the inability to take photographs would create problems for tourists and professional photographers. To be clear, professional photographers and members of the media will continue to be permitted to take photographs and video footage of the exhibits and documents on display in the NAE with special permission and with available light, e.g. without the use of any flash or steady light source, just as they have been allowed to do in the past pursuant to 36 CFR 1280.52. This final rule applies only to the general public, who are the source of most photographic flash from either accidental or intentional action.

Another comment submitted in response to the proposed rule questioned whether or not camera flash was truly harmful to documents. Current flash technology generally relies on halogen bulbs and the flash discharge contains a significant percent of ultraviolet radiation, a high energy radiation that can cause ink to fade and damage to paper and other supports. About a million visitors come to the National Archives exhibitions. The camera flashes that occur now, despite posted signs, add up to many thousands per year. We estimate 50,000 flash discharges in the Rotunda annually under present rules. The extra light and ultraviolet radiation from these flashes hastens damage to the documents.

Several comments raised concerns about the enactment of the proposed rule on the quality of the visitor experience. One letter suggested that every American needs to be encouraged to visit and photograph the documents on display. Another suggested that NARA must make the documents accessible and available to the public, and that by prohibiting photography, NARA will make its exhibits less useful to tourists because they will no longer be able to record their memories. The commenter further claimed that visitors are forced to shuffle past the documents at a pace that ensures only a brief glimpse of the documents before being asked to move along. Without a photograph to fall back on, their visit to NAE will only be a blurry memory.

NARA does not believe that this rule will create problems for tourists. The agency believes this rule creates a better

visitor experience. Importantly, in 2003, NARA completed a two year renovation of the Rotunda and constructed additional exhibit space at the same time. Since the rededication of the Rotunda six years ago, visitors are no longer forced to shuffle past the documents at a regimented pace as the commenter states. Rather, visitors are permitted to enter the Rotunda in small groups to view the documents in any order they wish for as long as they wish. This system permits individuals and families to study the documents and discuss their meaning while also permitting visitors with limited time to satisfy their curiosity with a quick glance.

For the past five years, the staff has monitored the NAE's informal visitor comment log as well as letters received from visitors requesting and demanding that NARA eliminate all photography. Comments such as these vastly outnumber those requesting permission for flash photography usage. The requests from visitors to eliminate photography usually ask us to do so for three reasons: the ultraviolet light is detrimental to the documents; visitors using cameras do not bother to look at or read the documents; and those taking photographs keep other visitors from viewing the exhibits as they use excessive amounts of time lining up and blocking people from intruding into their camera shot.

The National Archives serves roughly a million visitors every year. During peak tourist season, the NAE can accommodate up to 4,500 each day. Over the past five years, the agency has monitored visitor traffic flow in the Rotunda of the NAE on a continual basis in an effort to improve the visitor experience. It has long been noted that visitors with cameras disrupt and dramatically slow down the flow of visitors and frustrate many of the eager visitors who are forced to wait to view our country's founding documents. By eliminating all filming, photographing and videotaping by the public in the exhibit areas, NARA expects to eliminate delays, and provide its visitors with a more rewarding experience. For those visitors who wish to take home an image of the documents, the National Archives Shop has facsimiles of various sizes and price ranges available for purchase. NARA also provides visitors with the ability to access and print digital images of the documents from the Boeing Learning Center free of charge. Finally, NARA has posted high quality images of documents on display at the NAE on its Web site <http://www.archives.gov>; visitors can download or print these

images from their personal computers at no cost.

One final comment dealing with enforcement of the proposed rule suggested that any visitor with a photographic device on their person would be turned away and that overzealous security guards might subject visitors to harassment or bodily harm. NARA can assure this commenter that those hypothetical behaviors and policies will not happen. Visitors with photographic devices will be allowed to enter the building with their cameras, cell phones, and other photographic equipment. However, they will be met by appropriate signage and security personnel throughout the NAE to explain the "no photography" rule. In the event that a visitor makes the mistake of displaying or attempting to use a photographic device, they would first be warned that such behavior is not allowed. If, after they have received a warning, they continue to ignore the "no photography" rule they will be politely escorted from the building.

List of Subjects in 36 CFR Part 1280

Archives and records, Federal buildings and facilities.

■ For the reasons set forth in the preamble, NARA amends part 1280 of title 36, Code of Federal Regulations, as follows:

PART 1280—USE OF NARA FACILITIES

■ 1. The authority citation for part 1280 continues to read as follows:

Authority: 44 U.S.C. 2102 notes, 2104(a), 2112, 2903

■ 2. Amend § 1280.46 by:

■ a. Adding "and" to the end of paragraph (b)(1);

■ b. Removing "; and" from the end of paragraph (b)(2) and adding a period in its place; and

■ c. Redesignating paragraph (b)(3) as paragraph (c) and revising it to read as follows:

§ 1280.46 What are the rules for filming, photographing, or videotaping on NARA property for personal use?

* * * * *

(c) You may not film, photograph, or videotape in any of the exhibit areas of the National Archives Building in Washington, DC, including the Rotunda where the Declaration of Independence, the Constitution, and the Bill of Rights are displayed.

Dated: January 14, 2010.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2010-1331 Filed 1-22-10; 8:45 am]

BILLING CODE 7515-01-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM 2009-3]

Mandatory Deposit of Published Electronic Works Available Only Online

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim Rule.

SUMMARY: The Copyright Office of the Library of Congress is adopting an interim regulation governing mandatory deposit of electronic works published in the United States and available only online. The regulation establishes that online-only works are exempt from mandatory deposit until a demand for deposit of copies or phonorecords of such works is issued by the Copyright Office. It also states that categories of online-only works subject to demand will first be identified in the regulations, and names electronic serials as the first such category for which demands will issue. In addition, the regulation sets forth the process for issuing and responding to a demand for deposit, amends the definition of a "complete copy" of a work for purposes of mandatory deposit of online-only works, and establishes new best edition criteria for electronic serials available only online.

EFFECTIVE DATE: February 24, 2010.

FOR FURTHER INFORMATION CONTACT:

Tanya M. Sandros, Deputy General Counsel, or Christopher Weston, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202)-707-8366.

SUPPLEMENTARY INFORMATION: The fundamental goal of this rulemaking proceeding is to establish a qualified exemption from the mandatory deposit requirement of 17 U.S.C. 407 for works available only online. In July 2009, the Copyright Office published a Notice of Proposed Rulemaking in the **Federal Register**, 74 FR 34286 (July 15, 2009), seeking public comment on proposed amendments to its mandatory deposit regulations at 37 CFR 202.19 and 202.24, and Appendix B of Chapter 37. The notice proposed an exemption from

mandatory deposit for all published online-only works until the Library identifies a particular category of such works as being subject to a deposit demand by the Copyright Office. Once a category of online-only works is identified, the Copyright Office may issue demands upon the publisher that a single electronic copy be deposited within three months. The Office identified "electronic serials," a term that the notice also proposed to define, as the initial category subject to the qualified exemption. The notice also proposed a demand issuance and response procedure, a definition of the term "complete copy" specific to online-only works, and a new best edition statement for electronic serials. Finally, the Notice sought public comment on the practical and legal concerns associated with the adoption of a requirement for publishers of online-only works to notify the Library upon the publication of a new online-only work in the United States.

The Office received seven initial comments and, after an extension of the reply deadline, three reply comments. The initial comments were from Bose McKinney & Evans LLP, the American Society of Media Photographers (ASMP), the Association of American Publishers, Inc. (AAP), the American Library Association with the Association of Research Libraries (ALA-ARL), the Software & Information Industry Association (SIIA), the Professional Photographers of America (PPA), and the Newspaper Association of America (NAA). Reply comments were received from Patrice Lyons, an attorney; West, a publisher of works for the legal industry; and the ALA-ARL. All comments are available for viewing at <http://www.copyright.gov/docs/online-only/>.

Of the comments that directly addressed issues presented by the notice, most were generally favorable toward the Office's proposal. However, the commenters did raise questions regarding the method of deposit, definitions of certain terms, user access to deposited works, and the proposed publisher notification requirement, among others.

The Copyright Office, in consultation with the Library of Congress, has thoroughly considered these comments, and determined that the amendments will be adopted as an interim rule largely as proposed, with some changes as described in the Discussion section below. In addition, the Office and the Library have determined that it is unnecessary at this interim phase of the rulemaking process to impose a requirement for publishers of online-

only works to notify the Library upon publication of a new work, although the Office may again consider the question when expanding the categories of online-only works subject to a mandatory deposit demand.

The rule is interim, and not final, because the Office anticipates that the experience of issuing and responding to demands for online-only works will raise additional issues that should be considered before the regulation becomes final, e.g., the technical details of how an online-only work should be transmitted to the Copyright Office. Thus, the Office will provide an opportunity for additional comment later in 2010 in order to consider amendments to address problems or issues yet to be identified.

I. Background

Under section 407 of the Copyright Act of 1976, Title 17 of the United States Code, the owner of copyright, or of the exclusive right of publication, in a work published in the United States is required to deposit two complete copies (or, in the case of sound recordings, two phonorecords) of the best edition of the work with the Copyright Office for the use or disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect copyright in the work, but it may subject the copyright owner to fines and other monetary liability if the owner fails to comply after a demand for deposit is made by the Register of Copyrights. These general provisions, however, are subject to limitations. Section 407 provides that the Register of Copyrights "may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories." 17 U.S.C. 407(c).

Accordingly, in 1978 the Copyright Office, with the approval of the Librarian of Congress, established regulations governing mandatory deposit, which are set forth in Chapter II, Part 202 of Title 37 of the Code of Federal Regulations. Section 202.19 establishes the standards governing mandatory deposit of copies and phonorecords published in the United States for the Library of Congress, and section 202.21 allows for a deposit of identifying material in lieu of copies or phonorecords in certain cases, for both mandatory deposit and registration deposit. In addition, the Library of Congress's Best Edition Statement in Appendix B of Part 202 specifies the required deposit in instances where

"two or more editions of the same version of a work have been published."

At that time, the Copyright Office also adopted a regulation exempting machine-readable literary works from mandatory deposit. Copies of machine-readable works were not widely marketed to the public and the Library had no interest in collecting these works, so it decided not to require their deposit. However, in 1989, in response to the increased use of databases and computer programs distributed in CD-ROM and other formats and an increased demand by Library users for these works, the Copyright Office amended the machine-readable copies exemption so that machine-readable works *published in physical* form were subject to mandatory deposit, and only "automated databases available only online in the United States" were exempted. 54 FR 42295 (Oct. 16, 1989).

The Copyright Office identified the exempted category of works as such to refer to all online-only publications since, for all practical purposes, the only works being published online in 1989 were automated databases, e.g., Westlaw and Nexis. As other categories of works, such as articles and serial titles, began to be published only online, the Copyright Office included them in the exempted category because the Library in the early 1990s had neither the intention nor the technology to collect such works, and it also continued to use the term "automated databases available only on-line in the United States" as a matter of convenience. Hence, Copyright Office practice to date has been to interpret "automated databases available only online in the United States" broadly as encompassing *all* electronic works published only online.

Much has changed in the twenty years that have passed since the adoption of the regulation used to exclude electronic works published in the United States and available only online from mandatory deposit. In that time, the Internet has grown to become a fundamental tool for the publication and dissemination of millions of works of authorship. To cite just one pertinent example, the Library has determined that there are now more than five thousand scholarly electronic serials available exclusively online, with no print counterparts. In some cases the Library has purchased subscriptions to these periodicals, but such subscriptions are typically "access only," and rarely allow the Library to acquire a "best edition" copy for its collections. However, the current inability of the Library to acquire online-only works through mandatory

deposit places the long-term preservation of the works at risk.

Thus, to fulfill its mission to sustain and preserve a universal collection of knowledge, and to inform Congress, the Library is currently developing technological systems that will allow it to ingest electronic works, including those available exclusively online, and maintain them in formats suitable for long-term preservation. In addition, the Copyright Office is amending the mandatory deposit regulations to enable the on-demand mandatory deposit of electronic works published in the United States and available only online (i.e., not published in physical form).

To date, mandatory deposit of works in physical formats has been one of the most important methods for building the Library's collections and making it the world's largest repository of knowledge and creativity. With the adoption of this amendment, mandatory deposit will apply in a measured and balanced way to works offered only in the digital environment as well.

II. Discussion

In its July 15 notice, the Copyright Office proposed that the current § 202.19(c)(5) exemption be amended so that all electronic works published in the United States and available only online enjoy a qualified exemption from mandatory deposit, which means that any work in this class would be exempt *until* the Copyright Office issues a demand for its deposit. This revised exemption would apply to all published electronic works available only online. The exemption would apply to serials, monographs, sound recordings, automated databases, cartography, and all other categories of electronic works. Furthermore, because the revised exemption would apply exclusively to published online-only works, there would be no need to retain the current list of machine-readable works in physical formats to which the exemption did not apply. Finally, the notice emphasized that the revised exemption would not apply to those works published in both physical and online formats. These works, because they are not published "only" online, were never exempted from mandatory deposit by § 202.19(c)(5).¹ The interim

¹ Note that the Library's current Best Edition Statement for "Works Existing in More Than One Medium" does not currently list electronic formats. See, e.g., 37 CFR 202.20(b)(1) ("For purposes of this section, if a work is first published in both hard copy, i.e., in a physically tangible format, and also in an electronic format, the current Library of Congress Best Edition Statement requirements pertaining to the hard copy format apply.") Nevertheless, the Library of Congress retains the authority to determine what constitutes "best

regulation promulgated by this notice is consistent with all of the above aspects of the notice of proposed rulemaking.

The rule establishing a qualified mandatory deposit exemption for online-only works seeks to balance the current needs of the Library of Congress against the imposition of a mandatory requirement on all copyright owners of works published exclusively online to deposit one complete copy of the best edition. By exempting published electronic works available only online until a demand is made, the qualified exemption addresses the practical difficulties of acquiring works published in non-physical formats, ensures that the Library will only receive those works that it needs for its collections, and reduces the burden on copyright owners, who will only have to deposit those works demanded by the Copyright Office.

Commenters were generally supportive of the Office's goal of a qualified exemption for online-only works, with one stating that it appeared to be "sensible and non-controversial." AAP Comment at 2. However, they also raised a number of questions concerning the scope of the term "electronic serials," the process for responding to deposit demands, the inclusion of metadata and formatting codes in deposit copies, user access to deposit copies of online-only works, and the nature of publication on the Internet. Commenters also responded to the Office's request for reactions to the concept of requiring publishers of online-only works to provide notice to the Library upon publication of a new work as a mechanism for identification of the works that exist in this format. These issues, along with the related changes incorporated into the interim rule, are discussed in the sections that follow.

Category-by-Category Demands, Beginning with Electronic Serials

As explained in the July 15 notice, the initial category of online-only works that will be subject to demand deposit is "electronic serials." ("This class includes periodicals; newspapers; annuals; and the journals, proceedings, transactions, etc. of societies.")

In its comments, West supported the decision to begin with electronic serials because they "appear to be analogous to print serials which are printed in separate, successive discrete editions." West comment at 2. This is, in fact, the

edition" and it may decide at a future time that, when a particular work is published in both print and electronic editions, the electronic edition is the "best edition" for purposes of mandatory deposit.

same rationale applied by the Library. While serials encompass everything from scholarly journals to daily newspapers to semiweekly newsletters, the Library's demands for electronic serials initially will be restricted to journals that publish no more often than weekly, and have the same, or similar, appearance, formatting, and regular issue schedule as print journals.

However, West did request that the electronic serials definition be revised so that it cannot be read to cover databases or blogs. In response, the Office notes that the definition in the interim rule has been revised to say that an electronic serial must be "issued or intended to be issued on an established schedule, in successive parts bearing numerical or chronological designations, without subsequent alterations." This limitation, the Office believes, does in fact exclude works like databases and blogs that are constantly updated with no demarcations between particular, discrete issues of the publication.

SIIA also commented on the definition of electronic serials. It opined that the use of "etc." in the last sentence of the definition of electronic serials may cause it to be read too broadly. See SIIA comment at 6-7. The Office disagrees. The Office notes that "etc." only extends the list of publications issued by societies, and not the larger list of electronic serials. However, there is no harm in replacing it with "and other publications," which is how the interim rule now reads.

Commenters also requested additional definitions to clarify the category of electronic serials or questioned the use of other terms in the context of this rule. Specifically, Patrice Lyons commented that the exempted category "electronic works," (of which "electronic serials" is a subset), is problematic because it implies a lack of the "fixation in a tangible medium of expression" required for copyright protection. Lyons comment at 1-2. She suggests instead the term "digital object." *Id.*, at 2.² The Office does not agree that introducing new terminology is necessary. The interim regulation must be understood

² The Copyright Act states that "a work is 'fixed' in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is "fixed" for purposes of this title if a fixation of the work is being made simultaneously with its transmission." 17 U.S.C. 101. A fixed work may be perceived, reproduced, or otherwise communicated "either directly or with the aid of a machine or device." 17 U.S.C. 102(a).

in the context of the overall body of copyright regulations, where works embodied in digital files are described as “electronic” in contrast to works fixed in materials that are “physically tangible.” See 37 CFR 202.20(b)(1). In this context, “electronic” clearly does not mean “unfixed.” While online-only digital files may not be visible or perceptible to touch they are still fixed in a tangible medium of expression by virtue of their embodiment on a computer’s hard drive, on a server, or on any other device that allows them to be communicated.³ However, the Office agrees that the term “electronic works” presents some ambiguity as to fixation in tangible medium, in that it suggests that the nature of the work itself is electronic, as opposed to the intended meaning that the work is merely fixed and published in an electronic format. Thus, the interim rule defines the term in the mandatory deposit context as “works fixed and published solely in an electronic format.”

ASMP commented that “electronic,” along with the words “digital” and “online” must be “clearly defined” in the regulation. ASMP comment at 3. While the Copyright Office agrees that definitions of terms are useful in some cases, it believes that definitions also have the potential to unintentionally obfuscate or limit common understandings. The three terms ASMP cites appear throughout Title 17 and the Office’s regulations without definition, and this state of affairs has not caused confusion or controversy. The Copyright Office is concerned that defining them solely for the purpose of the present interim rule would have unintended consequences. Furthermore, the terms “electronic” and “digital” appear in the statute and the current regulations exclusively as modifiers (e.g., “electronic transmission,” “digital networks”), making their definition as stand-alone terms potentially confusing. Moreover, there is no need to define the term “digital” because it in fact does not appear in the present interim rule at all.

Best Edition Statement

Regarding the proposed Best Edition Statement for electronic serials, the Office received one approving comment (from SIIA) and no criticisms. See SIIA

³ The proposition that electronic works are sufficiently “fixed” on the computers where they originate so as to be copyrightable has been ratified, albeit tacitly, by numerous courts. See, e.g. *London-Sire Records, Inc. v. Doe 1*, 542 F. Supp. 2d 153, 170–71 (D. Mass., 2008); *A&M v. Napster*, 239 F.3d 1004, 1014 (9th Cir., 2001); *Marobie-FL, Inc. v. National Ass’n of Fire Equip. Distribs.*, 983 F. Supp. 1167, 1177–78 (N.D. Ill., E. Div., 1997).

comment at 7. However, in order to correct a minor technical error, the reference to “OpenXML” in section IX.A.1.c.ii of Appendix B has been changed to “Office OpenXML.” As stated in the July 15 notice, best edition criteria for other categories of electronic works published in the United States and available only online will follow as new categories become subject to demand deposit.

The Copyright Act states that the “best edition” of a work “is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.” 17 U.S.C. 101. In other words, an edition of a work, no matter its quality, is not the “best edition” unless it has been published. Thus, if the published format of a demanded electronic serial does not meet any of the best edition criteria, the publisher is still obligated to send a copy of the serial in whatever form it is published. Furthermore, the Copyright Office may not require that a rights-holder deposit an edition of the work that has not been published.

Demand Deposit Process

The process by which the Copyright Office will demand electronic serials is similar to that used to demand other published works under 17 U.S.C. 407(d). Once a category of works is identified as being subject to demand under the qualified exemption of § 202.19(c)(5), the Copyright Office may make a demand on the owner of copyright or of the exclusive right of publication for a single complete copy of a work in that category, for any such work published on or after the date that this proposed regulation goes into effect.

The owner of copyright or of the exclusive right of publication will have three months from the date of receipt of the notice in which to make the deposit, in keeping with the time period allotted by statute for deposit of the best edition of a published work not subject to an exemption. See 17 U.S.C. 407(a). The regulation also includes a provision allowing special relief to accommodate, for example, situations where a publisher may need more time to make the deposit or wishes to arrange for alternative means of making a deposit. Special relief, however, is granted at the discretion of the Library.

The mandatory deposit provision in the copyright law grants the Copyright Office authority to reduce the required number of deposit copies from two to one. See 17 U.S.C. 407(c)(1). Pursuant to this authority, the interim rule states that only a single copy or phonorecord of a demanded work is required. The

Office has determined that transmitting duplicate electronic files presents a risk of slowing down the electronic ingest system of the Library, particularly in the case of a work consisting of a single large file or of many small files. Nevertheless, the Library may allow two on-site users to simultaneously access the single copy of an online-only work. This achieves, in an efficient and flexible manner, the statute’s goal of providing two copies of a published work to the Library of Congress. As the only commenter to opine on the single copy requirement, the SIIA indicated its agreement with it. See SIIA comment at 7.

On the other hand, commenters did raise questions and express concerns about the method, form, version, frequency, and format of depositing copies of online-only works with the Copyright Office in response to a demand. The Office believes, at least for the purposes of this interim rule that these issues will require a flexible approach and are not currently suited to resolution via this rulemaking. The present interim rule is an early step in the Library’s program of acquiring online-only works, and the Library requires more information and experience with electronic publications before considering specific regulations to govern the demand deposit process.

That said, rights-holders should note that the Best Edition Statement for electronic serials contains detailed technical standards for the preferred deposit formats, and should be consulted in the event an online-only work exists in more than one version. Regarding the possibility raised by SIIA and NAA of a rights-holder providing a direct feed to the Copyright Office, this is one option that may be explored once the demand deposit system is operational and adjustments are made. However, the Copyright Office is unprepared at this time to implement a regulation allowing rights-holders to meet their mandatory deposit obligations by providing a website link to the Office so that the Office may download an electronic serial itself. The Library recognizes that this approach represents an attractive alternative to publishers of works made available online, but it needs to examine the issue in more depth before considering including a link-and-download option in the regulations. Thus, for the immediate future, such an arrangement should be a matter of special relief.

The question of frequency of deposits was also raised by SIIA in the context of publishers who might want to delay depositing issues of their serials for business reasons. See SIIA comment at

4. Unless a publisher decides to deposit its online-only serials via group registration,⁴ it must deposit the work with the Library within three months of receipt of the demand notice, and it is expected that each issue of a demanded serial will be deposited with the Copyright Office thereafter as is the current practice, without the need for additional demand notices. The mandatory deposit requirement does not vary by business model, and the Library's need for timely deposits of serials does not change depending upon the format in which a serial is published.

Standards regarding the specific method of transmission of online-only works will be developed by the appropriate divisions of the Library and the Copyright Office, in consultation with rights-holders as warranted. These standards will be posted on the Copyright Office website (www.copyright.gov) and depositors will be able to contact the Office by telephone with any questions.

Complete Copy

The interim rule clarifies that a "complete copy" of a published electronic work available only online includes the associated metadata and formatting codes that make up the unit of publication. Section 407 of Title 17 requires the deposit of a complete copy of the best edition of a work published in the United States. Section 202.19(b)(2) of the Copyright Office regulations defines a "complete copy" of a work for purposes of mandatory deposit as one that "includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section." Published electronic works often contain elements such as metadata and formatting codes that, while they are not perceptible to the naked eye or ear, are part of the unit of publication. These elements are also critical for continued access to and preservation of a work once it is deposited.

Neither NAA, ASMP, nor SIIA opposed including metadata and formatting codes in the definition of "complete copy." See NAA comment at 20, ASMP comment at 2-3, SIIA comment at 7. However, AAP expressed concern that these elements may be

difficult to assemble and transmit to the Copyright Office as part of a single work, particularly for interactive works where elements exist on multiple servers for short periods of time and are regulated with digital management technology. AAP comment at 3. Patrice Lyons also noted the problem of dispersed elements of a work, and suggested adding "information management system used to structure and identify" to the definition of "complete copy." Lyons comment at 3.

As has been stressed in this notice, the Library and Copyright Office will be focusing their initial demands on the subset of electronic serials that are analogous to print journals. This means that the works will be self-contained documents with no ability for the user to affect the content. The Office recognizes that future demands for online-only newspapers, web sites, and other categories may require adjustments to what constitutes a "complete copy." This is one of the reasons that, as the Library expands its collection of online-only works to other categories, the Office will seek public comment before adding a new category to § 202.19(c)(5) as being subject to demand.

On the related question of what constitutes an online-only work, the NAA argues that, without a definition of "online-only," the term creates uncertainty as to whether a newspaper's website is sufficiently different from the print version so as to constitute a separate, online-only work. NAA comment at 7. In response, the Office notes that the interim regulation does exclude works published in both physical and online editions from the definition of "online-only" in the last sentence of section 202.19(c)(5) ("This exemption does not apply to works that are published in both online, electronic formats and in physical formats, which remain subject to the appropriate mandatory deposit requirements.") In addition, the NAA itself points to the Library's Best Edition Statement guidance that if two editions of a work have "variations in copyrightable content, then each edition is a separate work." 37 CFR Ch. II, Part 202, App. B. In other words simply publishing the same content in both print and electronic formats does not create two separate copyrightable works. This guidance can, the Office believes, be profitably applied to print and online versions of a newspaper, but recognizes the possibility of the need to revisit this issue at a later date. The Library, however, will not initially be demanding online-only newspapers, or the online-only content of newspapers

published both electronically and in print.

Access to Deposit Copies

As the AAP points out, online-only works may be regulated with digital management technology. The Copyright Office acknowledges that many publishers rely on such technology to prevent unauthorized access to or use of their works. However, copies of works submitted to the Copyright Office under this interim rule must be accessible to the Office, the Library, and the Library's users. Thus, the following provision has been added to the regulation's demand deposit conditions in § 202.24: "Copies or phonorecords deposited in response to a demand must be able to be accessed and reviewed by the Copyright Office, Library of Congress, and the Library's authorized users on an ongoing basis." In addition, the Best Edition Statement for electronic serials has been revised so that the final criterion now reads, "Technological measures that control access to or use of the work should be removed."

In its July 15th notice, the Office stated that "the Library will . . . establish policies and practices to insure the security and integrity of its electronic collections, and to provide appropriate, limited access as allowed by law." AAP, West, and SIIA asked for more detailed information regarding user access restrictions, specifically regarding downloading, distribution, and interlibrary loan functionality. See AAP comment at 2-3, West comment at 2-3, SIIA comment at 6. The Library and the Copyright Office recognize that electronic works, because of their ease of reproduction and distribution, present special security concerns. For this reason, access to these works will be available only to authorized users at the Library of Congress (including its Packard Campus for Audio-Visual Conservation in Culpeper, VA and its National Library Service for the Blind and Physically Handicapped at the Taylor Street Annex in Washington, DC) and Capitol Hill facilities in accordance with the policies listed below.

- Access to electronic works received through mandatory deposit will be as similar as possible to the access provided to analog works.

- Access to electronic works received through mandatory deposit will be limited, at any one time, to two Library of Congress authorized users.

- Library of Congress authorized users will access the electronic works via a secure server over a secure network that serves Capitol Hill facilities and remote Library of Congress locations. The term "Library of Congress

⁴ The regulations for group registration of serial titles are at 37 CFR 202.3(b)(6)(v) and 37 CFR 202.20(c)(xvii).

authorized users” includes Library staff, contractors, and registered researchers, and Members, staff and officers of the U.S. House of Representatives and the U.S. Senate. The Library will not make the copyrighted works available to the public over the Internet without rights holders’ permissions.

- Authorized users may print from electronic works to the extent allowed by the fair use provisions of the copyright law (17 U.S.C. 107 and 108(f)), as is the case with traditional publications. However, users may not reproduce or distribute (i.e., download or email) copies of deposited electronic works until the Library has explored the advisability of permitting these options and the security and feasibility of the implementing technologies. As part of this process, the Library will seek comment from the public, including copyright owners and publishers, before adopting additional policies governing electronic copying or distribution by electronic transmission.

Notice of Publication

The interim rule does not include a requirement that rights-holders notify the Library of Congress upon the publication of a new electronic serial, or any online-only work, in the United States. The Copyright Office requested comments on whether such a requirement would be necessary, prudent, or consistent with the Office’s authority as granted by 17 U.S.C. 407. All commenters who addressed this question did so in the context of whether it would be necessary or prudent. These commenters opposed the requirement on the grounds that it would be too burdensome to rights-holders, particularly those who publish new works on a frequent basis. Some also asserted that the Library alone should bear the responsibility of researching electronic serials, particularly given the numbers of small publishers who would likely remain ignorant of the rule. AAP objected that there was not enough detail about how the requirement would be administered for it to address the issue. AAP comment at 3. ASMP suggested that registration applications could contain a field indicating whether a work is online-only, and that the Library could generate a list from these applications of works to demand. ASMP comment at 2.

The Copyright Office believes that the question of a notice requirement need not be addressed in the present rulemaking. As indicated in the July 15th notice, there currently exists an adequate level of bibliographic control over electronic serials. However, as the Copyright Office and the Library gain

experience with electronic serials, and other categories of online-only work are removed from the exemption and become subject to demand, the issue of the most efficient and comprehensive way to make the Library aware of what online-only works are available will likely be raised again.

On the subject of publication, Patrice Lyons also queried whether works available only online are truly “published” within the meaning of the Copyright Act. Section 101 of title 17 defines “publication” as: “The distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.” It defines “copies” as “material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term ‘copies’ includes the material object, other than a phonorecord, in which the work is first fixed.” 17 U.S.C. 101.⁵ These definitions led Ms. Lyons to challenge the assumption that a publication takes place when “a work represented in digital form is made available, publicly and/or privately in an internet environment, but no physical copy changes hands.” Lyons comment at 2. Ms. Lyons also expressed concern that treating online-only works as publications might “have implications on other sections of the U.S. Copyright Law, in particular, what rights are implicated when a copyrighted work is made available in an Internet environment, but no physical object, i.e., copy, changes hands.” *Id.* As an alternative, she suggested that the public performance right may “play an important role in this context.” *Id.*

As a threshold matter, it appears well-settled electronic files are “fixed” in the sense that they reside on server

⁵ “Phonorecords” are similarly defined as “material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term ‘phonorecords’ includes the material object in which the sounds are first fixed.” 17 U.S.C. 101. For convenience, this notice uses “copies” to refer to both copies and phonorecords.

hard drives which are, as discussed above, material objects, and thus the files meet the “copies” requirement of publication and distribution. To the extent that Ms. Lyons is questioning whether publication can take place by means of electronic transmission, that issue has also been settled. In *New York Times Co. v. Tasini*, 533 U.S. 483 (2001), the Supreme Court concluded that online databases that made copies of articles available electronically “reproduce and distribute” copies of those articles. Cases involving peer-to-peer file-sharing on the Internet have also recognized that online transmission constitutes distribution. See *Metro-Goldwyn-Mayer v. Grokster*, 545 U.S. 913 (2005) (noting that “peer-to-peer networks are employed to store and distribute electronic files” and that peer-to-peer software “enabled users to reproduce and distribute the copyrighted works in violation of the Copyright Act.”); *London-Sire Records, Inc. v. Doe 1*, 542 F. Supp. 2d 153, 170–172 (D. Mass., 2008) (stating that “an electronic file transfer is plainly within the sort of transaction that § 106(3) [the distribution right] was intended to reach.”). Because “[u]nder the definition in section 101, a work is ‘published’ if one or more copies or phonorecords embodying it are distributed to the public,” H.R. Rep. No. 96–1976, at 138 (1976), it follows that the electronic transmission of copies of a work to the public, as addressed in the distribution context in *Tasini* and *Grokster*, constitutes publication of that work.

Comments Outside of the Scope of the Rulemaking

A number of commenters raised issues related to but outside of the scope of mandatory deposit for online-only works. Specifically, comments from BME, NAA, ASMP, and PPA regarding copyright registration cannot properly be addressed in a mandatory deposit rulemaking. Comments seeking a permanent exemption for mandatory deposit for photographs and databases are more appropriately raised when and if the Copyright Office proposes making those categories subject to demand. See PPA comment at 3; West comment at 4–5. Similarly, ASMP’s request for a reevaluation of the best edition requirement regarding works published in both print and electronic formats goes beyond the immediate questions raised in the notice. See ASMP comment at 2. Indeed, the notice specifically stated that the proposed regulation would not apply “to those works published in both physical and online formats.” 74 FR, at 34287. ASMP also proposed that the regulation set standards for the medium,

security devices, and metadata for a copy of a deposited online-only work to be provided by the Library to a litigant. See *id.* at 3. This topic is out-of-scope as well.

Finally, SIIA and West comment that fines for noncompliance with a demand should be imposed on a per-serial, rather than a per-work basis, is actually a question of statutory change beyond the purview of this or any rulemaking. While section 407 does grant the Register of Copyrights the discretion whether to impose a fine at all, it does not grant her the discretion to determine on what basis a fine may be imposed.

List of Subjects in 37 CFR Part 202

Copyright, Registration of claims to copyright.

Interim Regulation

■ In consideration of the foregoing, the Copyright Office amends part 202 of 37 CFR as follows:

PART 202 – PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 202.19 as follows:

■ a. By adding a new sentence at the end of the undesignated paragraph following paragraph (b)(2)(ii);

■ b. By adding a new paragraph (b)(4); and

■ c. By revising paragraph (c)(5).

The additions and revisions to § 202.19 read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

* * * * *

(b) * * *

(2) * * * In the case of an electronic work published in the United States and available only online, a copy is “complete” if it includes all elements constituting the work in its published form, *i.e.*, the complete work as published, including metadata and formatting codes otherwise exempt from mandatory deposit.

* * * * *

(4) For purposes of § 202.19(c)(5) of this regulation, an *electronic serial* is an electronic work published in the United States and available only online, issued or intended to be issued on an established schedule in successive parts bearing numerical or chronological designations, without subsequent alterations, and intended to be continued indefinitely. This class includes periodicals, newspapers,

annuals, and the journals, proceedings, transactions, and other publications of societies.

(c) * * *

(5) Electronic works published in the United States and available only online. This exemption includes electronic serials available only online only until such time as a demand is issued by the Copyright Office under the regulations set forth in § 202.24 of these regulations. This exemption does not apply to works that are published in both online, electronic formats and in physical formats, which remain subject to the appropriate mandatory deposit requirements.

* * * * *

■ 3. Add a new § 202.24, as follows:

§ 202.24 Deposit of published electronic works available only online.

(a) Pursuant to authority under 17 U.S.C. 407(d), the Register of Copyrights may make written demand to deposit one complete copy or a phonorecord of an electronic work published in the United States and available only online upon the owner of copyright or of the exclusive right of publication in the work, under the following conditions:

(1) Demands may be made only for works in those categories identified in § 202.19(c)(5) of these regulations as being subject to demand.

(2) Demands may be made only for works published on or after February 24, 2010.

(3) The owner of copyright or of the exclusive right of publication must deposit the demanded work within three months of the date the demand notice is received.

(4) Copies or phonorecords deposited in response to a demand must be able to be accessed and reviewed by the Copyright Office, Library of Congress, and the Library’s authorized users on an ongoing basis.

(b) *Technical standards.* Technical standards for the transmission of copies of online-only works to the Copyright Office in response to a demand will be available on the Copyright Office website (www.copyright.gov).

(c) *Definitions.* (1) “Best edition” has the meaning set forth in § 202.19(b)(1) of these regulations.

(2) “Complete copy” has the meaning set forth in § 202.19(b)(2) of these regulations.

(3) “Electronic works” are works fixed and published solely in an electronic format.

(d) *Special relief.* (1) In the case of any demand made under paragraph (a) of this section, the Register of Copyrights may, after consultation with other

appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation,

(i) Extend the time period provided in section 407(d) of Title 17;

(ii) Permit the deposit of incomplete copies or phonorecords; or

(iii) Permit the deposit of copies or phonorecords other than those normally comprising the best edition.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this section shall be made in writing to the Copyright Acquisitions Division, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reasons why the request should be granted.

* * * * *

■ 4. Amend Part 202, Appendix B as follows:

■ a. By redesignating section IX as section X; and

■ b. By adding a new section IX.

The revision to Part 202, Appendix B reads as follows:

Appendix B to Part 202 – “Best Edition” of Published Copyrighted Works for the Collections of the Library of Congress

* * * * *

IX. Electronic Works Published in the United States and Available Only Online

For all deposits, UTF-8 encoding is preferred to ASCII encoding and other non UTF-8 encodings for non-Latin character sets in all categories below.

A. Electronic Serials

1. Content Format

a. Level 1: Serials-specific structured/markup format:

(i) Content compliant with the NLM Journal Archiving (XML) Document Type Definition (DTD), with presentation stylesheet(s), rather than without.

(ii) Other widely used serials or journal XML DTDs/schemas, with presentation stylesheet(s), rather than without.

(iii) Proprietary XML format for serials or journals (with documentation), with DTD/schema and presentation stylesheet(s), rather than without.

b. Level 2: Page-oriented rendition:

(i) PDF/A (Portable Document Format/Archival; compliant with ISO 19005).

(ii) PDF (Portable Document Format, with searchable text, rather than without).

c. Level 3: Other formats:

(i) XHTML/HTML, as made available online, with presentation stylesheets(s), rather than without.

(ii) XML (widely used, publicly documented XML-based word-processing formats, e.g., ODF/OpenDocument Format, Office OpenXML), with presentation stylesheets(s), if appropriate, rather than without.

(iii) Plain text.

(iv) Other formats (e.g., proprietary word processing or page layout formats).

2. Metadata Elements:

If it has already been gathered and is available, descriptive data (metadata) as described below should accompany the deposited material.

a. Title level metadata: serial or journal title, ISSN, publisher, frequency, place of publication.

b. Article level metadata, as relevant/applicable: volume(s), number(s), issue dates(s), article title(s), article author(s), article identifier (DOI, etc.).

c. With other descriptive metadata (e.g., subject heading(s), descriptor(s), abstract(s)), rather than without.

3. Technological measures that control access to or use of the work should be removed.

Dated: January 13, 2010.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

Librarian of Congress.

[FR Doc. 2010-1202 Filed 1-22-10; 8:45 am]

BILLING CODE 1410-30-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2008-0797-200824(c); FRL-9099-9]

Approval and Promulgation of Implementation Plans; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County; Correcting Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correcting amendment.

SUMMARY: On June 1, 2009, EPA published a direct final rule approving the Clean Air Act (CAA) Section 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard for Cherokee County as a revision to the South Carolina State Implementation Plan (SIP). In EPA's direct final rule, there was an inadvertent error in the format of the Cherokee County entry in table (e) which contains South Carolina's Non-Regulatory Provision in the Code of Federal Regulations. This action corrects that formatting error.

DATES: This action is effective January 25, 2010.

ADDRESSES: Copies of the documentation used in the action being corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Fargalo, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Mr. Fargalo's telephone number is 404-562-9152. He can also be reached via electronic mail at fargalo.zuri@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is making a correction to the Cherokee County CAA 110(a)(1) Maintenance Plan entry that appears in table (e), of the South Carolina Non-Regulatory provisions section at 40 CFR 52.2120(e). This revision to South Carolina's SIP was published in the **Federal Register** on June 1, 2009 (74 FR 26099), effective August 1, 2009. However, when the direct final rule approving this SIP revision was published, table (e) did not include the correct table format. EPA is correcting this inadvertent error by inserting the correctly formatted table (e) into South Carolina's Identification of Plan section of the Code of Federal Regulations at 40 CFR 52.2120(e).

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because today's action to correct a formatting error in the Code of Federal Regulations has no substantive impact on EPA's June 1, 2009, approval of this regulation. The incorrectly formatted text in table (e) in EPA's final rule published on June 1, 2009, makes no substantive difference to EPA's analysis as set out in that rule. In addition, EPA can identify no particular reason why the public would be interested in being notified of the correction of this revision, or in having the opportunity to comment on the formatting correction prior to this action being finalized, since

this formatting correction action does not change the meaning of the regulation at issue or otherwise change EPA's analysis of South Carolina's submittal (74 FR 26099). EPA also finds that there is good cause under APA section 553(d)(3) for this formatting correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule merely corrects an inadvertent error of omission in the regulatory text of a prior rule by adding a correctly formatted table (e) for the South Carolina regulation which EPA approved on June 1, 2009. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

Under the CAA, 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 CAA. 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 CAA; 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 26, 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. 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, Intergovernmental relations, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 14, 2009.

J. Scott Gordon,
Acting Regional Administrator, Region 4.

■ 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 PP—South Carolina

■ 2. Section 52.2120(e) is amended by revising the entry for the “Cherokee County 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard” to read as follows:

§ 52.2120 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Explanation
* * * * *			
Cherokee County 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard	12/13/2007	7/31/09, 74 FR 26099.	.....

* * * * *
[FR Doc. E9-31172 Filed 1-22-10; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket Nos. 07-294, 06-121, 02-277, 04-228; MM Docket Nos. 01-235, 01-317, 00-244; DA 09-2618]

Promoting Diversification of Ownership in Broadcast Services; Suspension of Filing Date

AGENCY: Federal Communications Commission.

ACTION: Final rule; suspension of compliance date.

SUMMARY: This Order suspends the requirement that Form 323, *Ownership*

Report for Commercial Broadcast Stations, be filed biennially by the January 11, 2010 filing deadline and grants an extension of time to file the form once the form is available again for biennial filings, of at least 90 days from that date. We will announce the new filing deadline in a subsequently-released document. This temporary suspension will permit us to investigate what changes can be made to the form to reduce the time required to complete it and to lessen any unanticipated burdens in this regard without undermining the completeness, quality, usefulness, and aggregability of the data. **DATES:** The compliance date for the final rule published at 74 FR 56135 on October 30, 2009, which amended the requirement that Form 323 must be electronically filed no later than November 1, 2009, and every two years thereafter, is suspended indefinitely. The Commission will publish a

document in the **Federal Register** announcing the new compliance date.

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

FOR FURTHER INFORMATION CONTACT: Mania Baghdadi, Judith Herman, or Kristi Thompson, Industry Analysis Division, Media Bureau, at (202) 418-2330.

SUPPLEMENTARY INFORMATION: This is a summary of the Media Bureau’s Order adopted on December 23, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs>). The complete text may be purchased from the Commission’s copy

contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554.

Summary of Order

1. On December 18, 2009, a number of counsel and legal assistants to various broadcasters and broadcaster organizations (the "Broadcast Counsel") filed an Ex Parte Notice and Request for Relief, asking that the Media Bureau extend the time to file Form 323 and adopt other changes to FCC Form 323, including changing Section II-B Question 3(c) of the form to allow filers to respond by uploading machine-readable data instead of requiring manual data entry of the responses to the question.¹ The Broadcast Counsel also asked that filing of the form be suspended until improvements are made to the form. By this Order, the Media Bureau suspends the requirement that Form 323 be filed biennially by the January 11, 2010 filing deadline. The Bureau will also grant an extension of time to file the form once the form is available again for biennial filings, of at least 90 days from that date, and the Bureau will announce the new filing deadline in a subsequently-released Public Notice. The "as of" date, November 1, 2009, will remain the same.

2. On April 8, 2009, the Commission adopted a *Report and Order and Fourth Further Notice of Proposed Rulemaking* in the above-captioned proceeding revising filing requirements for FCC Form 323, the broadcast Ownership Report.² Among other things, the *323 Order* substituted a uniform biennial filing deadline for the current system of rolling filing deadlines that are tied to a station's renewal anniversary. Pursuant to these new requirements, all commercial full-power AM, FM, TV, LPTV, and Class A stations, as well as entities with attributable interests in them, were required to file the revised FCC Form 323 on or before January 11, 2010, with information current as of November 1, 2009, and to file biennially thereafter.³

¹ "MB Docket No. 07-294, Ex Parte Notice and Request for Relief," filed December 18, 2009 (the "Request"). The Request was signed by representatives of 14 law firms and the National Association of Broadcasters. In addition, on December 21, 2009, Simmons Media Group filed a letter in support of the Request. Simmons also asked that the form be revised to allow multiple licensees to be identified (through sub-forms) in response to Section I Question 7.

² *Report and Order and Fourth Further Notice of Proposed Rulemaking*, MB Docket No. 07-294, 24 FCC Rcd 5896 (2009) ("323 Order").

³ *323 Order*, 24 FCC Rcd at 5902-05, 5908-09 paras. 12-15, 22. For this 2009 biennial filing period, the Media Bureau previously extended the "as of" date to November 1, 2009 and the biennial filing deadline to January 11, 2010. See Public

3. In their Request, the Broadcast Counsel note that they have been working diligently to compile the information needed to complete Form 323 and to enter the data so as to file the form by the January 11, 2010 filing deadline. However, they note that they have experienced delays in completing the form because of the large amounts of data required to be entered for entities with complex ownership structures and because of technical problems working with the form on CDBS. In particular, they note that fully responding to Question 3(c) of Section II-B of the form requires large amounts of time for entities that have moderately complex ownership structures. Accordingly, they request that the Commission allow filers to respond to that question by uploading a machine-readable file rather than having to enter the data needed for the response manually. According to the Broadcast Counsel, if the current deadline is not extended, "many Forms will be incomplete, inaccurate or will not be filed at all because of time constraints and Form failures."

4. The Bureau finds that good cause has been shown and that it would serve the public interest to suspend the current January 11, 2010 filing deadline.⁴ The Bureau will temporarily suspend the ability to start a new biennial Form 323 during this interim suspension period but will allow filers to complete and file forms that they have already started should they wish to do so. This temporary suspension will permit us to investigate what changes can be made to the form to reduce the time required to complete it and to lessen any unanticipated burdens in this regard without undermining the completeness, quality, usefulness, and aggregability of the data. Once these changes have been made, the Bureau will again enable new biennial filings and will release a Public Notice with a new extended filing deadline. The new

Notice, Media Bureau Extends the Biennial Filing Deadline for the Commercial Broadcast Ownership Report Form (Form 323), DA 09-2457 (rel. Nov. 23, 2009); Promoting Diversification in the Broadcasting Services, *Order*, DA 09-2165 (rel. Oct. 2, 2009). See also Public Notice, Media Bureau Announces 2009 Biennial Filing Deadline For Commercial Broadcast Ownership Report (Form 323), DA 09-2275 (rel. Oct. 30, 2009). For future biennial filings, the "as of" date is October 1 and the filing date is November 1 of the applicable filing year.

⁴ In light of the filing extension, the Bureau dismisses as moot, Fletcher, Heald & Hildreth, PLC's ("FHH") November 16, 2009 Motion for Stay, which asked the Commission to stay, or otherwise hold in abeyance, the initial December 15, 2009 deadline for filing biennial broadcast ownership reports. The Bureau dismisses the motion without prejudice.

filing deadline will be at least 90 days from the date that the form is made available for new biennial filings.⁵ The "as of" date will remain the same, November 1, 2009, and will not be suspended or changed. During the interim biennial suspension period, the Bureau will not suspend non-biennial filings of Form 323 that are required by Section 73.3615 of the Commission's rules and will require that these continue to be filed by the deadlines enumerated in that rule.⁶

5. *Congressional Review Act*. The Commission will not send a copy of the Order pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the rule was previously adopted and subject to a CRA submission at that juncture.

6. *Paperwork Reduction Act Analysis*. Document DA 09-2618 does not contain new or modified information collection requirements 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).

7. Accordingly, *it is ordered*, that pursuant to authority under Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), authority delegated to the Media Bureau pursuant to Sections 0.61, 0.204 and 0.283 of the Commission's rules, 47 CFR 0.61, 0.204, 0.283, and authority delegated to the Media Bureau by the Commission's Report and Order and Memorandum Opinion and Order in this proceeding,⁷ the Bureau grants the Ex Parte Notice and Request for Relief to the extent described in this Order.

8. *It is further ordered*, that pursuant to authority under Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), authority delegated to the Media Bureau pursuant to Sections 0.61, 0.204 and 0.283 of the Commission's rules, 47 CFR 0.61, 0.204, 0.283, and authority delegated to the Media Bureau by the Commission's Report and Order and Memorandum Opinion and Order in this proceeding, we dismiss as moot and without

⁵ The Bureau will not require those who have already completed and filed their 2009 biennial Ownership Report to file again.

⁶ See 47 CFR 73.3615.

⁷ See *323 Order*, 24 FCC Rcd at 5915 para. 51; Memorandum Opinion & Order and Fifth Notice of Proposed Rulemaking, MB Docket No. 07-294, FCC 09-192 (rel. Oct. 16, 2009).

prejudice Fletcher, Heald & Hildreth, PLC's Motion for Stay.

William T. Lake,

Chief, Media Bureau, Federal Communications Commission.

[FR Doc. 2010-1246 Filed 1-22-10; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0810141351-9087-02]

RIN 0648-XT97

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closures and openings.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI) for vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2010 A season total allowable catch (TAC) of Atka mackerel in these areas for vessels

participating in the BSAI trawl limited access fishery. NMFS is also announcing the opening and closing dates of the first and second directed fisheries within the harvest limit area (HLA) in Statistical Areas 542 and 543. These actions are necessary to conduct directed fishing for Atka mackerel in the HLA in areas 542 and 543.

DATES: The effective dates are provided in Table 1 under the **SUPPLEMENTARY INFORMATION** section of this temporary action.

FOR FURTHER INFORMATION CONTACT:

Obren Davis, 907-586-7228.

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

The 2010 A season TAC of Atka mackerel for vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea was established as 604 metric tons (mt) by the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009).

In accordance with § 679.20(d)(1)(i) and (d)(1)(ii)(B), the Administrator,

Alaska Region, NMFS (Regional Administrator), has determined that 604 mt of the 2010 A season Atka mackerel TAC for vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea will be necessary as incidental catch to support other anticipated groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of zero mt. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea for vessels participating in the A season BSAI trawl limited access fishery.

In accordance with § 679.20(a)(8)(iii)(C), the Regional Administrator is opening the first directed fisheries for Atka mackerel within the HLA in areas 542 and 543, 48 hours after prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea. The Regional Administrator has established the opening date for the second HLA directed fisheries as 48 hours after the last closure of the first HLA fisheries in either area 542 or 543. Consequently, NMFS is opening and closing directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under Table 1 of this notice.

TABLE 1. EFFECTIVE DATES AND TIMES

Action	Area	Effective Time ¹ and Date	
		From	To
Closing Atka mackerel for vessels participating in the BSAI trawl limited access fishery	Eastern Aleutian District (541) and the Bering Sea subarea	1200 hrs, January 20, 2010	1200 hrs, September 1, 2010
Opening the first and second directed fishery in the HLA for the Amendment 80 cooperative	542	1200 hrs, January 22, 2010	1200 hrs, February 5, 2010
	543	1200 hrs, February 7, 2010	1200 hrs, February 21, 2010
Opening the first and second directed fishery in the HLA for vessels participating in the Amendment 80 limited access sector	542 and 543	1200 hrs, January 22, 2010	1200 hrs, February 5, 2010
	542 and 543	1200 hrs, February 7, 2010	1200 hrs, February 21, 2010
Opening the first directed fishery in the HLA for the vessel participating in the BSAI trawl limited access sector	542	1200 hrs, January 22, 2010	1200 hrs, February 5, 2010

¹Alaska local time.

In accordance with § 679.20(a)(8)(iii)(A) and § 679.20(a)(8)(iii)(B), vessels using trawl

gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries

in areas 542 and 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which

they have registered. NMFS has notified each vessel owner as to which fishery each vessel has been assigned by NMFS, per a notice filed with the **Federal Register** on January 19, 2010.

In accordance with the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009), and § 679.20(a)(8)(ii)(C)(1), the HLA limits of the A season allowance of the 2010 TACs in areas 542 and 543 are 4,317 mt and 3,250 mt, respectively, for vessels participating in the Amendment 80 limited access fishery. The HLA limits of the A season allowance of the 2010 TACs in areas 542 and 543 are 2,854 mt and 2,022 mt, respectively, for Amendment 80 cooperatives. The HLA limit of the A season allowance of the 2010 TAC in area 542 is 458 mt for the BSAI trawl limited access vessel. In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the dates and times listed in Table 1 of this notice.

After the effective dates of these closures, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel fishery in the Eastern Aleutian District and the Bering Sea subarea for vessels participating in the BSAI trawl limited access fishery and the opening and closing of the fisheries for the HLA limits established for area 542 and area 543 pursuant to the 2010 Atka mackerel TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 19, 2010. The AA also finds

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

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

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

Dated: January 20, 2010.

James P. Burgess, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010-1324 Filed 1-20-10; 4:15 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0810141351-9087-02]

RIN 0648-X795

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing directed fishing for Pacific cod by vessels participating in the Amendment 80 limited access fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2010 Pacific cod total allowable catch (TAC) allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 20, 2010, through 2400 hrs, A.l.t., December 31, 2010.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP

appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 Pacific cod TAC allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI is 3,319 metric tons as established by the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009 and 74 FR 68717, December 29, 2010) and as posted as the 2010 Allocations at <http://alaskafisheries.noaa.gov/sustainablefisheries/amds/80/2010allocationtables.pdf>.

The Regional Administrator has determined that the 2010 Pacific cod TAC allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI will be necessary to support other anticipated groundfish fisheries. Therefore, in accordance with § 679.20(d)(1)(i), the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 3,319 mt as incidental catch to support other groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels participating in the Amendment 80 limited access fishery in the BSAI.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels participating in the Amendment 80 limited access fishery in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 14, 2010.

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

prior notice and opportunity for public comment.

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

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

Dated: January 20, 2010.

James P. Burgess,

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

[FR Doc. 2010-1328 Filed 1-20-10; 4:15 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 09100091344-9056-02]

RIN 0648-XT96

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by non-American Fisheries Act (AFA) crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2010 Pacific cod sideboard limits apportioned to non-AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 21, 2010, through 1200 hrs, A.l.t., September 1, 2010.

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

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

The A season allowance of the 2010 Pacific cod sideboard limits apportioned to non-AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA is 761 metric tons (mt), as established by the final 2009 and 2010 harvest specifications for groundfish of the GOA (74 FR 7333, February 17, 2009) and inseason adjustment (74 FR 68713, December 29, 2009).

In accordance with § 680.22(e)(2)(i), the Regional Administrator, has determined that A season allowance of the 2010 Pacific cod sideboard limits apportioned to non-AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a sideboard directed fishing allowance for Pacific cod as five mt for the inshore component in the Central Regulatory Area of the GOA. The remaining 756 mt for the inshore component in the Central Regulatory Area of the GOA will be set aside as bycatch to support other anticipated groundfish fisheries. In accordance with § 680.22(e)(3), the Regional Administrator finds that this sideboard directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific

cod by non-AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the sideboard directed fishing closure of Pacific cod apportioned to non-AFA crab vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 19, 2010.

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

This action is required by § 680.22 and is exempt from review under Executive Order 12866.

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

Dated: January 20, 2010.

James P. Burgess,

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

[FR Doc. 2010-1330 Filed 1-20-10; 4:15 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 75, No. 15

Monday, January 25, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-93; NRC-2009-0554]

Mark Edward Leyse; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking, dated November 17, 2009, which was filed with the NRC by Mark Edward Leyse. The petition was docketed by the NRC on November 23, 2009, and has been assigned Docket No. PRM-50-93. The petitioner requests that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requests that the NRC revise its regulations based on data from multi-rod (assembly) severe fuel damage experiments. The petitioner also requests that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a loss-of-coolant accident.

DATES: Submit comments by April 12, 2010. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC-2009-0554 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that

you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2009-0554. Address questions about NRC dockets to Carol Gallagher, 301-492-3668, e-mail Carol.Gallagher@nrc.gov.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Attn:* Rulemakings and Adjudications Staff.

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1677.

Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays (telephone (301) 415-1677).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

You can access publicly available documents related to this petition, including the incoming petition for rulemaking, using the following methods:

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

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC, including the incoming petition for rulemaking (ADAMS Accession No. ML093290250) are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in

ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr.resource@nrc.gov.

Federal Rulemaking Web site: Public comments and supporting materials related to this petition, including the incoming petition for rulemaking, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0554.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Telephone:* 301-492-3663 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

Mark Edward Leyse (petitioner) submitted a petition for rulemaking dated November 17, 2009. The petitioner states that he is aware that data from multi-rod (assembly) severe fuel damage experiments indicates that the current regulations at 10 CFR Part 50 are non-conservative in their peak cladding temperature limit of 2200 °F, and that the Baker-Just and Cathcart-Pawel equations are also non-conservative for calculating the metal-water reaction rates that would occur in the event of a LOCA. As a result, the petitioner requests that the NRC revise its regulations at 10 CFR 50.46(b)(1) and Appendix K to 10 CFR Part 50 based on this data. The petitioner also requests that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a LOCA. The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802. The petition has been docketed as PRM-50-93. The NRC is requesting public comment on the petition for rulemaking.

Discussion of the Petition

The petitioner believes that data from multi-rod (assembly) severe fuel damage experiments indicates that the current peak cladding temperature limit contained in 10 CFR 50.46(b)(1) is non-conservative. The petitioner also believes that data from such experiments as the LOFT LP-FP-2 experiment also indicates that the Baker-Just and Cathcart-Pawel equations

are both non-conservative for calculating the temperature at which an autocatalytic (runaway) oxidation reaction of Zircaloy would occur in the event of a LOCA. The petitioner states that these experiments demonstrate that the autocatalytic oxidation reaction of Zircaloy cladding occurs at temperatures far below those predicted by the Baker-Just and Cathcart-Pawel equations. The petitioner concludes that this, in turn, indicates that the Baker-Just and Cathcart-Pawel equations are both non-conservative for calculating the metal-water reaction rates that would occur in the event of a LOCA. The petitioner requests that the NRC revise its regulations at 10 CFR 50.46(b)(1) to require that the calculated maximum fuel element cladding temperature not exceed a limit based on data from multi-rod (assembly) severe fuel damage experiments.

The petitioner also requests that the NRC revise Appendix K to 10 CFR Part 50 to require that the rates of energy release, hydrogen generation, and cladding oxidation from the metal-water reaction considered in emergency core cooling system (ECCS) evaluation calculations be based on data from multi-rod (assembly) severe fuel damage experiments. The petitioner believes that these same requirements also need to apply to any NRC-approved best-estimate ECCS evaluation models used in lieu of calculations made under Appendix K to 10 CFR Part 50.

Lastly, the petitioner requests that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a LOCA. The petitioner believes that it can be extrapolated from experimental data that in the event of a LOCA, a constant core reflood rate of approximately one inch per second or lower would not, with high probability, prevent Zircaloy fuel cladding from exceeding the peak cladding temperature limit of 2200 °F if, at the onset of reflood, the cladding temperature was 1200 °F or higher.

The petitioner believes that, if implemented, the amendments proposed in the petition would improve public and plant-worker safety. Therefore, the petitioner requests that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities.

Dated at Rockville, Maryland, this 19th day of January 2010.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,
Secretary of the Commission.

[FR Doc. 2010-1317 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2009-0928; Airspace
Docket No. 09-ASW-28]

Proposed Amendment of Class E Airspace; Killeen, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Killeen, TX. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at the renamed Skylark Field Airport, Killeen, TX. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before March 11, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0928/Airspace Docket No. 09-ASW-28, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321-7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0928/Airspace Docket No. 09-ASW-28." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional Class E airspace extending upward from 700 feet above the surface for the newly established SIAPs at Skylark Field Airport, Killeen, TX. The airport name would be changed from Killeen Municipal Airport, to Skylark Field Airport, in accordance with the FAA's National Aeronautical Charting Office. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9T, dated August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would add additional controlled airspace at Skylark Field Airport, Killeen, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW TX E5 Killeen, TX [Amended]

Robert Gray Army Airfield (AAF), TX
(Lat. 31°04'02" N., long. 97°49'44" W.)

Hood Army Airfield (AAF), TX
(Lat. 31°08'19" N., long. 97°42'52" W.)

Gray VOR/DME
(Lat. 31°01'58" N., long. 97°48'50" W.)

Skylark Field Airport, TX
(Lat. 31°05'09" N., long. 97°41'11" W.)

Iresh NDB
(Lat. 31°01'27" N., long. 97°42'29" W.)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Robert Gray AAF and within a 6.3-mile radius of Hood AAF and within 1.8 miles each side of the 037° radial of the Gray VOR/DME extending from the 7.6-mile radius to 14.6 miles northeast of the airfield, and within 1.8 miles each side of the 217° radial of the Gray VOR/DME extending from the 7.6-mile radius to 14.6 miles southwest of the airfield, and within 1.7 miles each side of the 064° radial of the Gray VOR/DME extending from the 7.6-mile radius to 13.9 miles northeast of the airfield, and within 1.7 miles each side of the 244° radial of the Gray VOR/DME extending from the 7.6-mile radius to 13.9 miles southwest of the airfield, and within 2 miles each side of the 150° bearing from Robert Gray AAF extending from the 7.6-mile radius to 11.6 miles southeast of the airfield, and within 2 miles each side of the 339° bearing from Robert Gray AAF extending from the 7.6-mile radius to 10.3 miles north of the airfield, and within a 6.5-mile radius of Skylark Field Airport and within 4 miles each side of the 197° bearing from the Skylark Field Airport extending from the 6.5-mile radius to 9.6 miles south of the airport and within 2.1 miles each side of the 197° bearing from the Iresh NDB extending from the 6.5-mile radius to 10.1 miles south of the airport.

* * * * *

Issued in Fort Worth, TX, on January 11, 2010.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2010–1361 Filed 1–22–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0925; Airspace Docket No. 09–ASW–25]

Proposed Amendment of Class E Airspace; Lampasas, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace and the geographic coordinates at Lampasas Airport, Lampasas, TX. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Lampasas Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 11, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2009–0925/Airspace Docket No. 09–ASW–25, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; *telephone:* (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to

Docket No. FAA–2009–0925/Airspace Docket No. 09–ASW–25.” The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA’s Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Lampasas Airport, Lampasas, TX. Adjustment to the geographic coordinates also would be made in accordance with the FAA’s National Aeronautical Charting Office. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9T, dated August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would add additional controlled airspace at Lampasas Airport, Lampasas, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Lampasas, TX [Amended]

Lampasas Airport, TX
(Lat. 31°06′22″ N., long. 98°11′45″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Lampasas Airport, and within 4 miles each side of the 171° bearing from the

airport extending from the 6.4-mile radius to 11.9 miles south of the airport.

* * * * *

Issued in Fort Worth, TX, on January 11, 2010.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2010–1363 Filed 1–22–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–1150; Airspace Docket No. 09–AGL–34]

Proposed Establishment of Class E Airspace; Luverne, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Luverne, MN. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Quentin Aanenson Field Airport, Luverne, MN. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before March 11, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2009–1150/Airspace Docket No. 09–AGL–34, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-1150/Airspace Docket No. 09-AGL-34." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at http://www.faa.gov/airports/airtraffic/air_traffic/publications/airspace_amendments/.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by establishing Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Quentin Aanenson Field Airport, Luverne, MN. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order

7400.9T, signed August 27, 2009 and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Quentin Aanenson Field Airport, Luverne, MN.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Luverne, MN [New]

Quentin Aanenson Field Airport, MN
(Lat. 43°37'16" N., long. 96°12'57" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Quentin Aanenson Field Airport.

* * * * *

Issued in Fort Worth, TX, on January 12, 2010.

Walter Tweedy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2010-1357 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2009-0802; Airspace Docket No. 09-AGL-22]

Proposed Establishment of Class E Airspace; Kindred, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Kindred, ND. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Hamry Field Airport, Kindred, ND. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before March 11, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0802/Airspace Docket No. 09-AGL-22, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket

containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321-7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0802/Airspace Docket No. 09-AGL-22." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267-9677, to

request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Hamry Field Airport, Kindred, ND. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9T, signed August 27, 2009 and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Hamry Field Airport, Kindred, ND.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AGL ND E5 Kindred, ND [New]

Hamry Field Airport, ND
(Lat. 46°38'55" N., long. 96°59'56" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Hamry Field Airport.

* * * * *

Issued in Fort Worth, TX, on January 12, 2010.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2010-1358 Filed 1-22-10; 8:45 am]

BILLING CODE 4901-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AC41

Combustible Dust

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of stakeholder meetings.

SUMMARY: OSHA invites interested parties to participate in informal stakeholder meetings on the workplace hazards of combustible dust. OSHA plans to use the information gathered at these meetings in developing a proposed standard for combustible dust.

DATES: Dates and locations for the stakeholder meetings are:

- February 17, 2010, at 9 a.m., in Atlanta, GA;
 - February 17, 2010, at 1:30 p.m., in Atlanta, GA;
 - Additional meetings are planned for 2010, and will be announced in one or more subsequent notices.
- Deadline for confirmed registration at the meetings is February 3, 2010.

ADDRESSES:**Registration**

Submit your notice of intent to participate in one of the stakeholder meetings by one of the following:

- *Electronic.* Register at <https://www2.ergweb.com/projects/conferences/osha/register-osha-stakeholder.htm> (follow the instructions online).

- *Facsimile.* Fax your request to: (781) 674-2906, and label it "Attention: OSHA Combustible Dust Stakeholder Meeting Registration."

- *Regular mail, express delivery, hand (courier) delivery, and messenger service.* Send your request to: ERG, Inc., 110 Hartwell Avenue, Lexington, MA 02421; Attention: OSHA Combustible Dust Stakeholder Meeting Registration.

Meetings

The February 17, 2010, meetings will be held at the Marriott Perimeter Center, 246 Perimeter Center Parkway, Atlanta, GA 30346.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

- *Press inquiries.* Contact Jennifer Ashley, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-1999.

- *General and technical information.* Contact David Wallis, Director, Office of Engineering Safety, OSHA Directorate of Standards and Guidance, Room N-3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2277.

- *Copies of this Federal Register notice.* Electronic copies are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also are available on the OSHA Web page at <http://www.osha.gov>.

SUPPLEMENTARY INFORMATION:**I. Background**

The hazards of combustible dust encompass a wide array of materials, industries, and processes. Any combustible material can burn rapidly when in a finely divided form. Materials that may form combustible dust include,

but are not limited to, wood, coal, plastics, biosolids, candy, sugar, spice, starch, flour, feed, grain, fertilizer, tobacco, paper, soap, rubber, drugs, dried blood, dyes, certain textiles, and metals (such as aluminum and magnesium). Industries that may have combustible dust hazards include, among others: Animal food manufacturing, grain handling, food manufacturing, wood product manufacturing, chemical manufacturing, textile manufacturing, furniture manufacturing, metal processing, fabricated metal products and machinery manufacturing, pesticide manufacturing, pharmaceutical manufacturing, tire manufacturing, production of rubber and plastics, plastics and rubber products manufacturing, recycling, wastewater treatment, and coal handling.

OSHA is developing a standard that will comprehensively address the fire and explosion hazards of combustible dust. The Agency has issued an Advanced Notice of Proposed Rulemaking (ANPR) (74 FR 54334) requesting comments, including data and other information, on issues related to the hazards of combustible dust in the workplace. OSHA plans to use the information received in response to the ANPR and at the stakeholder meetings in developing a proposed standard for combustible dust.

II. Stakeholder Meetings

OSHA conducted two stakeholder meetings in Washington, DC, on December 14, 2009. This notice announces two additional stakeholder meetings. The stakeholder meetings will be conducted as a group discussion on views, concerns, and issues surrounding the hazards of combustible dust. To facilitate as much group interaction as possible, formal presentations will not be permitted. Formal input should be submitted as indicated in the ANPR referenced earlier in this notice. The stakeholder meeting discussion will center on major issues such as:

- Scope.
- Organization of a prospective standard.
- The role of consensus standards.
- Economic impacts.
- Additional topics as time permits.

III. Public Participation

Approximately 25 participants will be accommodated in each meeting, and three hours will be allotted for each meeting. Members of the general public may observe, but not participate in, the meetings as space permits. OSHA staff will be present to take part in the discussions. Logistics for the meetings

are being managed by Eastern Research Group (ERG), which will provide a facilitator and compile notes summarizing the discussion; these notes will not identify individual speakers. ERG also will make an audio recording of each session to ensure that the summary notes are accurate; these recordings will not be transcribed. The summary notes will be posted on the docket for the Combustible Dust ANPR, Docket ID: OSHA2009-0023, available at the Web site <http://www.regulations.gov>.

The meetings are as follows:

- February 17, 2010, at 9 a.m., at the Marriott Perimeter Center, 246 Perimeter Center Parkway, Atlanta, GA 30346;

- February 17, 2010, at 1:30 p.m., at the Marriott Perimeter Center, 246 Perimeter Center Parkway, Atlanta, GA 30346;

- The additional 2010 meeting dates and locations will be announced in one or more subsequent notices.

To participate in one of the February 17, 2009 stakeholder meetings, or be a nonparticipating observer, you may submit notice of intent electronically, by facsimile, or by hard copy. To encourage as wide a range of viewpoints as possible, OSHA intends to limit participation to organizations that have not participated in previous stakeholder meetings. OSHA will confirm participants as necessary to ensure a fair representation of interests and to facilitate gathering diverse viewpoints. To receive a confirmation of your participation 1 week before the meeting, register by the date listed in the **DATES** section of this notice. However, registration will remain open until the meetings are full. Additional nonparticipating observers that do not register for the meeting will be accommodated as space permits. See the **ADDRESSES** section of this notice for the registration Web site, facsimile number, and address. To register electronically, follow the instructions provided on the Web site. To register by mail or facsimile, please indicate the following:

- Name, address, phone, fax, and e-mail.
- First and second preferences of meeting time.
- Organization for which you work.
- Organization you represent (if different).
- Stakeholder category: Government, industry, standards-developing organization, research or testing agency, union, trade association, insurance, fire protection equipment manufacturer, consultant, or other (if other, please specify).

- Industry sector (if applicable): Metals, wood products, grain or wet corn milling, food (including sugar), pharmaceutical or chemical manufacturing, paper products, rubber or plastics, coal, or other (if other, please specify).

Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available on the OSHA Web page at: <http://www.osha.gov>.

Authority and Signature

This document was prepared under the direction of David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), 29 CFR part 1911, and Secretary's Order 5-2007 (72 FR 31160).

Signed at Washington, DC, on January 19, 2010.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2010-1322 Filed 1-22-10; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

Restricted Areas and Danger Zone at Naval Station Mayport, FL

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to revise the existing regulations for a restricted area and establish a danger zone in the waters adjacent to and within the boundaries of Naval Station (NAVSTA) Mayport in Florida. The NAVSTA is the third largest naval facility in the continental United States and is unique in that it is home to a busy seaport as well as an air facility which conducts more than 135,000 flight operations each year. This amendment to the existing regulation is necessary to enhance the safety of the local community by ensuring safe navigation of the adjacent waterways, to preserve military security force protection measures, and adhere to military munitions regulations.

DATES: Written comments must be submitted on or before February 24, 2010.

ADDRESSES: You may submit comments, identified by docket number COE-2009-0063 by any of the following methods:

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

E-mail: david.b.olson@usace.army.mil. Include the docket number, COE-2009-0063 in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW-CO (David B. Olson), 441 G Street, NW., Washington, DC 20314-1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE-2009-0063. All comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the commenter indicates that 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](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps without going through [regulations.gov](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, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. All documents in the docket are listed. Although listed in the index, some information is not

publicly available, such as 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.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or Mr. Jon M. Griffin, U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division, at 904-232-1680.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps is proposing to amend the regulations at 33 CFR part 334 by expanding the existing restricted area as well as establishing two new restricted areas and a new danger zone in Florida within the NAVSTA Mayport facilities and along the facility shoreline. The amendment to the existing regulation will allow the Commanding Officer, NAVSTA Mayport to restrict passage of persons, watercraft, and vessels in waters contiguous to his Command to meet Department of Defense directive O-2000.12-H Chapter C22.14 and United States Fleet Forces Antiterrorism Operation Order 3300-09 requirements for Waterside Security and Naval Vessel Protection Zones. The amendment is also intended to address public safety concerns associated with increased vessel traffic in the waterways adjacent to the NAVSTA Mayport facility, especially during munitions movement in and around the munitions wharves.

Procedural Requirements

a. *Review Under Executive Order 12866.* The proposed rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* The proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). Unless information is obtained to the contrary during the comment period, the Corps expects that the proposed rule would have practically no economic impact on the public, or result in no anticipated navigational hazard or interference with

existing waterway traffic. This proposed rule, if adopted, will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact on the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered.

d. *Unfunded Mandates Act.* This proposed rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Therefore, this proposed rule is not subject to the requirements of Sections 202 and 205 of the Unfunded Mandates Reform Act (UMRA). The proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments. Therefore, the proposed rule is not subject to the requirements of Section 203 of UMRA.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Revise § 334.500 to read as follows:

§ 334.500 St. Johns River, Atlantic Ocean, Sherman Creek; restricted areas and danger zone, Naval Station Mayport, Florida.

(a) *The areas.* (1) The St. Johns River restricted area and the Atlantic Ocean restricted area described in paragraphs (a)(2) and (a)(3) of this section, respectively, are contiguous but each area is described separately for clarification.

(2) *St. Johns River restricted area.* This restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at latitude

30°23'52.97" N, longitude 081°25'36.51" W; thence to latitude 30°23'56.71" N, longitude 081°25'36.51" W; then the line meanders irregularly, following the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°23'54.20" N, longitude 081°24'14.11" W, thence proceed directly to latitude 30°23'46.33" N, longitude 081°24'03.73" W, then the line meanders irregularly, following the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°23'53.08" N, longitude 081°23'34.00" W, thence following the arc of a circle with a radius of 466 feet, centered at latitude 30°23'48.52" N, longitude 081°23'33.30" W, to a point on the jetty at latitude 30°23'50.06" N, longitude 081°23'28.26" W.

(3) *Atlantic Ocean restricted area.* From the last point identified in paragraph (a)(2) of this section, latitude 30°23'50.06" N, longitude 081°23'28.26" W, proceed to a point at latitude 30°23'49.12" N, longitude 81°23'28.10" W, then the line meanders irregularly, following the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°22'54.37" N, longitude 081°23'44.09" W, thence proceed directly to shore to terminate at latitude 30°22'54.46" N, longitude 081°23'48.44" W.

(4) *Sherman Creek restricted area.* This restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR 329, to include Sherman Creek, its tributaries and associated tidal marshes located within the NAVSTA Mayport area boundaries described in this section. The restricted area is completely encircled by roadways and is bordered on the south by Wonderwood Expressway, on the west by SR A1A, on the north by Perimeter Road, and on the east by Mayport Road.

(5) *Danger zone.* The danger zone shall encompass all navigable waters of the United States, as defined at 33 CFR 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at latitude 30°24'00.31" N, longitude 081°25'06.02" W; thence to latitude 30°24'11.16" N, longitude 081°25'03.90" W; thence to latitude 30°24'00.62" N, longitude 081°24'10.13" W; thence to a point on the shoreline riprap at latitude 30°23'41.26" N, longitude 081°24'08.82" W.

(b) *The regulations.* (1) *St. Johns River restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging or anchoring within the area described in paragraph (a)(2) of this section without

the permission of the Commanding Officer, NAVSTA Mayport, Florida, or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary.

(2) *Atlantic Ocean restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging or anchoring within the area described in paragraph (a)(3) of this section without the permission of the Commanding Officer, NAVSTA Mayport, Florida, or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary.

(3) *Sherman Creek restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging or anchoring within the area described in paragraph (a)(4) of this section without the permission of the Commanding Officer, NAVSTA Mayport, Florida, or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary where practicable (i.e., not in the wetlands). Additionally, a floating Small Craft Intrusion Barrier will be placed across Sherman Creek just east of the A1A bridge and another will be placed across tributaries to Sherman Creek just north of the Wonderwood Expressway.

(4) *Danger zone.* During periods of munitions movement at wharves Bravo and Charlie, no person or vessel shall be allowed to remain within the 1,250-foot Explosive Safety Quantity-Distance arcs generated by the activity. NAVSTA Mayport will not announce or publish notification prior to enforcing this regulation due to the unacceptable security threat posed by advance public notice of military munitions movements.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, NAVSTA Mayport, Florida and/or such persons or agencies as he/she may designate. Military vessels will patrol the areas identified in this section 24 hours a day, 7 days a week. Any person or vessel encroaching within the areas identified in this section will be asked to immediately leave the area. Failure to

do so will result in the forceful removal of the person or vessel from the area in question.

Dated: January 19, 2010.

Jonathan A. Davis,

Deputy Chief, Operations, Directorate of Civil Works.

[FR Doc. 2010-1295 Filed 1-22-10; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1072]

Proposed Flood Elevation Determinations

Correction

In proposed rule document E9-21472 beginning on page 46074 in the issue of

Tuesday, September 8, 2009, make the following correction:

§67.4 [Corrected]

On page 46075, in §67.4, the table is reprinted to read as follows:

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Napa County, California, and Incorporated Areas				
Napa Creek	At the confluence with Napa River	+22	+18	City of Napa.
	Approximately 100 feet upstream of Jefferson Street	+35	+34	
Napa River (With Levee)	Approximately 715 feet west of intersection of State Route 121 and East Avenue.	+28	+27	City of Napa, Unincorporated Areas of Napa County.
	Approximately 1,530 feet southwest of intersection of State Route 121 and Woodland Drive.	+32	+29	
Napa River (Without Levee)	Approximately 0.5 mile downstream of Imola Avenue	+13	+12	City of Napa, Unincorporated Areas of Napa County.
	Approximately 1,230 feet downstream of confluence of Soda Creek.	+47	+46	
Napa River Oxbow Overflow	At the confluence with Tulucay Creek	+18	+16	City of Napa, Unincorporated Areas of Napa County.
	Approximately 0.39 mile upstream of Soscol Avenue	+22	+19	
Ponding Areas with elevations determined (AH Zones).	Extensive ponding areas, in roadways south of Salvador creek (lowest elevation).	None	+39	City of Napa, Unincorporated Areas of Napa County.
	Extensive ponding areas, in roadways south of Salvador creek (highest elevation).	None	+76	
Salvador Creek	At the confluence with Napa River	+33	+31	City of Napa, Unincorporated Areas of Napa County.
	Approximately 100 feet upstream of State Highway 29	None	+75	
Salvador Creek North Branch	At the confluence with Salvador Creek	None	+75	City of Napa, Unincorporated Areas of Napa County.
	Approximately 0.8 mile upstream of confluence with Salvador Creek.	None	+93	
Salvador Creek South Branch.	At the confluence with Salvador Creek	None	+75	City of Napa.
	Approximately 1,365 feet upstream of Salvador Creek	None	+76	
Shallow Flooding (AO Zone)	Shallow flooding area, approximately 425 feet northeast of intersection of Imola Avenue and Gasser Drive.	+15	#1	City of Napa.
	Shallow flooding area, approximately 1,400 feet northeast of intersection of Imola Avenue and Gasser Drive.	+17	#2	
Tulucay Creek	At the confluence with Napa River	+18	+15	City of Napa.
	Approximately 560 feet upstream of Shurtleff Avenue	+37	+38	Unincorporated Areas of Napa County.

* National Geodetic Vertical Datum.

+ North American Certical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

**BEFs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Napa

Maps are Available for inspection at the City of Napa Public Works Department, 1600 1st Street, Napa, CA 94559.

Unincorporated Areas of Napa County

Maps are available for inspection at the Napa County Public Works Department, 1195 3rd Street, Suite 201, Napa, CA 94559.

[FR Doc. C1-2009-21472 Filed 1-22-10; 8:45 am]

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 09-209; FCC 09-102]

Amateur Service Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the amateur radio service rules to clarify certain rules and codify existing procedures governing the amateur service vanity call sign system, and to revise certain rules applicable to amateur service club stations.

DATES: Submit comments on or before March 26, 2010 and reply comments are due April 12, 2010.

ADDRESSES: You may submit comments, identified by WT Docket No. 09-209; FCC 09-102, by any of the following methods:

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

- *Federal Communications Commission's Web site:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone 202-418-0530 or TTY: 202-418-0432.

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

FOR FURTHER INFORMATION CONTACT:

William T. Cross, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-0680, TTY (202) 418-7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Notice of Proposed Rulemaking and Order* (NPRM), WT Docket No. 09-209, FCC 09-102, adopted November 23, 2009, and released November 24, 2009. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, or by downloading the text from the Commission's Web site at http://www.fcc.gov/Daily_Releases/Daily_Digest/2009/dd091125.html. The complete text also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, Suite CY-B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an e-mail to FCC504@fcc.gov or calling the Consumer and Government Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

1. In this document, the Wireless Telecommunications Bureau (WTB) of the Federal Communications Commission (Commission) amends the part 97 Amateur Radio Service rules to clarify certain rules and codifies existing procedures governing the amateur service vanity call sign system. The Commission also revises certain rules applicable to amateur service club stations. The Commission found that certain provisions in the rules applicable to the vanity call sign system should be codified in our rules, and others added, so that the vanity call sign

system will be fair, equitable, and transparent to all amateur service licensees. Specifically, the Commission proposes in the *NPRM* to amend the amateur service's vanity call sign rules to: clarify the process by which such call signs become available for reassignment after the license expires or is canceled; clarify the exceptions to the rule that a call sign shown on a canceled license is unavailable to the vanity call sign system for two years; require that applications requesting a change in trustee include documentation signed by an officer of the club when the application is submitted to the Club Station Call Sign Administrator; and, to limit club stations to holding one call sign.

I. Procedural Matters

A. Ex Parte Rules—Permit-but-Disclose Proceeding

2. This is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

B. Comment Dates

3. Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before March 26, 2010, and reply comments are due April 12, 2010.

4. Commenters may file comments electronically using the Commission's Electronic Comment Filing System (ECFS), the Federal Government's eRulemaking Portal, or by filing paper copies. Commenters filing through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. If multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy for each

docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Commenters may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." Commenters will receive a sample form and directions in reply. Commenters filing through the Federal eRulemaking Portal <http://www.regulations.gov>, should follow the instructions provided on the Web site for submitting comments.

5. Commenters who chose to file paper comments must file an original and four copies of each comment. 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. All filings must be sent to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554.

6. Commenters may send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. Commenters must bind all hand deliveries together with rubber bands or fasteners and must dispose of any envelopes before entering the building. This facility is the only location where the Commission's Secretary will accept hand-delivered or messenger-delivered paper filings. Commenters must send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743. Commenters should address U.S. Postal Service first-class mail, Express Mail, and Priority Mail to 445 12th Street, SW., Washington, DC 20554.

C. Paperwork Reduction Act

7. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25

employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

II. Initial Regulatory Flexibility Analysis

8. The Regulatory Flexibility Act requires an initial regulatory flexibility analysis to be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." 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 which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

9. In this *NPRM*, we propose to amend the amateur service rules applicable to the vanity call sign system and club station licensing. Because "small entities," as defined in the RFA, are not persons eligible for licensing in the amateur service, these proposed rules do not apply to "small entities." Rather, the rules apply exclusively to individuals who currently are amateur service licensees and who are requesting a specific call sign be assigned to their station. Moreover, club stations are not authorized to transmit any communications in which the station licensee or control operator has a pecuniary interest, and thus do not qualify as a "small entity." Therefore, we certify that the proposals in this *NPRM*, if adopted, will not have a significant economic impact on a substantial number of small entities.

III. Ordering Clauses

10. Pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), *notice is hereby given* of the proposed amendment to part 97 of the Commission's rules, 47 CFR part 97, as described above, and that *comment is sought* on this proposal to amend part 97 of the Commission's rules as set forth below.

11. Pursuant to § 1.407 of the Commission's rules, 47 CFR 1.407, the Petition for Rule Making filed by Barbara J. Levow on May 20, 2008 *is denied*.

12. Pursuant to § 1.407 of the Commission's rules, 47 CFR 1.407, the Petition to Change part 97.19(c)(2) of the Amateur Radio Service Rules filed by Steven Bryant on June 29, 2009 *is denied*.

13. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *NPRM*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Radio.

Marlene H. Dortch,

Secretary,

Federal Communications Commission.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 97 as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.3 is amended by redesignating paragraphs (a)(27) through (a)(49) as paragraphs (a)(28) through (a)(50), and adding a new paragraph (a)(27) to read as follows:

§ 97.3 Definitions.

(a) * * *
(27) *In-law*. A parent or stepparent of a licensee's spouse; a licensee's spouse's sibling; the spouse of a licensee's spouse's sibling; or the spouse of a licensee's sibling, child, or stepchild.

* * * * *
3. Section 97.5 is amended by revising paragraph (b)(2) to read as follows:

§ 97.5 Station license required.

* * * * *

(b) * * *

(2) A club station license grant. A club station license grant may be held only by the person who is the license trustee designated by an officer of the club. The trustee must be a person who holds an operator/primary station license grant. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this part. After [date reserved], no additional club station license grant will be made to a club whose trustee already

holds a club station license grant for that club.

* * * * *

4. Section 97.19 is amended by revising paragraphs (c)(2), (c)(3), and (d) introductory paragraph to read as follows:

§ 97.19 Application for a vanity call sign.

* * * * *

(c) * * *

(2) A call sign shown on a surrendered, revoked, set aside, canceled (except for license that are canceled pursuant to § 97.21(d), or voided license grant is not available to the vanity call sign system for 2 years following the date such action is taken. (The availability of a call sign shown on a license canceled pursuant to § 97.21(d) is governed by paragraph (c)(3) of this section.)

(i) This 2-year period does not apply to any license grant pursuant to paragraph (c)(3)(i), (ii), or (iii) of this section that is surrendered, canceled, revoked, voided, or set aside because the grantee acknowledged or the Commission determined that the grantee was not eligible for the exception.

(ii) An applicant to whose operator/primary station license grant, or club station license grant for which the applicant is the trustee, the call sign was previously assigned is exempt from this 2-year period.

(3) The call sign shown on a license canceled pursuant to § 97.21(d) is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner; except that, when the licensee's death occurs prior to the license expiration date, but the Commission does not cancel the license until on or after the date 30 days before the second anniversary of the licensee's death, the call sign is not available to the vanity call sign system for 30 days following the date such action is taken.

Notwithstanding the foregoing, the call sign shown on a license canceled pursuant to § 97.21(d) is available immediately. This provision does not apply to an applicant:

(i) To whose operator/primary station license grant, or club station license grant for which the applicant is the trustee, the call sign was previously assigned; or

(ii) Who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law of the person now deceased or of any other deceased former holder of the call sign; or

(iii) Who is a club station license trustee acting with a written statement of consent signed by either the licensee *ante mortem* but who is now deceased, or by at least one relative as listed above in (ii) of the person now deceased, provided that the deceased licensee was a member of the club.

(d) Except for an applicant whose station had been formerly assigned the call sign requested, the vanity call sign requested by an applicant must be selected from the group of call signs corresponding to the same or lower class of operator license held by the applicant as designated in the sequential call sign system.

* * * * *

5. Section 97.21 is amended by revising the section heading and paragraph (a)(1) and adding new paragraph (d) to read as follows:

§ 97.21 Application for a modified, renewed, or cancelled license grant.

(a) * * *

(1) Must apply to the FCC for a modification of the license grant as necessary to show the correct mailing address, licensee name, club name, license trustee name, or license custodian name in accordance with § 1.913 of this chapter. For a club, military recreation or RACES station license grant, the application must be presented in document form to a Club Station Call Sign Administrator (CSCSA) who must submit the information thereon to the FCC in an electronic batch file. The CSCSA must retain the collected information for at least 15 months and make it available to the FCC upon request. An application to modify a club station license grant to change the license trustee name must be submitted to a CSCSA by an officer of the club. A CSCSA shall not file with the Commission any application to modify a club station license grant, except to change a club station license trustee, submitted by a person who is not the trustee of record.

* * * * *

(d) A person may request cancellation of an operator/primary station license grant on account of the licensee's death by submitting a signed request that includes a death certificate, obituary, or Social Security Death Index (SSDI) data clearly showing that the person named in the operator/primary station license grant has died. Such requests may be submitted as pleadings associated with the license. See § 1.45 of this chapter. In addition, the Commission may cancel an operator/primary station license grant if it becomes aware of the grantee's death through other means. For purposes of this section, when SSDI

data is submitted, it must be based on the Social Security Administration Death Master File current at the time of the request.

[FR Doc. 2010-1262 Filed 1-22-10; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS-R7-MB-2009-0082; 91200-1231-9BPP-L2]

RIN 1018-AW67

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2010 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service, are reopening the public comment period on our proposed rule to establish migratory bird subsistence harvest regulations in Alaska for the 2010 season. This action will allow all interested parties an additional opportunity to comment on our proposal.

DATES: *Public comments:* We will accept comments received or postmarked on or before February 18, 2010.

ADDRESSES: *Public comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R7-MB-2009-0082.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R7-MB-2009-0082; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Fred Armstrong, (907) 786-3887, or Donna Dewhurst, (907) 786-3499, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503.

SUPPLEMENTARY INFORMATION:

Background

We, the U.S. Fish and Wildlife Service, published a proposed rule in the **Federal Register** on November 20, 2009 (74 FR 60228), to propose migratory bird subsistence harvest regulations in Alaska for the 2010 season. The proposed regulations would enable the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These proposed regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking proposes region-specific regulations that would go into effect on April 2, 2010, and expire on August 31, 2010.

We are extending the public comment period on our proposed rule (*see* **DATES** section) in response to a request for additional time to comment that we received during the initial public comment period. The initial public comment period for the proposed rule ended on January 19, 2010. The revised comment period ends on February 18, 2010. If you submitted comments

previously, then you do not need to resubmit them because we have already incorporated them into the public record and we will fully consider them in preparation of our final determination.

Public Comments

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment—including your personal identifying information—on <http://www.regulations.gov>. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife

Service, Office of the Alaska Migratory Bird Co-management Council, 1011 E. Tudor Rd., Anchorage, AK 99503, (877) 229-2344.

Author(s)

The primary authors of this package are the staff members of the Office of the Alaska Migratory Bird Co-Management Council.

Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to “issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.”

Dated: January 12, 2010.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2010-1344 Filed 1-22-10; 8:45 am]

BILLING CODE 4310-55-P

Notices

Federal Register

Vol. 75, No. 15

Monday, January 25, 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

Submission for OMB Review; Comment Request, Correction

January 20, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Exportation, Transportation, and Importation of Meat and Poultry Products.

OMB Control Number: 0583-0094.
Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS requires that meat and poultry establishments exporting products to foreign countries complete an export certificate. Meat and poultry products not marked with the mark of inspection and shipped from one official establishment to another for further processing must be transported under FSIS seal to prevent such unmarked product from entering into commerce. To track product shipped under seal, FSIS requires shipping establishments to complete a form that identifies the type, amount, and weight of the product. Foreign countries exporting meat and poultry products to the U.S. must establish eligibility for importation of product into the U.S., and annually certify that their inspection systems are "equivalent to" the U.S. inspection system. Meat and poultry products intended for import into the U.S. must be accompanied by a health certificate, signed by an official of the foreign government, stating that certified foreign establishments have produced the products. FSIS will collect information using three FSIS forms.

Need and Use of the Information: FSIS will collect information to identify the product type, quantity, destination, and originating country of the meat and poultry. Also, FSIS will collect name, number, method of shipping, and destination of product, type and description of product to be shipped, reason for shipping product, and a signature. FSIS will use the information to verify that a meat or poultry product intended for import has been prepared in a plant certified to prepare product for export to the U.S. FSIS will use the

information to conduct re-inspection of meat and poultry imported to the U.S.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,431.

Frequency of Responses:

Recordkeeping; Reporting; On occasion.

Total Burden Hours: 156,908.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010-1348 Filed 1-22-10; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 20, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information

displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR Part 1924–A, Planning and Performing Construction and Other Development.

OMB Control Number: 0575–0042.

Summary of Collection: The Rural Housing Service (RHS) is the credit agency for rural housing and community development within the Rural Development mission area of the United States Department of Agriculture. RHS offers a supervised credit program to build modest housing and essential community facilities in rural areas. Section 501 of Title V of the Housing Act of 1949, authorizes the Secretary of Agriculture to extend financial assistance to construct, improve, alter, repair, replace, or rehabilitate dwellings, farm buildings and/or related facilities to provide decent, safe sanitary living conditions and adequate farm building and other structures in rural areas.

Need and Use of the Information: RHS provides several forms to assist in the collection and submission of information. The information will be used to determine whether a loan/grant can be approved; to ensure that RHS has adequate security for the loans financed; to monitor compliance with the terms and conditions of the agency loan/grant and to monitor the prudent use of Federal funds. If the information is not collected and submitted, RHS would have no control over the type and quality of construction and development work planned and performed with Federal funds.

Description of Respondents: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions; Farms; State, Local and Tribal Government.

Number of Respondents: 23,643.

Frequency of Responses:

Recordkeeping; Report: On occasion.

Total Burden Hours: 117,022.

Rural Housing Service

Title: 7 CFR 1951–F, Analyzing Credit Needs and Graduation of Borrower.

OMB Control Number: 0575–0093.

Summary of Collection: Section 333 of the Consolidated Farm and Rural Development Act and Section 502 of the Housing Act of 1949, require the Rural Housing Service (RHS), and the Rural Business-Cooperative Service (RBS) to

graduate their direct loan borrowers to other credit when they are able to do so. Graduation is an integral part of Agency lending, as Government loans beyond a borrower's need for subsidized rates of non-market terms. The notes, security instruments, or loan agreements of most borrowers require borrowers to refinance their Agency loans when other credit becomes available at reasonable rates and terms. If the borrower finds other credit is not available at reasonable rates and terms, the Agency will continue to review the borrower for possible graduation at periodic intervals. Information will be collected from the borrowers concerning their loans.

Need and Use of the Information: The information submitted by RBS and RHS borrowers to Agency offices is used to graduate direct borrowers to private credit with or without the use of Agency loan guarantees. The data collected will include financial information such as income, farm operating expenses, asset values, and liabilities.

Description of Respondents: Farms; Business or Other for-Profit.

Number of Respondents: 131.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 339.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–1352 Filed 1–22–10; 8:45 am]

BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 20, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Federal Plant Pest, Noxious Weed, and Garbage Regulations.

OMB Control Number: 0579–0054.

Summary of Collection: In accordance with Section 412 of the Plant Protection Act (Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7712), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or movement of interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of a plant pest or noxious weed within the United States. Animal and Plant Health Inspection Service's (APHIS) regulations implementing the Plant Protection Act are contained (in part) in part 330 of Title 7, Code of Federal Regulations and part 360 of Title 7, Code of Federal Regulations.

Need and Use of the Information: APHIS will collect information to evaluate the risk associated with the interstate movement of plant pest, noxious weeds, and soil. APHIS will also collect information to monitor operations at facility to ensure permit conditions are being met. The information is used to determine whether a permit can be issued, and also to develop risk-mitigating conditions for the proposed movement. If the information were not collected, APHIS ability to protect the United States from a plant pest or noxious weed

incursion would be significantly compromised.

Description of Respondents: Business or other for-profit; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 25,755.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 15,717.

Animal Plant and Health Inspection Service

Title: Importation of Live Swine Pork and Pork Products and Swine Semen from the European Union,

OMB Control Number: 0579-0218,

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of health of animals under APHIS' regulatory authority. The Law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Animal Plant and Health Inspection Service (APHIS) conducts disease prevention activities in accordance with regulations in Title 9, Chapter 1, Subchapter D, Parts 91 through 99, of the Code of Federal Regulations. These regulations govern the importation of animals, birds, and poultry products, and animal germplasm. Under these regulations, certain regions of the European Union are allowed to export into the United States live breeding swine, pork, and pork products and swine semen.

Need and Use of the Information: APHIS will collect information concerning the origin and history of the items destined for importation into the United States. APHIS will also collect information to ensure that swine, pork and pork products, and swine semen pose a negligible risk of introducing exotic swine diseases into the United States. If the information is not collected it would cripple APHIS ability to ensure that swine, pork and pork products, and swine semen pose a minimal risk of introducing classical swine fever and other exotic animal disease into the United States.

Description of Respondents: Business or other for profit; Federal Government.

Number of Respondents: 25.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 8,242.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010-1354 Filed 1-22-10; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 20, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Food and Nutrition Service Evaluation of the Fresh Fruit and Vegetable Program (FFVP).

OMB Control Number: 0584-NEW.

Summary of Collection: The Food, Conservation and Energy Act of 2008 (the Farm Bill) (Pub. L. 110-246) expanded the Fresh Fruit and Vegetable Program (FFVP) nationwide and directed the Food and Nutrition Service (FNS) to conduct an evaluation resulting in a report to Congress in September

2011. The FFVP administered by FNS has the broad goal of fighting childhood obesity and improving overall diet quality by teaching children healthier eating habits. Increased consumption of fruits and vegetables has been found to reduce long-term obesity risk. Specific objectives of the FFVP are: To create healthier school environments by providing healthier food choices; to expand the variety of fruits and vegetables children experience; to increase children's fruit and vegetable consumption; and to make a difference in children's diets to impact their present and future health.

Need and Use of the Information: The evaluation of the FFVP has two main objectives: (1) To examine how the FFVP is currently being implemented, and (2) to estimate program impacts on participating students. To address these objectives, FNS has 36 research questions that will be grouped into six broad research categories for the evaluation. The information gathered in the data collection activities will be used by FNS to determine if students at FFVP schools have higher fresh fruits and vegetable consumption than students at non-participating schools, and whether FFVP induced other dietary changes such as decreased consumption of less nutritious foods among students.

Description of Respondents: State, Local, or Tribal Government; Individuals or households.

Number of Respondents: 18,854.

Frequency of Responses: Recordkeeping; *Report:* Annually.

Total Burden Hours: 8,478.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010-1355 Filed 1-22-10; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

USDA Section 538 Guaranteed Rural Rental Housing Program; 2010 Industry Forums—Open Teleconference and/or Web Conference Meetings

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces a series of teleconference and/or Web conference meetings regarding the USDA Section 538 Guaranteed Rural Rental Housing Program, which are scheduled to occur during the months of January, April, July and October in

2010. This notice also outlines suggested discussion topics for the meetings and is intended to notify the general public of their opportunity to participate in the teleconference and/or web conference meetings.

DATES: The dates and times for the teleconference and/or web conference meetings will be announced via e-mail to parties registered as described below in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to register for the calls and obtain the call-in number, access code, Web link and other information for any of the public teleconferences and/or web conferences may contact James F. Carey, Financial and Loan Analyst, Multifamily Housing Guaranteed Loan Division, Rural Development, United States Department of Agriculture, telephone: (202) 401-2307, fax: (202) 205-5066, or e-mail: james.carey@wdc.USDA.gov.

SUPPLEMENTARY INFORMATION: The objectives of this series of teleconferences are as follows:

- Enhance the effectiveness of the Section 538 Guaranteed Rural Rental Housing Program.
 - Establish a two way communications forum to update industry participants and Rural Housing staff.
 - Enhance RHS' awareness of the market and other forces that impact the Section 538 Multifamily Guaranteed Loan program.
- Topics to be discussed could include but will not be limited to the following:
- Updates on the USDA Section 538 Guaranteed Rural Rental Housing Program FY 2009-2010 activities.
 - Perspectives on the current state of debt financing and its impact on the Section 538 program.
 - Enhancing the use of Section 538 financing with the transfer and/or preservation of Section 515 developments.
 - The impact of Low Income Housing Tax Credit program changes on Section 538 financings.

Dated: January 14, 2010.

Tammye Treviño,

Administrator, Rural Housing Service.

[FR Doc. 2010-1329 Filed 1-22-10; 8:45 am]

BILLING CODE 3410-XV-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on

Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Health Disparities Subcommittee of the Illinois Advisory Committee to the Commission will convene at 8 a.m. and adjourn at 10 a.m. on February 22, 2010, at 55 W. Monroe St., Chicago, IL 60603. The purpose of the meeting is to plan for the Committee's report on Health Disparities in Chicago. The meeting will consist of approximately five local health disparities experts discussing issues regarding the project.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by March 22, 2010. The address is 55 W. Monroe St., Suite 410, Chicago, IL 60603. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact David Mussatt, Director, 312-353-8311, TDD/TTY 312-353-8324, or by e-mail: dmussatt@usccr.gov.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, <http://www.usccr.gov>, or to contact the Midwestern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, January 19, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010-1345 Filed 1-22-10; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Legal Processes

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal

agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 26, 2010.

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

- *E-mail:* Susan.Fawcett@uspto.gov. Include "0651-0046 comment" in the subject line of the message.

- *Fax:* 571-273-0112, marked to the attention of Susan K. Fawcett.

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Shirley Hassan, Office of General Law, United States Patent and Trademark Office, P.O. Box 15667, Arlington, VA 22215; by telephone at 571-272-3000; or by e-mail to Shirley.Hassan@uspto.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this collection is to cover information requirements related to civil actions and claims involving current and former employees of the United States Patent and Trademark Office (USPTO). The rules for these legal processes may be found under 37 CFR Part 104, which outlines procedures for service of process, demands for employee testimony and production of documents in legal proceedings, reports of unauthorized testimony, employee indemnification, and filing claims against the USPTO under the Federal Tort Claims Act (28 U.S.C. 2672) and the corresponding Department of Justice regulations (28 CFR Part 14). The public may also petition the USPTO Office of General Counsel under 37 CFR 104.3 to waive or suspend these rules in extraordinary cases.

The procedures under 37 CFR Part 104 ensure that service of process intended for current and former employees of the USPTO is handled properly. The USPTO will only accept service of process for an employee acting in an official capacity. This collection is necessary so that respondents or their representatives can serve a summons or complaint on the USPTO, demand employee testimony and documents related to a legal proceeding, or file a claim under the Federal Tort Claims Act. Respondents

may also petition the USPTO to waive or suspend these rules for legal processes. This collection is also necessary so that current and former USPTO employees may properly forward service and demands to the Office of General Counsel, report unauthorized testimony, and request indemnification. The USPTO covers current employees as respondents under this information collection even though their responses do not require approval under the Paperwork Reduction Act. In those instances where both current and former employees may respond to the USPTO, the agency estimates that the number of respondents will be small.

There are no forms provided by the USPTO for this collection. For filing claims under the Federal Tort Claims Act, the public may use Standard Form 95 "Claim for Damage, Injury, or Death," which is provided by the Department of Justice and approved by the Office of Management and Budget (OMB) under OMB Control Number 1105-0008.

II. Method of Collection

By mail or hand delivery to the USPTO.

III. Data

OMB Number: 0651-0046.

Form Number(s): None.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; and the Federal Government.

Estimated Number of Respondents: 291 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public from 5 minutes (0.08 hours) to 1 hour to gather the necessary information, prepare the appropriate documents, and submit the information required for this collection.

Estimated Total Annual Respondent Burden Hours: 52 hours per year.

Estimated Total Annual Respondent Cost Burden: \$16,652 per year. The

USPTO expects that the information in this collection will be prepared by attorneys and former employees, except for the requests for employee indemnification, which generally come from professional and supervisory staff. Since many of the former employees affected by this collection are attorneys, the attorney rate will be used for former employees as well. Using the professional rate of \$325 per hour for attorneys in private firms, the USPTO estimates that the respondent cost burden for attorneys and former employees submitting the information in this collection will be \$16,575 per year. Using the estimate of \$77 per hour for professional and supervisory staff, the USPTO expects that the respondent cost burden for submitting requests for employee indemnification will be \$77 per year. Therefore, the respondent cost burden for this collection will be \$16,652 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Petition to Waive Rules	30 minutes	5	3
Service of Process	5 minutes	243	19
Forwarding Service	10 minutes	7	1
Employee Testimony and Production of Documents in Legal Proceedings.	1 hour	22	22
Forwarding Demands	10 minutes	7	1
Report of Unauthorized Testimony	30 minutes	1	1
Report of Possible Indemnification Cases	30 minutes	3	2
Employee Indemnification	30 minutes	1	1
Tort Claims	1 hour	2	2
Totals .....	.....	291	52

Estimated Total Annual Non-hour Respondent Cost Burden: \$3,122 per year. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

This collection has filing fees associated with the petition to waive or suspend the legal process rules under 37 CFR 104.3. The filing fee for this petition is \$130, and the USPTO estimates that approximately 5 petitions will be filed per year for a total filing cost of \$650. There are no other filing fees associated with this information collection.

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage for a mailed submission, other than a Service of Process, will be 88 cents and that up to 48 of these submissions will be mailed to the

USPTO per year, for a postage cost of \$42. The USPTO estimates that the average postage for a Service of Process will be \$10.00 and that up to 243 of these submissions will be mailed to the USPTO per year, for a postage cost of \$2,430. The total estimated postage cost for this collection is approximately \$2,472 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees and postage costs is approximately \$3,122 per year.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 14, 2010.

Susan K. Fawcett,
Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2010-1276 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE**International Trade Administration****Application(s) for Duty-Free Entry of Scientific Instruments**

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

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 16, 2010. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 09-068. *Applicant:* University of Arkansas, 321 Administration Building, Fayetteville, Arkansas 72701.

Instrument: Fluorescence Lifetime Imaging Microscope.

Manufacturer: PicoQuant Photonics, Germany. *Intended Use:* The instrument will be used to measure both fluorescence lifetime and fluorescence intensity of single nanoparticles and biomolecules. The instrument must be able to perform using lasers with both continuous wave (CW) and pulsed mode. The use of picoseconds pulsed lasers is necessary to measure fluorescence lifetime. The use of CW lasers, so that the fluorophores will be continuously excited, is necessary to measure fluorescence intensity. The driver that controls the laser head provides user-selectable pulsed repetition rates. This instrument is unique in that it is capable of pulsed interleaved excitation (PIE)—Fluorescence Resonance Energy Transfer (FRET) and of allowing repetition rates to be continuously varied down to the 200 kHz range. Furthermore, the instrument is compatible with atomic force microscopy by using objective scanning mode rather than sample scanning mode so that the sample-scanning Atomic Force Microscope (AFM) can be added to the microscope in a future upgrade.

Justification for Duty-Free Entry: No instruments of same general category are manufactured in the United States.

Application accepted by Commissioner of Customs: December 28, 2009.

Dated January 19, 2010.

Christopher Cassel,

Director, IA Subsidies Enforcement Office.

[FR Doc. 2010-1337 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Application(s) for Duty-Free Entry of Scientific Instruments**

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

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 16, 2010. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 09-069. *Applicant:* University of Pittsburgh, 4200 Fifth Ave., Pittsburgh, PA 15260. *Instrument:* Electron Microscope. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* This instrument will be used to conduct research, focusing on analyzing ultrastructurally the plasticity of the brain and auditory pathway, in particular, different models of hearing loss. This instrument provides the required resolution for such analysis. *Justification for Duty-Free Entry:* No instruments of same general category are manufactured in the United States. *Application accepted by Commissioner of Customs:* December 28, 2009.

Docket Number: 09-070. *Applicant:* Haverford College, 370 Lancaster Ave., Haverford, PA 19041. *Instrument:* JEM-1400 Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for the ultrastructural study of prokaryotic and eukaryotic cell structure, the assembly of peptides and proteins into filaments and other geometries, the analysis of porphyrin and other chemical polymers, and other applications in cell biology, materials science and nanotechnology.

Justification for Duty-Free Entry: There are no domestic manufacturers of this type of electron microscope.

Application accepted by Commissioner of Customs: December 30, 2009.

Dated: January 19, 2010.

Christopher Cassel,

Director, IA Subsidies Enforcement Office.

[FR Doc. 2010-1339 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Yale University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 09-064. *Applicant:* Yale University, New Haven, CT 06520-8284. *Instrument:* Electron Microscope, Quanta 3D Dual-Beam Focused Ion-Beam Tool. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 74 FR 67851, December 21, 2009.

Docket Number: 09-065. *Applicant:* U.S. Department of Homeland Security, Science and Technology Directorate, Frederick, MD 21702. *Instrument:* Scanning Electron Microscope, Quanta 200 FEG. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 74 FR 67851, December 21, 2009.

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

Dated: January 19, 2010.

Christopher Cassel,

Director, Subsidies Enforcement Office, Import Administration.

[FR Doc. 2010-1338 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-570-851]

Certain Preserved Mushrooms from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

SUMMARY: On January 5, 2010, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to the CIT's remand in *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Court No. 04-00454 (May 5, 2009) (*Gerber v. United States Remand Order*). See Redetermination Pursuant to Court Remand, dated July 24, 2009 (Remand Redetermination) (found at <http://ia.ita.doc.gov/remands/>); and *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 10-2 (January 5, 2010) (*Gerber v. United States II*). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC) covering the period of review (POR) of February 1, 2002, through January 31, 2003. See *Certain Preserved Mushrooms from the People's Republic of China: Final Results of Sixth Antidumping Duty New Shipper Review and Final Results and Partial Rescission of the Fourth Antidumping Duty Administrative Review*, 69 FR 54635 (September 9, 2004) (*Final Results*).

FOR FURTHER INFORMATION CONTACT: Brian Smith, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482-1766.

SUPPLEMENTARY INFORMATION:**Background**

On September 9, 2004, the Department published its final results in the antidumping duty administrative review of certain preserved mushrooms from the PRC covering the POR of

February 1, 2002, through January 31, 2003 (fourth administrative review). See *Final Results*. In the Final Results, the Department applied total adverse facts available (AFA) in calculating the cash deposit and assessment rates for respondent Gerber Food (Yunnan) Co., Ltd. (Gerber), and partial AFA in calculating the cash deposit and assessment rates for respondent Green Fresh (Zhangzhou) Co., Ltd. (Green Fresh). See *Final Results*, 69 FR at 54637-54638. The Department found that Gerber and Green Fresh were involved in a business arrangement/scheme, commencing during the period of the prior (third) administrative review, that resulted in the circumvention of the proper payment of cash deposits on certain POR entries of subject merchandise made by Gerber. As either total or partial AFA, the Department applied the PRC-wide-rate of 198.63 percent to both companies. Gerber and Green Fresh challenged the Department's resorting to the application of AFA to determine their cash deposit and assessment rates in the *Final Results*.

In light of the CIT's analysis in its decisions in the litigation covering the third administrative review (see *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 08-97 (September 16, 2008) (*Gerber v. United States I*), which concerned the same parties and many of the same issues as those in the fourth administrative review, and the factual similarity between the administrative records of the third and fourth administrative reviews, the Government of the United States requested a voluntary remand, which the CIT granted on May 5, 2009. See *Gerber v. United States Remand Order*. Pursuant to this remand order and consistent with the Court's analysis in *Gerber v. United States I*, the Department issued its final results of redetermination on July 24, 2009. In this redetermination, the Department recalculated the margin for Gerber using a rate other than the PRC-wide rate as partial AFA with respect to only those sales of subject merchandise made by Gerber during the POR which were exported to the United States using the invoices of Green Fresh. The Department also recalculated the margin for Green Fresh exclusive of the application of AFA. The Department's redetermination resulted in changes to the *Final Results* weighted-average margins for Gerber from 198.63 percent to 22.84 percent, and for Green Fresh from 42.90 percent to 15.83 percent. See *Remand Determination* at 1, and 4-7. The CIT affirmed this redetermination

on January 5, 2010. See *Gerber v. United States II* at 3.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Gerber v. United States II* constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Gerber and Green Fresh based on the revised assessment rates calculated by the Department. This notice of court decision is effective January 15, 2010.

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

Dated: January 19, 2010.

Ronald K. Lorentzen

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010-1340 Filed 1-22-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-489-501]

Certain Welded Carbon Steel Pipe and Tube from Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Joy Zhang, or Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Ave., NW, Washington, DC

20230, telephone: (202) 482-1168 or (202) 482-4161, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 2009, the U.S. Department of Commerce ("the Department") published a notice of initiation of the administrative review of the antidumping duty order on certain welded carbon steel pipe and tube from Turkey covering the period May 1, 2008, through April 30, 2009. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 30052 (June 24, 2009). The preliminary results are currently due no later than January 31, 2010.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results to up to 120 days.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable for the following reason. The respondent claimed that during the period of review, there were significant changes in the total cost of manufacturing due to significant changes in the cost of the primary raw material, hot-rolled sheet. This requires the Department to gather and analyze a significant amount of information pertaining to the company's sales practices and manufacturing costs. Given the complexity of this issue, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of the review by 120 days. The preliminary results are now due no later than May 31, 2010. The final results continue to be due 120 days after publication of the preliminary results.

This notice is issued and published in accordance with section 751(a)(3)(A) of the Act.

Dated: January 19, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010-1343 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation And Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on February 10, 2010, 9:30 a.m., in the Herbert C. Hoover Building, Room 6087B, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Public Session

1. Welcome and Introductions.
2. Review Status of Working Groups.
3. Proposals from the Public.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yspringer@bis.doc.gov no later than February 3, 2010. A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 9, 2009, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d)), that the portion of the meeting dealing with matters the disclosure of portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C.

app. 2 section 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: January 19, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010-1346 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XT94

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Executive Committee will hold public meetings.

DATES: The meetings will be held Tuesday, February 9, 2010 through Thursday, February 11, 2010. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hyatt Regency Chesapeake Bay Hotel, 100 Heron Blvd, Cambridge, MD 21613; telephone: (410) 901-1234

Council address: Mid-Atlantic Fishery Management Council, 300 S. New St., Room 2115, Dover, DE 19904; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 674-2331 ext. 19.

SUPPLEMENTARY INFORMATION:

Tuesday, February 9, 2010

9 a.m. until 10 a.m. -- The Executive Committee will meet.

10 a.m. -- The Council will convene.

10 a.m. until 11 a.m. -- The Council will receive the Standardized Bycatch Reporting Methodology (SBRM) Annual Report.

11 a.m. until 12 p.m. -- The Council will hear a presentation on the peer review of the Albatross/Bigelow vessel calibration data and analyses including summary results and recommendations.

1 p.m. until 5:30 p.m. -- There will be a Council Workshop on the Research Set-Aside (RSA) Program.

7 p.m. -- A Public Hearing on Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) will convene.

Wednesday, February 10, 2010

8 a.m. until 8:45 a.m. -- The Council will convene for the 49th Northeast Regional Stock Assessment Workshop Report.

8:45 a.m. until 9:45 a.m. -- The Council will hear a presentation on the draft-interim NOAA Catch Share Policy.

9:45 a.m. until 12 p.m. -- The Ecosystems and Ocean Planning Committee will meet as a Committee of the Whole.

1 p.m. until 5:30 p.m. -- The Council will visit a Clam Processing Plant in Milford, DE.

Thursday, February 11, 2010

8 a.m. -- The Council will convene.

8 a.m. until 9 a.m. -- A Public Hearing on Amendment 5 to the Monkfish FMP will be held.

9 a.m. until 10:30 a.m. -- There will be a Council discussion of Omnibus Annual Catch Limits and Accountability Measures (ACL/AM).

10:30 a.m. until 11:30 p.m. -- There will be a Marine Recreational Information Program (MRIP) Update.

11:30 a.m. until 12 p.m. -- The Council will hear the Scientific and Statistical Committee (SSC) Report.

1 p.m. until 2 p.m. -- The Council will discuss the SSC's Amended 2010 Acceptable Biological Catch (ABC) recommendations.

2 p.m. until 4 p.m. -- The Council will hold its regular Business Session to approve the December minutes, receive Organizational Reports, Executive Director's Report, status of the FMP's, Committee reports, Liaison Report, and conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

On Tuesday, February 9 - The Executive Committee will meet to discuss the Council Coordination Committee Meeting Report, the Catch Shares Workshop, the Executive Director search, and any other business. The Council will receive the (SBRM) Annual Report. The Council will then receive a presentation on peer review of the Albatross/Bigelow vessel calibration data and analyses including summary results and recommendations. A workshop on the RSA program will be held to briefly review history of the Mid-Atlantic RSA program, review RSA program listing strengths and challenges, briefly review RSA program administrative processes, grants processes, and other regulatory

requirements pertinent to RSA programs and discuss improvements already made, review RSA program economics, costs, benefits, business practices, and consider alternative business models, explore proposed measures to improve the RSA program and discuss what agency or entity is primarily responsible for each proposed action, and revisit the RSA program's objectives as originally perceived by the Council and determine if they are still relevant or need updating. A Public Hearing on Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish FMP will be held in the evening.

On Wednesday, February 10 - the Council will convene to receive the 49th Northeast Regional Stock Assessment Workshop Report on the Butterfish and Surfclam Assessments. The Council will receive a presentation on the draft-interim NOAA Catch Share Policy by Monica Medina [Senior Advisor to Dr. Lubchenco and Catch Share Task Force Chairperson]. The Ecosystems and Ocean Planning Committee will meet as a Committee of the Whole to receive a presentation by Sam Rauch (NOAA) on Ocean Policy Task Force and Coastal and Marine Spatial Planning (CMSP), a Marine Spatial Planning (MSP) presentation by Jay Odell (Nature Conservancy), develop comments on CMSP Framework, and discuss two potential lease areas for renewable and non-renewable energy resources off the VA coast. The Council will then tour a Clam Processing Plant in Milford, DE on Wednesday afternoon.

On Thursday, February 11 - the Council will convene for a Public Hearing on Amendment 5 to the Monkfish FMP and to discuss proposed changes to and impacts on the Monkfish fishery. The Council will discuss its risk policy and the ABC Control Rule Framework being developed in the Omnibus ACL/AM Amendment. The Council will receive an update on MRIP and the National Registry program. The Council will receive a SSC Report which will discuss the SSC findings on reconsideration of the 2010 ABC recommendation for black sea bass. The Council will then consider the SSC's Amended 2010 ABC recommendation and develop comments to the Regional Administrator on black sea bass management measures and uncertainty. The Council will hold its regular Business Session to approve the December minutes, receive Organizational Reports, the Executive Director's Report, Status of the FMP's, Committee Reports, the Liaison Report, and conduct any continuing and/or new business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Bryan, (302) 674-2331 ext 18, at least 5 days prior to the meeting date.

Dated: January 20, 2010.

Tracey L. Thompson,

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

[FR Doc. 2010-1305 Filed 1-22-10; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Defense Science Board; Closed Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board will meet in closed session on February 24-25, 2010; at the Pentagon, Arlington, VA. At this meeting, the Board will discuss interim findings and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

DATES: The meeting will be held on February 24 and 25, 2010.

ADDRESSES: The meeting will be held at the Pentagon, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301-3140, via e-mail at debra.rose@osd.mil, or via phone at (703) 571-0084.

SUPPLEMENTARY INFORMATION: The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Agenda

The Board will discuss interim finding and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. 2) and 41 CFR 102-3.155, the Department of Defense has determined that these Defense Science Board Quarterly meetings will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology and Logistics), with the coordination of the DoD Office of General Counsel, has determined in writing that all sessions of these meetings will be closed to the public because they will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements

Interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official (see **FOR FURTHER INFORMATION CONTACT**); at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

Dated: January 20, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010-1302 Filed 1-22-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2010-OS-0005]

Privacy Act of 1974; System of Records

AGENCY: National Geospatial-Intelligence Agency (NGA), DoD.

ACTION: Notice to add a system of records.

SUMMARY: The National Geospatial-Intelligence Agency proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The system will be effective on February 24, 2010, unless comments are received that would result in a contrary determination.

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

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Ed Hughes at 301-227-7714.

SUPPLEMENTARY INFORMATION: The National Geospatial-Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on January 20, 2010 to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: January 20, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

B0303-06

SYSTEM NAME:

National Geospatial-Intelligence Agency (NGA)—Enterprise Workforce System (NEWS).

SYSTEM LOCATION:

National Geospatial-Intelligence Agency (NGA), 4600 Sangamore Road, Bethesda, MD 20816-5003.

National Geospatial-Intelligence Agency (NGA), 3200 S. Second Street, St. Louis, MO 63118-3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NGA employees, contactors, military, non-NGA employees, and military who register for a course at National-Geospatial Intelligence College (NGC), individuals that apply for a job through e-Recruit, requests access to the network, or badge to an NGA facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, Social Security Number (SSN), current address, telephone number, personnel records, partial medical records; foreign contacts and interests, competency files; pay; promotions; transfers; awards; retirements; hires; training course data; instructor data; and employee training history.

The system also includes Equal Employment Opportunity (EEO) data; education; health and life insurance; thrift savings plan (TSP); occupation; new hire applicant data; Assignment Opportunity Notice (AON) data; clearance data; polygraph information; contractors; contracts; military data; leave data; languages spoken; NGA Identification Number (NGA ID); and certificates, if an individual chooses to provide one, such as a marriage certificate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations; DoDD 5105.60, National Geospatial-Intelligence Agency (NGA); 5 U.S.C. 7532, Suspension and Removal; E.O. 10450, Security Requirements for Government Employees; E.O. 12958, Classified National Security Information; DoD 5200.2-R, DoD Personnel Security Program; Director of Central Intelligence Directive No. 1/14, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI); and, E.O. 9397 (SSN), as amended.

PURPOSE(S):

National Geospatial-Intelligence Agency Enterprise Workforce System (NEWS) is a human resources system used to manage acquisition, management and training for NGA civilian, military, and contractor workforces. It also manages personnel security and clearance management; and is used to satisfy Federal, DoD and community reporting requirements for manpower, EEO and diversity reports. In addition, the system is used for the management of user accounts on internal computer systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES FOR SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974 and the DoD Blanket Routine Uses, these records contained therein may be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Relevant records from this system may be provided regularly to the Office of the Director of National Intelligence (ODNI) for the Intelligence Community to provide aggregate workforce planning, analysis, and reporting purposes. Records provided to the ODNI through this routine use for the Personnel Data Repository (PDR) and Intelligence Community Capabilities Catalog (IC3) initiatives will not include any individual's name or Social Security Number (SSN).

The DoD 'Blanket Routine Uses' set forth at the beginning of NGA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on electronic storage media.

RETRIEVABILITY:

Records are retrieved in the system by name, Social Security Number (SSN), NGA Identification Number (NGA ID).

SAFEGUARDS:

Records are maintained in a controlled facility. Physical access is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to individuals responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by technical measures,

including password protection, firewalls, and encryption.

RETENTION AND DISPOSAL:

Forms, notices, reports, and memoranda considered to be of permanent value or required by law or regulation to be preserved are retained for the period of employment or assignment, then forwarded to the gaining organization or retained indefinitely.

If the action is separation or retirement, these items are forwarded to the Office of Personnel Management or retired to a records storage facility as appropriate. Items considered to be relevant for a temporary period are retained for that period, either transferred with the employee, assignee, or destroyed when they are no longer relevant or either at a time of separation or retirement.

The computerized portion is deleted and updated as appropriate. Records relating to adverse actions, grievances, excluding EEO complaints and performance-based actions, except SFs-50, are retained for four years. Personnel summary, training, testing and past activity segments are retained permanently. All other portions are deleted at end of tenure.

SYSTEM MANAGER(S) AND ADDRESS:

Senior System Engineer, National Geospatial-Intelligence Agency (NGA), 6011 MacArthur Blvd., Bethesda, MD 20816-5003.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about them is contained in this system should address written inquiries to the National Geospatial-Intelligence Agency (NGA), Office of the General Counsel, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003.

Written requests for information should contain the full name of the individual, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking to access to information about themselves contained in this system should address written inquiries to the National Geospatial-Intelligence Agency (NGA), Office of the General Counsel, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003.

Written requests for information should contain the full name of the individual, current address, and telephone number.

CONTESTING RECORDS PROCEDURE:

NGA's rules for accessing records, and for contesting contents and appealing initial agency determinations, are published in NGA Instruction 5500.7R10; 32 CFR 320.6; or may be obtained from the Office of the General Counsel, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003.

RECORD SOURCE CATEGORIES:

Information is received directly from the individual through the e-Recruit application system or PeopleSoft self-service feature; Office of Personnel Management records; Defense Finance and Accounting Service (DFAS) (payroll feed); security paperwork from Defense Security Service (DSS); security office of other non-government organizations (e.g., contractor firms).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010-1303 Filed 1-22-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Department of the Army**

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning Monoclonal Antibodies Against Glycoprotein of Ebola Sudan Boniface Virus

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/290,725 entitled "Monoclonal Antibodies Against Glycoprotein of Ebola Sudan Boniface Virus," filed December 29, 2009. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

SUPPLEMENTARY INFORMATION: The invention relates generally to the field of

antibodies. More specifically the invention relates to monoclonal antibodies against glycoproteins of the Ebola Sudan Boniface virus and methods of producing and using the same.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010-1314 Filed 1-22-10; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for the Naval Surface Warfare Center Panama City Division Mission Activities

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (Navy), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to improve the Naval Surface Warfare Center Panama City Division's (NSWC PCD's) capabilities to conduct new and increased research, development, test, and evaluation (RDT&E) operations for the Navy and its Department of Defense customers within three military warning areas W-151, W-155, and W-470 and St. Andrew Bay, collectively known as the NSWC PCD Study Area. The proposed action is required for the Navy to successfully meet current and future national and global defense challenges by developing a robust capability to research, develop, test, and evaluate systems within the NSWC PCD Study Area. In its decision, the Navy considered applicable laws, regulations and executive orders, including an analysis of the effects of its actions outside the U.S. or its territories under Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions.

The proposed action will be accomplished as set out in Alternative 2, described in the Final Environmental Impact Statement (FEIS) as the preferred alternative. Implementation of the preferred alternative could begin immediately.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) has been distributed to all those individuals who requested a copy of the FEIS and agencies and organizations that received a copy of the FEIS. The complete text of the Navy's ROD is available for public viewing on the project Web site at: <http://www.navsea.navy.mil/nswc/>

panamacity/environment/docs.aspx along with copies of the FEIS and supporting documents. Single copies of the ROD will be made available upon request by contacting EIS Team Lead, Mrs. Carmen Ferrer, Naval Surface Warfare Center Panama City Division, Code CX06, 110 Vernon Avenue, Panama City, FL 32407-7001, telephone number 850-234-4146.

Dated: January 19, 2010.

A.M. Vallandingham,

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

[FR Doc. 2010-1380 Filed 1-22-10; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the following Federal advisory committee meeting will take place:

- Name of Committee:* United States Military Academy Board of Visitors.
- Date:* Wednesday, February 10, 2010.
- Time:* 1 p.m.-4 p.m. Members of the public wishing to attend the meeting will need to notify Ms. Joy A. Pasquazi no later than February 5, 2010 at joy.pasquazi@us.army.mil or (845) 938-5078 in order to have their name included on the list for Capitol Visitor Center access. Photo identification will be required in order to gain access to the meeting location. All participants are subject to security screening.
- Location:* Room SVC 201/200, Capitol Visitors Center, Washington, DC 20510.
- Purpose of the Meeting:* This is the 2010 Organizational Meeting of the USMA Board of Visitors (BoV). Members of the Board will be provided updates on Academy issues.
- Agenda:* The Academy leadership will provide the Board updates on the following: Science, Technology, Engineering & Math (STEM) Center of Excellence, Energy Costs and Initiatives, Wastewater Privatization, A-76 Commercial Activities, and Resources. The Board will discuss proposed

meeting dates for the 2010 Spring Meeting, and will hold elections for the 2010 Chairperson and Vice-Chairperson.

7. Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

8. Committee's Designated Federal Officer or Point of Contact: Ms. Joy A. Pasquazi, (845) 938-5078, Joy.Pasquazi@us.army.mil.

SUPPLEMENTARY INFORMATION: Any member of the public is permitted to file a written statement with the USMA Board of Visitors. Written statements should be sent to the Designated Federal Officer (DFO) at: United States Military Academy, Office of the Secretary of the General Staff (MASG), 646 Swift Road, West Point, NY 10996-1905 or faxed to the Designated Federal Officer (DFO) at (845) 938-3214. Written statements must be received no later than five working days prior to the next meeting in order to provide time for member consideration. By rule, no member of the public attending open meetings will be allowed to present questions from the floor or speak to any issue under consideration by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Joy A. Pasquazi, (845) 938-5078, (Fax: 845-938-3214) or via e-mail: Joy.Pasquazi@us.army.mil.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010-1308 Filed 1-22-10; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Announcement of IS-GPS-200E Interface Control Working Group (ICWG) Teleconference Meeting

AGENCY: Department of the Air Force, DoD.

ACTION: Teleconference meeting notice.

SUMMARY: This notice informs the public that the Global Positioning Systems Wing will be hosting an Interface Control Working Group (ICWG) teleconference meeting for the document IS-GPS-200E (NAVSTAR GPS Space Segment/Navigation User Interfaces). The meeting will address comments received on L2 Phase Relationships after the last Public ICWG on 29 September 2009.

The ICWG Teleconference is open to the general public. Dial-in information is provided below. More information,

including Comments Resolution Matrixes (CRMs) and track changed documents, will be posted at: <http://www.losangeles.af.mil/library/factsheets/factsheet.asp?id=9364>.

Please send all CRM comments to Vimal Gopal by 5 February 2010.

DATES: 12 February 2010: IS-GPS-200E. 8 a.m.–12 p.m. (Pacific Time).

Dial-In Information: Phone: 1-800-FON-SAIC (1-800-366-7242).

Code: 4511074.

FOR FURTHER INFORMATION CONTACT:

Vimal Gopal,
vimal.gopal.ctr@losangeles.af.mil, 1-310-909-7294 or Captain Neal Roach,
neal.roach@losangeles.af.mil, 1-310-653-3771.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2010-1273 Filed 1-22-10; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF ENERGY

Notice of Public Hearings on the Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Updated notice of public hearings.

SUMMARY: The Department of Energy (DOE) announces public hearings on the *Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (DOE/EIS-0391) (Draft TC&WM EIS or Draft EIS). A notice of public hearings on this Draft EIS was first published on January 8, 2010 (75 FR 1048); this notice announces additional public hearings and a date change to a previously announced hearing. This Draft EIS was prepared in accordance with the implementing regulations under the National Environmental Policy Act (NEPA). A Notice of Availability of the Draft EIS was published on October 30, 2009 (74 FR 56194), initiating a 140-day public comment period ending March 19, 2010. The State of Washington, Department of Ecology (Ecology) is a cooperating agency on this EIS.

DATES: During the public comment period for the Draft TC & WM EIS which ends March 19, 2010, DOE invites the public to submit written comments by any of the means listed under

ADDRESSES below. In addition, oral as well as written comments may be provided at the public hearings to be held as listed under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Written comments may be submitted by regular mail, fax, or e-mail as follows.

Written comments may be sent to: Mary Beth Burandt, Office of River Protection, Document Manager, P.O. Box 1178, Richland, Washington 99352, *Attention:* TC & WM EIS.

Written comments or requests for information can be submitted at TC&WMEIS@saic.com, or by faxing to 888-785-2865. The Draft EIS is available on DOE's NEPA Web site at <http://www.gc.energy.gov/nepa> and the Hanford Web site at <http://www.hanford.gov>.

Copies of this Draft EIS are available for review at:

Hanford Site Public Reading Room, 2770 University Drive, C1C. Room 101L, Richland, WA 99354, 509-372-7443; and the U.S. Department of Energy, FOIA Reading Room, 1G-033, Forrestal Bldg, 1000 Independence Ave., SW., Washington, DC 20585, 202-586-5955.

FOR FURTHER INFORMATION CONTACT: For information regarding the Hanford Site or this Draft EIS, contact Ms. Burandt at the above address. The following Web sites may also be accessed for additional information on the Hanford Site: <http://www.hanford.gov/orp/> (*Click on Public Involvement*) or <http://www.hanford.gov>.

General information on DOE's NEPA process is on the Department's NEPA Web site at <http://www.gc.energy.gov/nepa> or contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, e-mail AskNEPA@hq.doe.gov, telephone 202-586-4600; or leave a message at 800-472-2756.

For general questions and information about the Washington State Department of Ecology, contact: Annette Carlson, Nuclear Waste Program, 3100 Port of Benton Blvd., Richland, WA 99352, telephone 509-372-7897, e-mail anca461@ecy.wa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated

processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford.

In support of Hanford's cleanup mission DOE, with Ecology as a cooperating agency, prepared the Draft TC & WM EIS in accordance with the Council on Environmental Quality's National Environmental Policy Act (NEPA) Implementing Regulations at 40 CFR Parts 1500-1508 and the DOE NEPA Implementing Procedures at 10 CFR Part 1021. The Environmental Protection Agency issued a Notice of Availability of this Draft TC & WM EIS on October 30, 2009 (74 FR 56194), thereby initiating the public comment period for the Draft EIS.

II. Public Hearings

During an open house, the first hour of each hearing, participants may register to speak and meet informally with representatives from DOE and Ecology. During the formal portion of each hearing, DOE and Ecology will make short opening presentations on the Draft EIS and describe the format for the hearing. The remaining time will be available for the public to comment. The Seattle meeting announced previously (75 FR 1048) for February 11, 2010, has been moved to March 8, 2010. Three additional meetings have also been scheduled and they are provided as follows:

- La Grande, OR 97850, February 22, 2010, Eastern Oregon University, Hoke Union Building, 6 to 10 p.m.;
- Spokane, WA 99206, February 23, 2010, Red Lion Hotel at the Park, 303 W. North River Drive, Spokane, WA 99206, 509-777-6393, 6 to 10 p.m.;
- Eugene, OR 97401, March 1, 2010, Hilton Eugene and Conference Center, 66 East 6th Avenue, Eugene, OR 97401, 541-342-2000, 6 to 10 p.m.;
- Seattle, WA 98109, Rescheduled from previous date of Feb 11, March 8, 2010, Seattle Center, 305 Harrison Street, 206-684-7200, 6 to 10 p.m.

DOE will consider and respond to all oral and written comments received at the public hearings or written comments postmarked by March 19, 2010, in preparing the Final EIS. Late comments will be considered to the extent practicable.

III. Next Steps

DOE intends to issue the Final Tank Closure and Waste Management EIS by March 2011. DOE will issue a Record of Decision no sooner than 30 days after

the Environmental Protection Agency publishes a Notice of Availability of the Final EIS in the **Federal Register**.

Signed in Washington, DC, January 19, 2010.

William M. Levitan,

Director, Office of Environmental Compliance, Office of Environmental Management.

[FR Doc. 2010-1306 Filed 1-22-10; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2008-0655; FRL-9106-2; EPA ICR No. 2349.01, OMB Control No. 2060-New]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; GreenChill Advanced Refrigeration Partnership

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before February 24, 2010.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2008-0655 to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to a-and-r-docket@epamail.epa.gov, or y mail to: EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Keilly Witman, Environmental Protection Agency, Stratospheric Protection Division, Office of Air and Radiation, Mailcode: 6205J, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-343-

9742; fax number: 202-343-2362; witman.keilly@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 3, 2009 (74 FR 26689) EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2008-0655, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air Docket is 202-566-1742.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

Title: GreenChill Advanced Refrigeration Partnership.

ICR numbers: EPA ICR No. 2349.01, OMB Control No. 2060-New.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on

the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The GreenChill Advanced Refrigeration Partnership (hereafter referred to as GreenChill Partnership or GreenChill) is an EPA cooperative alliance with the supermarket industry to promote advanced refrigeration technologies, strategies, and practices that reduce emissions of ozone-depleting and greenhouse gas refrigerants. A food retailer's decision to participate in the GreenChill Partnership is completely voluntary. After joining GreenChill by submitting a signed "Partnership Agreement," food retailers are asked to submit a "Stocks and Emissions Report" to an independent third party. The form requires partners to provide corporate-wide, aggregated data on the stocks and emissions of all refrigerants used in commercial refrigeration and air conditioning appliances. The independent third party summarizes the information submitted by the food retailers, removes any identifying information, and sends a summary of the information to GreenChill. Partners are then asked to submit a "Corporate Refrigerant Management Plan" with their emissions reductions goals for the next year, along with a brief description of their plan to meet that goal (such as retrofitting old equipment, *etc.*). These two forms are necessary for GreenChill to track annual supermarket refrigerant emissions rates, allowing GreenChill and its food retail partners to benchmark partners' progress on reducing emissions. The partner emissions data is also the basis for the achievement awards that GreenChill gives out to its partners.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 18.1 hours for the first year and 11 hours per year for the second and third years per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to

respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities:

GreenChill Food Retail Partners.

Estimated Number of Respondents: 17.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 169.

Estimated Total Annual Cost:

\$1378.29 for the first year and \$812.91 per year for the second and third years. This includes an estimated burden cost of \$1367.86 and an estimated cost of \$10.43 for capital investment or maintenance and operational costs for the first year and an estimated burden cost of \$808.05 and an estimated cost of \$4.86 for capital investment or maintenance and operational costs for the second and third years.

Dated: January 19, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010-1362 Filed 1-22-10; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 9, 2010.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. *Marty E. Adams*, Salineville, Ohio; *Kevin T. Thompson*, Saint Augustine, Florida; and *John S. Loeber*, Travelers Rest, South Carolina; to acquire voting shares of Palm Bancorp, Inc., and thereby indirectly acquire voting shares of Palm Bank, both of Tampa, Florida.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Verlyn Joseph Herman, Jr.*, and *Aaron Joseph Herman*, both of Norton, Kansas; as members of a family group acting in concert, to retain voting shares of First Norton Corporation, and thereby indirectly retain voting shares of First Security Bank & Trust Company, both of Norton, Kansas.

Board of Governors of the Federal Reserve System, January 20, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010-1310 Filed 1-22-10; 8:45 am]

BILLING CODE 6210-01-S

GOVERNMENT ACCOUNTABILITY OFFICE

Appointments to the Medicaid and CHIP Payment and Access Commission (MACPAC)

AGENCY: Government Accountability Office (GAO).

ACTION: Notice of appointments.

SUMMARY: The Children's Health Insurance Program Reauthorization Act of 2009 established MACPAC to review Medicaid and CHIP access and payment policies and to advise Congress on issues affecting Medicaid and CHIP. The Act directs the Comptroller General to appoint MACPAC's members, with initial appointments to be made no later than January 1, 2010. The terms of MACPAC commissioners are intended to be staggered, with the first set of appointments for terms of one, two, or three years. Commissioners may be appointed for subsequent three-year terms.

DATES: Appointments are effective January 1, 2010.

ADDRESSES: GAO: 441 G Street, NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: GAO: Office of Public Affairs, (202) 512-4800.

SUPPLEMENTARY INFORMATION: I am announcing the following appointments to the new Medicaid and CHIP Payment and Access Commission:

Commissioners whose first term will expire in December 2012 are Diane Rowland, ScD, (chair) Executive Vice President, Henry J. Kaiser Family Foundation and Executive Director, Kaiser Commission on Medicaid and the Uninsured; Donna Checkett, MPA, MSW, Senior Vice President of Medicaid Business Development, Aetna; Patricia Gabow, MD, Chief Executive

Officer, Denver Health and Hospital Authority; Mark Hoyt, FSA, MAAA, National Practice Leader of the Government Human Services Consulting Specialty Group, Mercer, LLC; Trish Riley, MS, Director, Maine Governor's Office of Health Policy and Finance; and Steven Waldren, MD, MS, Director, Center for Health Information Technology, American Academy of Family Physicians.

Commissioners whose first term will expire in December 2011 are David Sundwall, MD, (vice chair) Executive Director, Utah Department of Health, and Commissioner of Health, State of Utah; Richard Chambers, Chief Executive Officer, CalOptima; Burton Edelstein, DDS, MPH, Professor, Clinical Dentistry, College of Dental Medicine and Clinical Health Policy and Management, Mailman School of Public Health, Columbia University; Denise Henning, CNM, MSN, Service Line Leader for Women's Health, Collier Health Services; Judith Moore, Senior Fellow, National Health Policy Forum, George Washington University; and Robin Smith, foster and adoptive parent of special needs children covered by Medicaid.

Commissioners whose first term will expire in December 2010 are Sharon L. Carte, MS, Executive Director, West Virginia Children's Health Insurance Program; Andrea Cohen, JD, Director of Health Services, NYC Office of the Deputy Mayor for Health and Human Services; Herman Gray, MD, MBA, President, Children's Hospital of Michigan and Senior Vice President, Detroit Medical Center; Norma Martinez Rogers, PhD, RN, FAAN, Professor, Department of Family Nursing, University of Texas Health Science Center at San Antonio; and Sara Rosenbaum, JD, Chair, Department of Health Policy and Harold and Jane Hirsh Professor of Health Law and Policy, The George Washington (GW) University School of Public Health and Health Services, and Professor of Health Care Sciences, GW's School of Medicine and Health Sciences.

[Sec. 506, Pub. L. 111-3, 123 Stat. 8, 91 (42 U.S.C. 1396).]

Gene L. Dodaro,

Acting Comptroller General of the United States.

[FR Doc. 2010-1371 Filed 1-22-10; 8:45 am]

BILLING CODE 1610-02-P

OFFICE OF GOVERNMENT ETHICS**Proposed Collection; Comment Request for an Unmodified OGE Form 450 Executive Branch Confidential Financial Disclosure Report**

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After this first round notice and public comment period, OGE plans to submit an unmodified OGE Form 450 Executive Branch Confidential Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received by March 26, 2010.

ADDRESSES: You may submit comments to OGE on this paperwork notice by any of the following methods:

E-mail: usoge@oge.gov (Include reference to "OGE Form 450 paperwork comment" in the subject line of the message).

FAX: 202-482-9237.

Mail, Hand Delivery/Courier: Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, Attention: Paul D. Ledvina, Records Officer.

FOR FURTHER INFORMATION CONTACT: Mr. Ledvina at the Office of Government Ethics; telephone: 202-482-9247; TTY: 800-877-8339; FAX: 202-482-9237; E-mail: paul.ledvina@oge.gov. An electronic copy of the OGE Form 450 is available in the Forms Library section of OGE's Web site at <http://www.usoge.gov>. A paper copy may also be obtained, without charge, by contacting Mr. Ledvina.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Confidential Financial Disclosure Report.

Agency Form Number: OGE Form 450.

OMB Control Number: 3209-0006.

Type of Information Collection: Extension without change of a currently approved collection.

Type of Review Request: Regular.

Respondents: Private citizens who are potential (incoming) regular Federal employees whose positions are designated for confidential disclosure filing, and special Government employees whose agencies require that they file new entrant disclosure reports prior to assuming Government responsibilities.

Estimated Annual Number of Respondents: 20,174.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 20,174 hours.

Abstract: The OGE Form 450 collects information from covered department and agency employees as required under OGE's executive branchwide regulatory provisions in subpart I of 5 CFR part 2634. The basis for the OGE reporting regulation is section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990, 3 CFR, 1990 Comp., pp. 306-311, at p. 308) and section 107(a) of the Ethics Act, 5 U.S.C. app., section 107(a).

Request for Comments: Public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: January 19, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

[FR Doc. 2010-1316 Filed 1-22-10; 8:45 am]

BILLING CODE 6345-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the National Coordinator for Health Information Technology; HIT Standards Committee's Workgroup Meetings; Notice of Meetings**

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meetings.

This notice announces forthcoming subcommittee meetings of a Federal advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meetings will be open to the public via dial-in access only.

Name of Committees: HIT Standards Committee's Workgroups: Clinical Operations Vocabulary, and Privacy & Security workgroups.

General Function of the Committee: To provide recommendations to the National Coordinator on standards, implementation specifications, and

certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the HIT Policy Committee.

Date and Time: The HIT Standards Committee Workgroups will hold the following public meetings during February 2010: February 18th Privacy & Security Workgroup, 10 a.m. to 12 p.m./Eastern Time; and February 23rd Clinical Operations Vocabulary Workgroup 9 a.m. to 4 p.m./Eastern Time.

Location: All workgroup meetings will be available via webcast; visit <http://healthit.hhs.gov> for instructions on how to listen via telephone or Web. Please check the ONC Web site for additional information as it becomes available.

Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202-205-4528, Fax: 202-690-6079, e-mail: judy.sparrow@hhs.gov. Please call the contact person for up-to-date information on these meetings. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The workgroups will be discussing issues related to their specific subject matter, e.g., clinical operations vocabulary standards, and privacy and security standards activities. If background materials are associated with the workgroup meetings, they will be posted on ONC's Web site prior to the meeting at <http://healthit.hhs.gov>.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the workgroups. Written submissions may be made to the contact person on or before two days prior to the workgroups' meeting date. Oral comments from the public will be scheduled at the conclusion of each workgroup meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting until close of business on that day.

If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://healthit.hhs.gov> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. 2).

Dated: January 15, 2010.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2010-1231 Filed 1-22-10; 8:45 am]

BILLING CODE 4150-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; HIT Policy Committee's Workgroup Meetings; Notice of Meetings

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meetings.

This notice announces forthcoming subcommittee meetings of a federal advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meetings will be open to the public via dial-in access only.

Name of Committees: HIT Policy Committee's Workgroups: Meaningful Use, Privacy & Security Policy, Strategic Plan, Adoption/Certification, and Nationwide Health Information Infrastructure (NHIN) workgroups.

General Function of the Committee: To provide recommendations to the National Coordinator on a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the Federal Health IT Strategic Plan and that includes recommendations on the areas in which standards, implementation specifications, and certification criteria are needed.

Date and Time: The HIT Policy Committee Workgroups will hold the following public meetings during February 2010: February 3rd Privacy & Security Policy Workgroup, 3 to 4:30 p.m./Eastern Time; February 9th Strategic Plan Workgroup, 9 to 12 p.m./Eastern Time; February 11th Adoption/Certification Workgroup, 2 to 5 p.m./Eastern Time; February 12th Meaningful Use Workgroup, 11 to 1 p.m./Eastern

Time; February 16th NHIN Workgroup, 10 to 2 p.m./Eastern Time; February 19th Privacy & Security Policy Workgroup, 2 to 4 p.m./Eastern Time; and February 26th Strategic Plan Workgroup, 9 to 12 p.m./Eastern Time.

Location: All workgroup meetings will be available via Webcast; for instructions on how to listen via telephone or Web visit <http://healthit.hhs.gov>. Please check the ONC Web site for additional information as it becomes available.

Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202-205-4528, Fax: 202-690-6079, e-mail: judy.sparrow@hhs.gov. Please call the contact person for up-to-date information on these meetings. A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The workgroups will be discussing issues related to their specific subject matter, e.g., meaningful use, the NHIN, privacy and security policy, adoption/certification, or strategic planning. If background materials are associated with the workgroup meetings, they will be posted on ONC's Web site prior to the meeting at <http://healthit.hhs.gov>.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the workgroups. Written submissions may be made to the contact person on or before two days prior to the workgroups' meeting date. Oral comments from the public will be scheduled at the conclusion of each workgroup meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting until close of business on that day.

If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://healthit.hhs.gov> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. 2).

Dated: January 15, 2010.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2010-1235 Filed 1-22-10; 8:45 am]

BILLING CODE 4150-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 30-Day Proposed Information Collection: Indian Health Service Customer Satisfaction Survey

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, which requires 30 days for public comment on proposed information collection projects, the Indian Health Service (IHS) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection project was previously published in the **Federal Register** (74 FR 46201) on September 8, 2009 and allowed 60 days for public comment. No public comment was received in response to the notice. The purpose of this notice is to allow 30 days for public comment to be submitted directly to OMB.

Proposed Collection: Title: 0917-NEW, "Indian Health Service Customer Satisfaction Survey." **Type of Information Collection Request:** Three year approval of this new information collection, 0917-NEW, "Indian Health Service Customer Satisfaction Survey." **Form(s):** Tribal Homeowner Survey, Tribal Partner Survey, Annual Operator Operation and Maintenance (O&M) Survey, and Post Construction O&M Survey. **Need and Use of Information Collection:** The IHS goal is to raise the health status of the American Indian and Alaska Native people to the highest possible level by providing comprehensive health care and preventive health services. To support the IHS mission, the Sanitation Facilities Construction Program (SFCP) provides technical and financial assistance to American Indian Tribes and Alaska Native villages for cooperative development and continued operation of safe water, wastewater, and solid waste systems and related support facilities.

The IHS Office of Environmental Health and Engineering (OEHE), SFCP

“Customer Satisfaction Surveys,” will provide the information needed to complete these goals. With the information collected from Tribal homeowners, Tribal leaders, and Tribal operation and maintenance operators, the Sanitation facilities programs will make improvements that will result in improved quality of services.

Voluntary customer satisfaction surveys will be conducted through phone calls, mail, and the Internet. The

information gathered will be used by agency management and staff to identify strengths and weaknesses in current service provision, to plan and redirect resources, to make improvements that are practical and feasible, and to provide vital feedback to partner agencies, Tribal leaders, system operators, health boards, and community members regarding customer satisfaction or dissatisfaction with the SFCP.

Affected Public: Individuals. *Type of Respondents:* Tribal homeowners, Tribal leaders, and Tribal operation and maintenance operators.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Annual number of responses, Average burden minutes per response, and Total annual burden hour(s).

Data collection instrument(s)	Number of respondents	Responses per respondent	Total annual response	Burden minutes per response	Annual burden hours
Tribal Homeowner Survey	1,300	1	1,300	10	217
Tribal Partner Survey	175	1	175	10	29
Annual Operator O&M Survey	125	1	125	10	21
Post Construction O&M Survey	200	1	200	10	33
Total	1,800	.....	.....	.....	300

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of the public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimates are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Send your written comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, Attention: Desk Officer for IHS, New Executive Office Building, Room 10235, Washington, DC 20503.

Send Comments and Requests for Further Information: To request more information on the proposed collection or to obtain a copy of the data collection instrument(s) and/or instruction(s) contact: Ms. Betty Gould, Reports Clearance Officer, 801 Thompson Avenue, TMP, Suite 450, Rockville, MD

20852-1627; call non-toll free (301) 443-7899; send via facsimile to (301) 443-9879; or send your e-mail requests, comments, and return address to: *Betty.Gould@ihs.gov*.

Comment Due Date: Comments regarding this information collection are best assured of having full effect if received within 30 days of the date of this publication.

Dated: January 14, 2010.

Yvette Roubideaux,
Director, Indian Health Service.

[FR Doc. 2010-1233 Filed 1-22-10; 8:45 am]

BILLING CODE 4165-16-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10066, CMS-R-193, CMS-10295 and CMS-10234]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Detailed Notice of Discharge (DND); *Use:* A beneficiary/enrollee who wishes to appeal a determination by a Medicare health plan or hospital that inpatient care is no longer necessary, may request Quality Improvement Organization (QIO) review of the determination. On the date the QIO receives the beneficiary’s/enrollee’s request, it must notify the plan and hospital that the beneficiary/enrollee has filed a request for an expedited determination. The plan (for a managed care enrollee) or hospital (for an original Medicare beneficiary), in turn, must deliver a detailed notice to the enrollee/beneficiary. *Form Number:* CMS-10066 (OMB#: 0938-1019); *Frequency:* Reporting—Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 6163; *Total Annual Responses:* 13,218; *Total Annual Hours:* 13,218. (For policy questions regarding this collection contact Evelyn Blaemire at 410-786-1803. For all other issues call 410-786-1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Important

Message from Medicare (IM); *Use*: Requirements that hospitals notify beneficiaries in inpatient hospital settings of their rights as a hospital patient including their discharge appeal rights are referenced in Section 1866 of the Social Security Act (The Act). The authority for the right to an expedited determination is set forth at Sections 1869 and 1154 of the Act. The hospital must deliver valid, written notice (the IM) of a patient's rights as a hospital patient including the discharge appeal rights, within 2 calendar days of admission. A follow-up copy of the signed IM is given again as far as possible in advance of discharge, but no more than 2 calendar days before. Follow-up notice is not required if provision of the admission IM falls within 2 calendar days of discharge. The collection has been revised to include documentation of the time when the beneficiary signs the document when it is delivered initially and as a follow up copy. *Form Number*: CMS-R-193 (OMB#: 0938-1019); *Frequency*: Reporting—Yearly; *Affected Public*: Business or other for-profits and Not-for-profit institutions; *Number of Respondents*: 3193; *Total Annual Responses*: 13,218; *Total Annual Hours*: 19,680,000. (For policy questions regarding this collection contact Evelyn Blaemire at 410-786-1803. For all other issues call 410-786-1326.)

3. *Type of Information Collection Request*: Extension of a currently approved collection; *Title of Information Collection*: Recovery Act—Reporting Requirements for States Under FMAP Increase and TMA Provisions; *Use*: The American Recovery and Reinvestment Act of 2009 (Recovery Act), Public Law 111-5, requires that States submit quarterly reports to the Secretary of Health and Human Services in accordance with section 5001 Temporary Increase of Medicaid Federal Medical Assistance Percentage (FMAP) and section 5004(d) Extension of Transitional Medical Assistance (TMA). The reports under section 5001 are required for the period of October 1, 2008—September 30, 2011. The reports under section 5004 are required beginning on July 1, 2009 until the Federal authority for TMA coverage sunsets (now scheduled to sunset on December 31, 2010). Each State Medicaid agency will submit its quarterly reports to the appropriate Regional Office of CMS. The reports will be compiled and summarized for annual reports to Congress. *Form Number*: CMS-10295 (OMB#: 0938-1073); *Frequency*: Reporting—Quarterly; *Affected Public*: State, Local, or Tribal

Governments; *Number of Respondents*: 50; *Total Annual Responses*: 200; *Total Annual Hours*: 600. (For policy questions regarding this collection contact Richard Strauss at 410-786-2019. For all other issues call 410-786-1326.)

4. *Type of Information Collection Request*: Extension of a currently approved collection; *Title of Information Collection*: State Plan Pre-print implementing Section 6087 of the Deficit Reduction Act: Optional Self-Direction Personal Assistance Services (PAS) Program (Cash and Counseling); *Form Number*: CMS-10234 (OMB#: 0938-1024); *Use*: Information submitted via the State Plan Amendment (SPA) pre-print is used by CMS and Regional Offices to analyze a State's proposal to implement Section 6087 of the Deficit Reduction Act (DRA). State Medicaid Agencies will complete the SPA pre-print, and submit it to CMS for a comprehensive analysis. The pre-print contains assurances, check-off items, and areas for States to describe policies and procedures for subjects such as quality assurance, risk management, and voluntary and involuntary disenrollment; *Frequency*: Reporting—Once; *Affected Public*: State, Local, or Tribal Government; *Number of Respondents*: 56; *Total Annual Responses*: 20; *Total Annual Hours*: 400. (For policy questions regarding this collection contact Carrie Smith at 410-786-4485. For all other issues call 410-786-1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *March 26, 2010*:

1. *Electronically*. You may submit your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail*. You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs,

Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: January 15, 2010.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2010-1341 Filed 1-22-10; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Collection of Information for Agency for Healthcare Research and Quality's (AHRQ) Consumer Assessment of Healthcare Providers and Systems (CAHPS) Health Plan Survey Comparative Database." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3520, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by March 26, 2010.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at doris.lefkowitz@AHRQ.hhs.gov.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by e-mail at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Collection of Information for Agency for Healthcare Research and Quality's (AHRQ) Consumer Assessment of Healthcare Providers and Systems (CAHPS) Health Plan Survey Comparative Database.

The Agency for Healthcare Research and Quality (AHRQ) requests that the Office of Management and Budget (OMB) approve, under the Paperwork Reduction Act of 1995, AHRQ's collection of information for the AHRQ Consumer Assessment of Healthcare Providers and Systems (CAHPS) Database for Health Plans. The CAHPS Health Plan Database consists of data from the AHRQ CAHPS Health Plan Survey. Health plans in the U.S. are asked to voluntarily submit data from the survey to AHRQ, through its contractor, Westat. The CAHPS Database was developed by AHRQ in 1998 in response to requests from health plans, purchasers, and the Centers for Medicare & Medicaid Services (CMS) to provide comparative data to support public reporting of health plan ratings, health plan accreditation and quality improvement.

The CAHPS Health Plan Survey is a tool for collecting standardized information on enrollees' experiences with health plans and their services. The development of the CAHPS Health Plan Survey began in 1995, when AHRQ awarded the first set of CAHPS grants to Harvard, RTI, and RAND. In 1997 the CAHPS 1.0 survey was released by the CAHPS Consortium. The CAHPS Consortium refers to the research organizations involved in the development, dissemination, and support of CAHPS products. The current Consortium includes AHRQ, CMS, RAND, Yale School of Public Health, and Westat.

Since that time, the Consortium has clarified and updated the survey instrument to reflect field test results; feedback from industry experts; reports from health plan participants, data collection vendors, and other users; and evidence from cognitive testing and focus groups. In November 2006, the CAHPS Consortium released the latest version of the instrument: The CAHPS Health Plan Survey 4.0. The development of this update to the Health Plan Survey has been part of the "Ambulatory CAHPS (A-CAHPS) Initiative," which arose as a result of extensive research conducted with users. AHRQ released the CAHPS Health Plan Survey 4.0, along with guidance on how to customize and administer it. The National Quality Forum endorsed the 4.0 version of the Health Plan Survey in July 2007.

The CAHPS Health Plan Database uses data from AHRQ's standardized CAHPS Health plan survey to provide comparative results to health care purchasers, consumers, regulators and policy makers across the country. The Database also provides data for AHRQ's

annual National Healthcare Quality and National Healthcare Disparities Reports. Voluntary participants include public and private employers, State Medicaid agencies, State Children's Health Insurance Programs (CHIP), CMS, and individual health plans.

The collection of information for the CAHPS Database for Health Plans is being conducted pursuant to AHRQ's statutory authority to conduct and support research on health care and systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services. See 42 U.S.C. 299a(a)(1).

Method of Collection

Information for the CAHPS Health Plan Database has been collected by AHRQ through its contractor Westat on an annual basis since 1998. Health plans are asked to voluntarily submit their data to the comparative database in June of each year. The data are cleaned with standardized programs, then aggregated and used to produce comparative results for commercial (adult and child), Medicaid (adult and child), and Medicare (adult) populations for the two most recent years. In addition, individual participant reports are produced that display the participating organizations' own results compared to appropriate comparisons derived from the National, regional and product-type distributions on a password-protected section of the online reporting system.

The CAHPS Health Plan Database receives the data from three sources. First, commercial health plan data is purchased by the CAHPS Health Plan Database directly from the National Committee for Quality Assurance (NCQA). The data is collected by NCQA from those who participate in its accreditation program. Second, Medicare data is provided by CMS through an agency data use agreement. The Medicare data is collected by CMS and their contractor from beneficiaries who were enrolled in a managed care health plan. Third, Medicaid data is collected by the CAHPS Health Plan Database. Medicaid agencies and their vendors directly submit their Medicaid health plan survey data to the CAHPS Health Plan Database through an online data submission system. Data submitted by Medicaid plans are compiled along with the data received from CMS and NCQA to comprise the CAHPS Health Plan Survey comparative database.

Estimated Annual Respondent Burden

Each year State Medicaid agencies and individual health plans decide whether to participate in the database

and prepare their materials and dataset for submission to the CAHPS Health Plan Database. Participating organizations are typically State Medicaid agencies with multiple health plans. However, individual health plans are also encouraged to submit their data to the CAHPS Database. The number of data submissions per registrant varies from participant to participant and year to year because some participants submit data for multiple health plans, while others may only submit survey data for one plan.

Each organization that decides to participate in the database must have their POC complete a registration form providing their contact information for access to the on-line data submission system, sign and submit a data use agreement (DUA), and provide health plan characteristics such as health plan name, product type, type of population surveyed, health plan state, and plan name to appear in the reporting of their results.

Each vendor that submits files on behalf of a Medicaid agency or individual health plan must also complete the registration form in order to obtain access to the on-line submission system. The vendor, on behalf of their client, may also complete additional information about survey administration (CAHPS survey version used, mode of survey administration, total enrollment count, description of how the sample was selected), submit a copy of the questionnaire used, and submit one data file per health plan. Commercial health plan data is received directly from NCQA. Medicare health plan data is received from CMS.

The burden hours and costs below pertain only to the collection of Medicaid data from State Medicaid agencies and individual Medicaid health plans because those are the only entities that submit data through the data submission process (other data are obtained directly from NCQA and CMS as noted earlier in Section 2). In 2009, a total of 60 participants, representing 45 individual organizations and 15 vendors, submitted data for 244 health plans (an average of about 4 health plans per participant).

Exhibits 1 and 2 are based on the estimated number of individual participants (participating organizations and/or vendors) who will complete the database submission steps and forms in the coming years, and is not based on the total number of health plans that are submitted. The number of respondents and burden hours are based on an estimated slight increase in the number of participants to 70 in 2010 and 2011.

In Exhibit 1, the 70 participants that will complete the registration form and submit information to the CAHPS Health Plan Database are a combination of an estimated 50 State Medicaid agencies and individual health plans, and 20 estimated vendors. The 50 State

Medicaid agencies or individual health plans will sign and submit a DUA. Vendors do not sign or submit DUAs. Health plan information and data files are submitted for each health plan. Exhibit 1 shows an estimated total of 280 health plans (70 estimated

participants with 4 health plans per participant). The total burden hours for completing the registration, DUA and data submission process are estimated to be 722 hours.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCS	Number of responses per POC	Hours per response	Total burden hours
Registration Form and Data Submission *	70	1	7.6	532
Data Use Agreement **	50	1	1	50
Health Plan Information ***	70	4	30/60	140
Total	190	NA	NA	722

* The online Registration Form requires about 5 minutes to complete; however, over 7 hours is required to plan/prepare for the data submission. This includes the amount of time the participating organization, and others (CEO, lawyer, vendor) typically spend deciding whether to participate in the database and preparing their materials and dataset for submission to the CAHPS Health Plan Database and performing the submission.

** The Data Use Agreement requires about 3 minutes to complete; however, about 57 minutes is required for the participating organization to review the agreement prior to signing. This includes the review by the organization's CEO or legal department.

*** A few health plans may submit their data directly; however, most health plan data will be submitted by the POC.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete the

submission process. The cost burden is estimated to be \$31,046 annually.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate **	Total cost burden
Registration Form and Data Submission *	70	532	\$43.00	\$22,876
Data Use Agreement	50	50	43.00	2,150
Health Plan Information	70	140	43.00	6,020
Total	190	722	NA	31,046

* Wage rates were calculated using the mean hourly wage based on occupational employment and wage estimates from the Dept of Labor, Bureau of Labor Statistics' May 2008 National Industry-Specific Occupational Employment and Wage Estimates NAICS 622000—located at http://www.bls.gov/oes/current/oes_nat.htm.

** Wage rate of \$43.00 is based on the mean hourly wages for Medical and Health Services Managers. Wage rate of \$42.67 is the weighted mean hourly wage for: Medical and Health Services Managers (\$42.67 × 2.6 hours = \$110.95), Lawyers (\$59.98 × .5 hours = \$29.99), Chief Executives (\$89.16 × .5 hours = \$44.58), and Computer programmer (\$35.32 × 4 hours = \$141.28) [Weighted mean = (\$110.95 + 29.99 + 44.58 + 141.28)/7.6 hours = \$326.80/7.6 hours = \$43.00/hour].

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated annualized cost to the government for developing, maintaining and managing the Health Plan Database and analyzing the data and reporting results. The cost is estimated to be \$260,000 annually. Annualized costs for collecting and processing the CAHPS Health Plan Database are based upon 10 years of historical project costs. Start-up costs were present in the early years of the database only.

EXHIBIT 3—ESTIMATED ANNUALIZED COST

Cost component	Annualized cost
Database Maintenance	\$50,000
Data Submission	100,000
Data Analysis and Reporting	110,000
Total	260,000

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and

healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: January 11, 2010.

Carolyn M. Clancy,
Director.

[FR Doc. 2010-1158 Filed 1-22-10; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and pursuant to the requirements of 42 CFR 83.15(a), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Board Public Meeting Times and Dates (All Times Are Pacific Standard Time)

8:45 a.m.–4:30 p.m., February 9, 2010.
9 a.m.–6 p.m., February 10, 2010.
9 a.m.–3 p.m., February 11, 2010.

Public Comment Times and Dates (All Times Are Pacific Standard Time)

4:30 p.m.–6 p.m., February 9, 2010.*
6 p.m.–7:30 p.m., February 10, 2010.*

*Please note that the public comment periods may end before the times indicated, following the last call for comments. Members of the public who wish to provide public comment should plan to attend public comment sessions at the start times listed.

Place: Marriott Manhattan Beach, 1400 Parkview Avenue, Manhattan Beach, California; Phone: (310) 546-7511; Fax: (310) 939-1486. Audio Conference Call via FTS Conferencing. The USA toll free dial-in number is 1-866-659-0537 with a pass code of 9933701.

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

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the

Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2011.

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

Matters To Be Discussed: The agenda for the Advisory Board meeting includes: NIOSH Program Update and Program Evaluation Plans; Department of Labor (DOL) Program Update; Department of Energy (DOE) Program Update; OCAS Science Update; Special Exposure Cohort (SEC) petitions for: Lawrence Livermore National Laboratory, Santa Susana Area IV, Canoga Avenue Facility (Los Angeles County, California), Lawrence Berkeley National Laboratory, General Electric Company (Evendale, Ohio), Blockson Chemical Company, Chapman Valve Manufacturing Company, United Nuclear Corporation (Hematite, Missouri), Hanger 481 at Kirtland Air Force Base, Nevada Test Site, and Westinghouse Electric Corporation (Bloomfield, New Jersey); SEC Petition Status Updates; Subcommittee and Work Group Reports; Board Working Time; and Conflict of Interest Requirements.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted in accordance with the

redaction policy provided below. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

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

Contact Person for More Information: Theodore Katz, M.P.A., Executive Secretary, NIOSH, CDC, 1600 Clifton Road, MS E-20, Atlanta, GA 30333, Telephone (513) 533-6800, Toll Free 1(800) CDC-INFO, E-mail ocas@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 14, 2010.

Elaine L. Baker,

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

[FR Doc. 2010-1274 Filed 1-22-10; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Times and Dates: 9 a.m.–5 p.m., February 11, 2010. 9 a.m.–12 p.m., February 12, 2010.

Place: CDC, Global Communications Center, Building 19, Auditorium B3, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

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

Purpose: The Committee is charged with providing advice and guidance to the Secretary; the Assistant Secretary for Health; the Director, CDC; and the Director, National Center for Preparedness, Detection, and Control of Infectious Diseases (NCPDCID), regarding: (1) The practice of hospital infection control; (2) strategies for surveillance, prevention, and control of infections (e.g., nosocomial infections), antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters To Be Discussed: The agenda will include updates on CDC healthcare-associated infections Recovery Act efforts; discussion on the draft guideline for prevention of intravascular catheter-related bloodstream infections; and the draft guideline for the prevention and management of norovirus gastroenteritis outbreaks in healthcare settings.

Agenda items are subject to change as priorities dictate.

For Further Information Contact: Michelle W. King, Committee Management Specialist, Division of Healthcare Quality Promotion, NCPDCID, CDC, 1600 Clifton Road, NE., Mailstop A-07, Atlanta, Georgia 30333, Telephone (404) 639-2936.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 15, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2010-1275 Filed 1-22-10; 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 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; Molecular Mechanisms of Neurodegeneration.

Date: January 27, 2010.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence Baizer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435-1257, baizerl@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.

(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: January 15, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010-1225 Filed 1-22-10; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA-2009-0001]

Agency Information Collection Activities: Proposed Collection; Comment Request, 1660-0076; Hazard Mitigation Grant Program Application and Reporting

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 60-day notice and request for comments; revision of a currently approved information collection; OMB No. 1660-0076; No Form.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this Notice seeks comments concerning the Hazard Mitigation Grant Program application and reporting requirements. **DATES:** Comments must be submitted on or before March 26, 2010.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at <http://www.regulations.gov> under docket ID FEMA-2009-0001. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Office of Chief Counsel, Regulation and Policy Team, DHS/FEMA, 500 C Street, SW., Room 835, Washington, DC 20472-3100.

(3) *Facsimile.* Submit comments to (703) 483-2999.

(4) *E-mail.* Submit comments to FEMA-POLICY@dhs.gov. Include docket ID FEMA-2009-0001 in the subject line.

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

FOR FURTHER INFORMATION CONTACT: Cecelia Rosenberg, Chief, Grants Policy Branch, Mitigation Division, (202) 646-3321 for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646-3347 or e-mail address: *FEMA-Information-Collections@dhs.gov*.

SUPPLEMENTARY INFORMATION: Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 44 U.S.C. 5170c, established the Hazard Mitigation Grant Program. Grant

requirements and grants management procedures of the program are outlined in 44 CFR Part 13.

Collection of Information

Title: Hazard Mitigation Grant Program Application and Reporting.

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

OMB Number: 1660-0076.

Form Titles and Numbers: No Form.

Abstract: Grantees administer the Hazard Mitigation Grant Program, which is a post-disaster program that

contributes funds toward the cost of hazard mitigation activities in order to reduce the risk of future damage, hardship, loss or suffering in any area affected by a major disaster. FEMA uses applications to collect information for determining whether to provide financial assistance in the form of grant awards and monitors grantee project activities and expenditure of funds through grantee quarterly reporting.

Affected Public: State, local, or Tribal Government.

Estimated Total Annual Burden Hours: 65,016 Hours.

TABLE A.12—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate*	Total annual respondent cost
State, local, or Tribal Government.	Project Narrative Section/No Form.	56	18	1,008	12	12,096	\$37.45	\$452,995
State, local, or Tribal Government.	Benefit-Cost Determination/No Form.	56	18	1,008	5	5,040	37.45	188,748
State, local, or Tribal Government.	Environmental Review/No Form.	56	18	1,008	7.5	7,560	37.45	283,122
State, local, or Tribal Government.	Annual Audit & Audit Trail Requirements/No Form.	56	18	1,008	40	40,320	37.45	1,509,984
Total .....	.....	56				65,016		\$2,434,849

Estimated Cost: There is no annual operation or maintenance cost associated with this collection.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Larry Gray,

Director, Records Management Division, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2010-1318 Filed 1-22-10; 8:45 am]

BILLING CODE 9111-43-P

DEPARTMENT OF HOMELAND SECURITY

National Communications System

[Docket No. NCS-2009-0005]

President's National Security Telecommunications Advisory Committee

AGENCY: National Communications System, DHS.

ACTION: Notice of Open Advisory Committee meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will be meeting by

teleconference; the meeting will be open to the public.

DATES: February 9, 2010, from 2 p.m. until 3 p.m.

ADDRESSES: The meeting will take place by teleconference. For access to the conference bridge and meeting materials, contact Ms. Sue Daage at (703) 235-5526 or by e-mail at *sue.daage@dhs.gov* by 5 p.m. February 2, 2010. If you desire to submit comments regarding the February 9, 2010 meeting, comments must be identified by NCS-2009-0005 and may be submitted by one of the following methods:

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

E-mail: *NSTAC1@dhs.gov*. Include docket number in the subject line of the message.

Mail: Office of the Manager, National Communications System (Government Industry Planning and Management Branch), Department of Homeland Security, 245 Murray Lane, SW., Washington, DC 20598-0615; Fax: 1-866-466-5370.

Instructions: All submissions received must include the words "Department of Homeland Security" and NCS-2009-0005, the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. *Docket:* For access to the docket, background documents or comments received by the NSTAC, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Daage, Government Industry Planning and Management Branch at (703) 235-5526, e-mail: sue.daage@dhs.gov or write the Deputy Manager, National Communications System, Department of Homeland Security, 245 Murray Lane, SW., Washington, DC 20598-0615.

SUPPLEMENTARY INFORMATION: NSTAC advises the President on issues and problems related to implementing national security and emergency preparedness telecommunications policy. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Public Law 92-463 (1972), as amended appearing in 5 U.S.C. App. 2. At the upcoming meeting, the NSTAC Principals will receive government stakeholder comments and discuss and vote on the Cybersecurity Collaboration Task Force recommendation to collect data in support of information sharing policy. The data collection effort will involve a private sector-to-private sector information sharing pilot exercise.

Persons with disabilities who require special assistance should indicate this when arranging access to the teleconference and are encouraged to identify anticipated special needs as early as possible.

Signed: January 19, 2010.

James Madon,

Director National Communications System.

[FR Doc. 2010-1453 Filed 1-22-10; 8:45 am]

BILLING CODE 9110-9P-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 10-02]

Recordation of Trade Name "Sony Ericsson Mobile Communications AB"

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final action.

SUMMARY: This document gives notice that "Sony Ericsson Mobile Communications AB" has been recorded

with CBP as a trade name by Sony Ericsson Mobile Communications AB.

The application for trade name recordation was properly submitted to Customs and Border Protection (CBP) and published in the **Federal Register**. As no public comments in opposition to the recordation of this trade name were received by CBP within the 60-day comment period, the trade name has been duly recorded with CBP and will remain in force as long as this trade name is in use by this manufacturer, unless the recordant requests cancellation of the recordation or any other provision of the law so requires.

DATES: *Effective Date:* January 25, 2010.

FOR FURTHER INFORMATION CONTACT: Suzanne E. Kane, Attorney-Advisor, Intellectual Property Rights & Restricted Merchandise Branch, at (202) 325-0119.

SUPPLEMENTARY INFORMATION: Trade names that are being used by manufacturers or traders may be recorded with CBP to afford the particular business entity with increased commercial protection. CBP procedures for recording trade names are provided at § 133.11 *et seq.* of the CBP Regulations (19 CFR 133.11 *et seq.*). Pursuant to these regulations, Sony Ericsson Mobile Communications AB applied to CBP for protection of its trade name, Sony Ericsson Mobile Communications AB.

On Tuesday, November 10, 2009, CBP published a notice of application for the recordation of the trade name "Sony Ericsson Mobile Communications AB" in the **Federal Register** (74 FR 58042). The notice advised that before final action would be taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing in opposition of the recordation of this trade name. The closing day for the comment period was January 11, 2010.

At the end of the comment period, January 11, 2010, no comments were received. Accordingly, as provided by § 133.14 of the CBP Regulations, "Sony Ericsson Mobile Communications AB" is recorded with CBP as the trade name used by the manufacturer, Sony Ericsson Mobile Communications AB, and will remain in force as long as this trade name is in use by this manufacturer unless the recordant requests cancellation of the recordation or any other provision of the law so requires.

Dated: January 15, 2010.

Charles R. Stewart,

Chief, Intellectual Property Rights & Restricted Merchandise Branch.

[FR Doc. 2010-1280 Filed 1-22-10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO220000.L10200000.PH0000.00000000;
OMB Control Number 1004-0019]

Notice of Proposed Information Collection for 1004-0019

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-day notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request approval to continue the collection of information from individuals, households, farms, and businesses interested in cooperating with the BLM in constructing or maintaining range improvement projects to aid in handling and caring for domestic livestock authorized by the BLM to graze on public lands. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned control number 1004-0019.

DATES: Comments on the proposed information collection must be received by March 26, 2010, to be assured of consideration.

ADDRESSES: Comments may be mailed to U.S. Department of the Interior, Bureau of Land Management, Mail Stop 401-LS, 1849 C St., NW, Washington, DC 20240. Comments may also be submitted electronically to Jean_Sonneman@blm.gov. Please attach "Attn: 1004-0019" to either form of comment.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact Richard Mayberry, Rangeland Resources Division, at 202-912-7229 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1-800-877-8339, to contact Mr. Mayberry.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act 44 U.S.C. 3501-3521), require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8 (d) and 1320.12(a)). This notice identifies an information collection that the BLM will be submitting to OMB for approval. 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. This collection is contained in 43 CFR subpart 4120, Grazing Management. The BLM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany the submission to OMB.

Before including your address, phone number, email address, or other personal identifying information in your

comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: 43 CFR subpart 4120, Grazing Management.

Forms:

- Form 4120–6, Cooperative Range Improvement Agreement; and
- Form 4120–7, Range Improvement Permit.

OMB Control Number: 1004–0019.

Summary: Section 4 of the Taylor Grazing Act (43 U.S.C. 315c) authorizes the BLM to enter into cooperative agreements, and to issue permits, to construct fences, wells, reservoirs, and other improvements necessary for the

management and care of permitted livestock on grazing allotments. The BLM implements this statutory authority in accordance with regulations at 43 CFR subpart 4120. The information collected under these regulations enables the BLM to make decisions regarding proposed range improvement projects. Responses are required to obtain a benefit.

Frequency of Collection: On occasion.

Estimated Number and Description of Respondents: Approximately 712 applications for cooperative agreement or permits for range improvements, submitted primarily by holders of grazing permits and/or leases.

Estimated Reporting and Recordkeeping "Hour" Burden: The currently approved annual reporting burden for this collection is 4,348 hours. The following chart details the individual components and respective hour burden estimates of this information collection request:

Type of response	Number of responses	Hours per response	Total annual burden hours
Form 4120–6, Cooperative Range Improvement Agreement and related nonform information	693	6	4,158
Form 4120–7, Range Improvement Permit and related nonform information	19	10	190
Totals	712	.....	4,348

Jean Sonneman,

Acting Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2010–1376 Filed 1–22–10; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared in Support of Sand and Gravel Activities on the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability of Recent Environmental Assessments and Findings of No Significant Impact Prepared or Adopted by the MMS.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and the Department of the Interior regulations on NEPA (43 CFR part 46), the Minerals Management Service (MMS) announces the availability of Environmental

Assessments (EA) and Findings of No Significant Impact (FONSI) prepared and/or adopted by the MMS for three sand and gravel activities proposed on the Outer Continental Shelf (OCS) and described in more detail below.

FOR FURTHER INFORMATION CONTACT: James F. Bennett, Chief, Branch of Environmental Assessment, Minerals Management Service, 381 Elden Street, MS4042, Herndon, Virginia 20170; telephone (703) 787–1660; e-mail James.F.Bennett@mms.gov.

EA Availability: To obtain a copy of an EA and/or FONSI, you may contact the MMS or visit the MMS Web site at <http://www.mms.gov/sandandgravel/>.

SUPPLEMENTARY INFORMATION: Public Law 103–426, enacted October 31, 1994, gave the MMS the authority to convey on a noncompetitive basis, the rights to OCS sand, gravel, or shell resources for shore protection, beach or wetlands restoration projects, or use in construction projects funded in whole or part or authorized by the Federal government. The MMS prepares and/or adopts EAs that examine the potential environmental effects of the use of OCS sand and gravel resources, including the

potential direct and indirect effects of dredging, transport, and placement of those resources. Each EA is used as a basis for determining whether or not issuing a particular negotiated agreement for the use of OCS sand and gravel resources constitutes a major Federal action that significantly affects the quality of the human environment and warrants the preparation of an environmental impact statement (EIS). A FONSI is prepared in those instances where the MMS finds that issuing a negotiated agreement will not result in significant effects on the quality of the human environment.

The MMS may serve as a cooperating agency during the preparation of a NEPA document when another Federal agency is undertaking a connected action. The MMS independently reviews and may adopt the NEPA document after determining that it complies with relevant regulations and is applicable to and consistent with the MMS's proposed action.

This notice constitutes the notice of availability to the public of the following environmental documents:

Project name	Location	Project purpose	FONSI	Lead Federal agency
Raccoon Island Shore Protection/Marsh Creation Project Phase B.	Gulf of Mexico, offshore Terrebonne Parish, LA.	Marsh creation	5/20/2009	U.S. Department of Agriculture, Natural Resources Conservation Service.
Brevard County (South Reach) Shore Protection Project.	Atlantic Ocean, offshore Cape Canaveral and Brevard County, FL.	Beach nourishment	8/20/2009	U.S. Army Corps of Engineers, Jacksonville District.
Charleston Offshore Dredge Material Disposal Site Sand Borrow Project.	Atlantic Ocean, offshore Charleston, SC.	Terminal expansion	10/16/2009	MMS.

The MMS has concluded that the respective proposed actions will not significantly affect the quality of the human environment and the preparation of EISs is not required. Mitigation measures identified during the NEPA process will be applied for each proposal to ensure environmental protection and safety.

Dated: November 30, 2009.

Chris C. Oynes,

Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2010-1278 Filed 1-22-10; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB00000.LF31020NW.JQ0000.LF.HF.JF500000; MO:4500008784; 10-08807; TAS:14X1125]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed 3-Bars Ecosystem and Landscape Restoration Project, Eureka County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM), Battle Mountain District, Mount Lewis Field Office, Battle Mountain, Nevada, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until February 24, 2010. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local new media, newspapers and the BLM Web site at: http://www.blm.gov/nv/st/en/fo/battle_

mountain field.html. In order to be considered as part of the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments on issues related to the proposed 3-Bars Ecosystem and Landscape Restoration Project by the following methods:

- *E-mail:* 3bars_project@blm.gov.
- *Fax:* (775) 635-4034, Attention: 3-Bars Project Manager.

- *Mail:* BLM, Mount Lewis Field Office, Attn: 3-Bars Project Manager, 50 Bastian Road, Battle Mountain, NV 89820.

Documents pertinent to this project may be examined at the Mount Lewis Field Office.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to the mailing list, contact Donovan Walker, (775) 635-4000, or e-mail: 3bars_project@blm.gov.

SUPPLEMENTARY INFORMATION: The BLM is proposing to conduct the 3-Bars Ecosystem and Landscape Restoration Project located primarily on public lands and on non-Federal lands where partnerships exist in Eureka County, Nevada. The project area encompasses approximately 724,000 acres. Individual areas ranging from several acres to several thousand acres will be treated with a variety of methods including mechanical, fire, biological, chemical and physical, depending on specific project and resource management goals and desired outcomes. The project will be conducted in conformance with the Shoshone-Eureka Resource Management Plan (RMP) and Record of Decision approved February 26, 1986, and its subsequent amendments.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues:

- Multiple key habitats within the sagebrush-steppe are declining and in need of restoration, maintenance or protection.

- Key species in multiple vegetative communities are declining as species diversity declines with ecological succession.

- Pinyon and juniper species are encroaching in native habitats and are expanding into adjacent, non-native habitats causing a net loss of important wildlife habitat and fragmentation.

- Greater than 70 percent of key wildlife habitats such as sage grouse, mule deer and Lahontan cutthroat trout (LCT) habitat are at a high, very high or extreme risk of catastrophic fire.

- Excessive fuel loadings are contributing to catastrophic fire potential. Hazardous fuel situations are caused by continuous closed canopy stands and excessive ladder fuels.

- Greater than 75 percent of riparian/wetland areas are not considered to be in Proper Functioning Condition.

- Less than optimal habitat conditions exist for LCT, a Federally listed "threatened" species currently occupying two streams.

- The project area has an active yearly fire occurrence and has had significant catastrophic fires in the recent past. Rehabilitation efforts have been less than fully successful as evidenced by cheatgrass monocultures in some wildfire scars.

- Range conditions have degraded and native plant communities have deteriorated as a result of past livestock management practices such as "hot-season" grazing or uneven livestock and wild horse distribution due to the lack of available water.

- Wild horse populations exceed appropriate management levels. The wild horses have poor body conditions as a result of excess numbers of wild horses in areas with degraded range conditions, limited water sources and restricted distribution. Permanent and temporary fences throughout two herd management areas hinder the free roaming abilities of wild horses.

- Permitted activities such as livestock grazing, mining and

exploration and recreational off-highway vehicle use contribute to habitat decline in the absence of active management, maintenance and restorative activities.

- The distribution and abundance of traditional/edible, medicinal plants is declining. There is a continued decrease in pinion tree vigor and pine nut production as stand densities increase.
- The unresolved eligibility status and ongoing degradation of the National Historic Pony Express Trail which bisects the 3-Bars Project Area, needs to be considered and mitigated appropriately in the EIS. These and other areas of prehistoric and historic use have not been fully recorded or analyzed within the project area.

The BLM will use the NEPA commenting process to satisfy the public involvement requirements for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). Native American Tribal consultations will be conducted in accordance with policy, and Tribal concerns will be given due consideration. Federal, State, and local agencies, as well as individuals, organizations or tribes that may be interested or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

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.

Douglas W. Furtado,
Field Manager, Mount Lewis Field Office.
[FR Doc. 2010-1335 Filed 1-22-10; 8:45 am]
BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON01000 L07770000 XX0000]

Notice of Public Meeting, Northwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Northwest Colorado RAC has scheduled its first 2010 meeting for February 25, 2010. Meetings for the remainder of 2010 will be scheduled at this meeting.

ADDRESSES: The Northwest Colorado RAC meeting will be held in Silt, Colorado, at the BLM Field Office, 2300 River Frontage Rd.

The meeting will begin at 8 a.m. and adjourn at approximately 3 p.m., with public comment periods regarding matters on the agenda at 10 a.m. and 2 p.m.

FOR FURTHER INFORMATION CONTACT: David Boyd, Public Affairs Specialist, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO, (970) 876-9008.

SUPPLEMENTARY INFORMATION: The Northwest Colorado RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues in Colorado.

Topics of discussion during Northwest Colorado RAC meetings may include the BLM National Sage Grouse Conservation Strategy, working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, wild horse herd management, land exchange proposals, cultural resource management, and other issues as appropriate.

These meetings are open to the public. The public may present written comments to the RACs. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Steve Bennett,
Acting Designated Federal Officer for the Northwest Colorado RAC.

[FR Doc. 2010-1298 Filed 1-22-10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD08000.L14300000.ET0000; CACA 50194]

Notice of Partial Cancellation of Proposed Withdrawal; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Navy (Navy) has requested partial cancellation of its application of August 13, 2008, which requested the Secretary of the Interior to process a proposed legislative withdrawal and reservation of public lands and public mineral estate for its use. These lands were to be withdrawn on behalf of the proposed expansion of the U. S. Marine Corps' Air Ground Combat Center at Twentynine Palms. The Navy has requested that the Bureau of Land Management (BLM) remove approximately 33,488 acres of public lands from its application. The initial application was for the transfer of jurisdiction and the withdrawal of approximately 365,906 acres of public land and approximately 507 acres of Federal subsurface mineral estate from all forms of appropriation under the public land laws, including surface entry, mining, mineral leasing, and the Materials Act of 1947. This notice terminates the temporary two-year segregation from settlement, sale, location, or entry under the public land laws, including the mining laws, and the operation of the mineral leasing laws and the Materials Act of 1947 of the public lands and mineral estate described below. In addition, the initial application provisionally identified the surface estate of 507 acres of federally-owned mineral estate and the surface and mineral estates of approximately 72,186 acres of non-federally owned property in the proposed withdrawal area. If these acres were ever acquired by or returned to the United States by any means, they were also to be included in the proposed withdrawal and subject to the temporary segregation authorized by the initial notice. The Navy has requested that the BLM remove surface and mineral estates of approximately 28,871 acres of the non-federally owned property.

DATES: *Effective Date:* January 25, 2010.

FOR FURTHER INFORMATION CONTACT: Roxie Trost, Field Manager, BLM Barstow Field Office, 2601 Barstow Road, Barstow, California 92311, (760) 252-6000; or Joseph Ross, Range Expansion Program Manager, USMC MAGTFTC, MCAGCC, Bldg. 1554, Box

788106, Twentynine Palms, California 92278–8106, (760) 830–7683.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Legislative Withdrawal and Opportunity for Public Meeting was published in the **Federal Register** on September 15, 2008 (73 FR 53269) in response to the initial application from the Navy. Based on a review of the lands proposed for withdrawal, the Navy has requested that the following described lands and interest in lands be removed from its application:

1. *Federally-owned surface and mineral estate:*

San Bernardino Meridian

Western Expansion Area.

- T. 4 N., R. 2 E.,
 Sec. 2, lots 3 to 90, inclusive.
 T. 6 N., R. 2 E.,
 Sec. 1, SE¹/₄;
 Sec. 12, E¹/₂.
 T. 4 N., R. 3 E.,
 Sec. 11;
 Sec. 13, S¹/₂;
 Sec. 14, SE¹/₄;
 Sec. 15, N¹/₂.
 T. 3 N., R. 4 E.,
 Sec. 1.
 T. 4 N., R. 4 E.,
 Secs. 34 to 35, inclusive.
 T. 3 N., R. 5 E.,
 Sec. 9, W¹/₂NE¹/₄, NE¹/₄NW¹/₄,
 E¹/₂NW¹/₄NW¹/₄, E¹/₂W¹/₂NW¹/₄NW¹/₄,
 W¹/₂SW¹/₄NW¹/₄NW¹/₄, NE¹/₄SW¹/₄NW¹/₄,
 W¹/₂SW¹/₄NW¹/₄, W¹/₂SE¹/₄SW¹/₄NW¹/₄,
 E¹/₂SE¹/₄NW¹/₄, W¹/₂NW¹/₄SE¹/₄NW¹/₄,
 and E¹/₂SW¹/₄SE¹/₄NW¹/₄;
 Sec. 10, SW¹/₄NE¹/₄, S¹/₂ NW¹/₄, and
 W¹/₂SW¹/₄;
 Sec. 12, NE¹/₄NE¹/₄SE¹/₄,
 E¹/₂W¹/₂NE¹/₄SE¹/₄, E¹/₂NE¹/₄NW¹/₄SE¹/₄,
 E¹/₂W¹/₂NW¹/₄SE¹/₄, W¹/₂SE¹/₄NW¹/₄SE¹/₄,
 W¹/₂E¹/₂SW¹/₄SE¹/₄, NW¹/₄SW¹/₄SE¹/₄,
 SW¹/₄SE¹/₄SE¹/₄, and W¹/₂SE¹/₄SE¹/₄SE¹/₄.

Southern Expansion Area.

- T. 2 N., R. 9 E.,
 Sec. 34, N¹/₂SW¹/₄NE¹/₄,
 W¹/₂SE¹/₄SE¹/₄NE¹/₄,
 W¹/₂SW¹/₄SW¹/₄NE¹/₄, N¹/₂N¹/₂SE¹/₄NE¹/₄,
 E¹/₂NE¹/₄NE¹/₄SW¹/₄,
 W¹/₂W¹/₂NW¹/₄SE¹/₄,
 W¹/₂SE¹/₄NE¹/₄SW¹/₄, NE¹/₄NE¹/₄SW¹/₄,
 SW¹/₄NE¹/₄SW¹/₄, N¹/₂NE¹/₄SE¹/₄,
 SE¹/₄NE¹/₄SE¹/₄, E¹/₂SW¹/₄NE¹/₄SE¹/₄.

Eastern Expansion Area.

- T. 5 N., R. 11 E.,
 Secs. 1 and 2, secs. 11 to 14, inclusive, and
 secs. 23 to 26, inclusive.
 T. 6 N., R. 11 E.,
 Sec. 35, that portion lying south of the
 Historic Route 66 Corridor.
 T. 5 N., R. 12 E.,
 Sec. 2, that portion lying south of the
 Historic Route 66 Corridor;
 Secs. 3 to 4, those portions lying south of
 the Historic Route 66 Corridor except for
 the lands conveyed to U. S. Gypsum
 Company by patent number 1000677,
 inclusive;
 Sec. 5, lots 3 and 4, lots 15 to 22, inclusive,
 and lots 31 to 38, inclusive;

- Sec. 6, that portion lying south of the
 Historic Route 66 Corridor;
 Sec. 7;
 Sec. 8, all except for the land conveyed to
 U. S. Gypsum Company by patent
 number 1000678;
 Sec. 9;
 Secs. 10 and 11, all except the lands
 conveyed to U. S. Gypsum Company by
 patent number 1000677, inclusive;
 Secs. 12 to 15, inclusive;
 Sec. 17, all except the lands conveyed to
 U. S. Gypsum Company by patent
 number 1000678;
 Sec. 18.
 T. 5 N., R. 13 E.,
 Secs. 2, 3, 4, 6, 7, 8, 10, 11, 12, 14, 15 and
 18.
 T. 3 N., R. 14 E.,
 Sec. 23, that portion lying east of the
 Sheephole Valley Wilderness Area;
 Sec. 24;
 Secs. 25 and 26, those portions lying east
 of the Sheephole Valley Wilderness
 Area;
 Sec. 36, that portion of NW¹/₄ lying east of
 the Sheephole Valley Wilderness Area.
 T. 5 N., R. 14 E.,
 Secs. 1 to 4, inclusive, secs 6, 7 and 10;
 Sec. 11, E¹/₂NE¹/₄NE¹/₄, W¹/₂NE¹/₄, NW¹/₄,
 and S¹/₂;
 Secs. 12, 14 and 15.
 T. 2 N., R. 15 E.,
 Secs. 4 and 5;
 Secs. 6 to 8, those portions lying
 northeasterly of the Sheephole Valley
 Wilderness Area, inclusive.
 T. 3 N., R. 15 E.,
 Sec. 15, that portion lying west of the
 Cadiz Dunes Wilderness Area;
 Secs. 18, 19 and 20;
 Sec. 22, that portion lying west of the
 Cadiz Dunes Wilderness Area;
 Secs. 25 to 28, inclusive, secs. 30, 31 and
 32;
 Sec. 34, N¹/₂;
 Sec. 35, N¹/₂ and SE¹/₄.
 T. 5 N., R. 15 E.,
 Secs. 1 to 4, inclusive, and secs. 6 and 7;
 Sec. 9, SE¹/₄SE¹/₄.
 T. 5 N., R. 16 E.,
 Sec. 29, that portion lying westerly of the
 Old Woman Mountains Wilderness Area.

Northern Expansion Area.

- T. 6 N., R. 7 E.,
 Sec. 12.
 T. 7 N., R. 7 E.,
 Sec. 24.

The areas described aggregate 33,488 acres,
 more or less, in San Bernardino County.

2. *Non-federally-owned surface and mineral estate:*

- (a). Privately-owned surface and mineral
 estate:

San Bernardino Meridian

Western Expansion Area.

- T. 4 N., R. 3 E.,
 Sec. 10, S¹/₂N¹/₂ and S¹/₂;
 Sec. 11, SE¹/₄;
 Sec. 12, SW¹/₄;
 Sec. 13, N¹/₂.
 T. 4 N., R. 4 E.,
 Sec. 18, S¹/₂;
 Sec. 36.

- T. 3 N., R. 5 E.,
 Sec. 9, W¹/₂NW¹/₄NW¹/₄NW¹/₄,
 E¹/₂SE¹/₄SW¹/₄NW¹/₄,
 E¹/₂NW¹/₄SE¹/₄NW¹/₄, and
 W¹/₂SW¹/₄SE¹/₄NW¹/₄;
 Sec. 12, SE¹/₄NE¹/₄SE¹/₄,
 W¹/₂W¹/₂NE¹/₄SE¹/₄,
 NW¹/₄NE¹/₄NW¹/₄SE¹/₄,
 SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
 W¹/₂W¹/₂NW¹/₄SE¹/₄, E¹/₂E¹/₂SW¹/₄SE¹/₄,
 SW¹/₄SW¹/₄SE¹/₄, N¹/₂SE¹/₄SE¹/₄,
 SW¹/₄SE¹/₄SE¹/₄, and E¹/₂SE¹/₄SE¹/₄SE¹/₄.

Southern Expansion Area.

- T. 2 N., R. 9 E.,
 Sec. 34, N¹/₂NE¹/₄NE¹/₄NE¹/₄,
 E¹/₂SW¹/₄SW¹/₄NE¹/₄,
 E¹/₂SE¹/₄SW¹/₄NE¹/₄, S¹/₂N¹/₂SE¹/₄NE¹/₄,
 N¹/₂S¹/₂SE¹/₄NE¹/₄, S¹/₂SW¹/₄SE¹/₄NE¹/₄,
 W¹/₂NE¹/₄NE¹/₄SW¹/₄,
 E¹/₂SE¹/₄NE¹/₄SW¹/₄, S¹/₂S¹/₂,
 E¹/₂W¹/₂NW¹/₄SE¹/₄, E¹/₂NW¹/₄SE¹/₄, and
 W¹/₂SW¹/₄NE¹/₄SE¹/₄;
 Sec. 35, N¹/₂NE¹/₄NE¹/₄NE¹/₄,
 S¹/₂SW¹/₄NE¹/₄NE¹/₄, and S¹/₂;
 Sec. 36.
 T. 2 N., R. 10 E.,
 Sec. 36.

Eastern Expansion Area.

- T. 6 N., R. 11 E.,
 Sec. 36, that portion lying south of the
 Historic Route 66 corridor.
 T. 3 N., R. 12 E.,
 Sec. 36, that portion lying west of the
 boundary of the Sheephole Valley
 Wilderness Area.
 T. 5 N., R. 12 E.,
 Sec. 1;
 Secs. 3, 4, 10, and 11, all the lands
 conveyed to U.S. Gypsum Company by
 patent number 1000677, containing 480
 acres, inclusive;
 Sec. 5, lot 1 of NE¹/₄, W¹/₂ of lot 1 of NW¹/₄,
 W¹/₂ of lot 2 of NE¹/₄, W¹/₂ of lot 2 of
 NW¹/₄, and S¹/₂;
 Secs. 8 and 17, all the lands conveyed to
 U.S. Gypsum Company by patent
 number 1000678, inclusive.
 T. 5 N., R. 13 E.,
 Secs. 1, 5, 9, 13, 16 and 17.
 T. 4 N., R. 14 E.,
 Sec. 36, that portion lying east of the
 Sheephole Valley Wilderness Area.
 T. 5 N., R. 14 E.,
 Secs. 5, 8, and 9;
 Sec. 11, W¹/₂NE¹/₄NE¹/₄ and SE¹/₄NE¹/₄;
 Secs. 13, 16, 17 and 18.
 T. 3 N., R. 15 E.,
 Secs. 17, 21, 29, and 33;
 Sec. 34, S¹/₂.
 T. 5 N., R. 15 E.,
 Secs. 5 and 8;
 Sec. 9, N¹/₂, SW¹/₄, N¹/₂SE¹/₄, and
 SW¹/₄SE¹/₄;
 Secs. 17 and 18.
 T. 5 N., R. 16 E.,
 Sec. 29, that portion lying southwestly of
 the Old Woman Mountains Wilderness
 Area.

Northern Expansion Area.

- T. 6 N., R. 7 E.,
 Secs. 1 and 13.

The areas described aggregate 24,837 acres,
 more or less, in San Bernardino County.

- (b). State-of-California-owned surface and

mineral estate:

San Bernardino Meridian

Western Expansion Area.

T. 4 N., R. 3 E.,
Sec. 14, N½;
Sec. 15, S½.

Eastern Expansion Area.

T. 3 N., R. 15 E.,
Sec. 16, that portion lying southwesterly of
the Cadiz Dunes Wilderness Area.

T. 5 N., R. 15 E.,
Sec. 16.

Northern Expansion Area.

T. 7 N., R. 7 E.,
Sec. 36.

The areas described aggregate 4,034 acres,
more or less, in San Bernardino County.

At 10 a.m. on February 24, 2010, the lands described above in “1. *Federally-owned surface and mineral estate*” will be opened to all forms of appropriation under the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 24, 2010, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on February 24, 2010, the lands described above in “1. *Federally-owned surface and mineral estate*” of this order will be opened to location and entry under the United States mining laws—subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (2006), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by state law where not in conflict with Federal law. The BLM will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 10 a.m. on February 24, 2010, the lands described above in “1. *Federally-owned surface and mineral estate*” of this order will be opened to the operation of the mineral leasing laws and the Materials Act of 1947—subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Authority: 43 CFR 2310.1–4(a) and 43 CFR 2310.2–1(c).

Thomas Pogacnik,

Deputy State Director, Natural Resources (CA-930), Bureau of Land Management.

[FR Doc. 2010-1416 Filed 1-22-10; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR931000.L63100000.HD0000]

Privacy Act of 1974; as Amended; Notice To Amend an Existing System of Records

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Amendment to an Existing System of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI) is issuing a public notice of its intent to amend the Bureau of Land Management “Mineral and Vegetal Material Sales”—Interior, (BLM)—16 notice. The amendment includes a change in the system name from “Mineral and Vegetal Material Sales” to “Timber Sale Information System (TSIS).” The amendment includes an update to the record content for Special Forest Products and incorporates the Stewardship Contracting Information Database (SCID) as a module of TSIS. The amended system of records is captioned “Interior—BLM—16” and is titled “Timber Sale Information System (TSIS).”

DATES: Comments must be received by March 8, 2010.

ADDRESSES: Any person interested in commenting on this amendment may do so by: submitting comments in writing to Privacy Act Officer, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208; hand-delivering comments to Oregon State Office, 333 SW. 1st Avenue, Portland, Oregon 97204; or e-mailing comments to Sherrie_Reid@blm.gov. 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:

Deputy State Director, Division of Resource Planning, Use and Protection (OR930), U.S. Department of the Interior, Bureau of Land Management, Oregon State Office, 333 SW. 1st Avenue, Portland, Oregon 97204.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management maintains the TSIS system of records. The purpose of this system is to track timber sale contract administration and accounting; Special Forest Products (SFP) sales and permits; and the use of procurement contracts and agreements for removing vegetal products from public lands through stewardship contracting authorized under the Omnibus Appropriations Bill of 2003, (Pub. L. 108–7, Section 323). Authorization for TSIS and its components fall under the Clinger-Cohen Act of 1996, OMB Circular A–130 “Management of Federal Information Resources”, and the Oregon and California Lands Act of 1937. The system also provides data for reporting accomplishments. The amendments to the system will be effective as proposed at the end of the comment period (the comment period will end 40 days after the publication of this notice in the **Federal Register**), unless comments are received which would require a contrary determination. The DOI will publish a revised notice if changes are made based upon a review of the comments received.

Beverly E. Walker,

Privacy Act Officer, Bureau of Land Management.

System Name

Timber Sale Information System (TSIS)—Interior, BLM—16

SYSTEM LOCATION:

U.S. Department of the Interior, Bureau of Land Management, Oregon State Office, 333 SW. 1st Avenue, Portland, Oregon 97204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Purchasers of vegetal materials. Purchasers refer to those individuals that purchase vegetative materials, and enter into timber sales and stewardship contracts; and include, but are not limited to, the following descriptive terminology: individual buyers or permittees, partnerships, corporations or contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains customer information on timber purchasers, contact person(s) for timber purchasers of special forest products, and stewardship agreement recipients

(individual, partnership, corporate). Information is collected in person from a purchaser physically present at a BLM facility or from an authorized BLM Contracting Officer. The data is entered into TSIS by an authorized BLM employee or contractor.

The record may contain the purchaser's name, address, phone numbers, driver license, vehicle information, description of the material purchased, quantity, sale price, the Bureau's assigned sale number, and information on debts owed the Bureau because of defective payments. The SCID module contains the contractor/agreement recipient's name and telephone number. The system operates under the Privacy Act of 1974 and the regulations in 43 CFR 2.48(d).

Note: Certain categories of information must be reviewed under the Freedom of Information Act (FOIA) and are not included in the information available for public inspection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 617, 30 U.S.C. 601, 43 U.S.C. 1181(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are:

(1) Timber sale accounting, management, activity tracking and tracking of Special Forest Product (SFP) sales and permits. The TSIS provides direct support to BLM Mission Goals 2.4.01 and 2.4.02 related to managing the use of forest and woodland products in the Public Domain (PD) and in the Oregon and California Lands (O&C). The volumes calculated in 2.4.01 and 2.4.02 are used to determine the percentages in 2.4.03 and 2.4.04. The TSIS is the sole automated process to track timber sale and special forest product activity and accomplishments, and it is the sole source for validation of timber sale and special forest product revenues in the BLM's financial system. The SCID module is the sole automated process to track stewardship contracts and agreements, and is the sole source for validation of revenues received via stewardship contracting from timber sales, procurement contracts and agreements. In addition, SCID records earned credits for work performed on public lands in exchange for the vegetal contracts. The work credit is reported to the contractor and the Internal Revenue Service on a 1099 form by the BLM.

(2) Vehicle and identification information, if provided by the SFP permittee, is provided to BLM law enforcement officials to support enforcement of permit stipulations and

requirements. Contact information (name, address) is printed on each permit and is useful to identify the uniqueness of a permittee.

DISCLOSURES OUTSIDE DOI MAY BE MADE WITHOUT THE CONSENT OF THE INDIVIDUAL TO WHOM THE RECORD PERTAINS AS A ROUTINE USE UNDER THE FOLLOWING CIRCUMSTANCES:

(1) (a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(2) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

(3) To any criminal, civil, or regulatory law enforcement authority (whether Federal, State, territorial, local, Tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—and the disclosure is compatible with the purpose for which the records were compiled.

(4) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to

respond to an inquiry by the individual to whom the record pertains.

(5) To Federal, State, territorial, local, Tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(6) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(7) To State and local governments and Tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(8) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

(9) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(10) To the Office of Management and Budget during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A-19.

(11) To the Department of the Treasury to recover debts owed to the United States.

(12) To the news media when the disclosure is compatible with the purpose for which the records were compiled.

(13) To a consumer reporting agency if the disclosure requirements of the Debt Collection Act, as outlined at 31 U.S.C. 3711(e)(1), have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records are stored in file folders, in locked file cabinets until data input is verified. Any paper records that are not input into the system are maintained in secured files. Electronic records are stored on disk, system hard drive, tape or other appropriate media.

RETRIEVABILITY:

Indexed by system-generated identifiers, an assigned number is used to retrieve SFP permit number, purchaser, contractor and dates. An existing purchaser may be located by entering a portion (or all) of the individual's contact information (name, address, this may include a phone number if it was provided) and reviewing the list of individuals matching the search criteria. The search functionality for timber sales allows users to browse lists of timber sales, purchasers, and sureties.

SAFEGUARDS:

Access to records is limited to authorized personnel. Electronic records are maintained with safeguards meeting security requirements of 43 CFR 2.51.

A security plan was developed to prevent unauthorized access to the system and secure transmission of the data. A Privacy Impact Assessment was completed and signed in January 2008.

(1) *Physical Security*—Information is collected in person from a purchaser(s) physically present at a BLM facility or from an authorized BLM Contracting Officer. The data is entered into SFP-Web by an authorized BLM employee or contractor. These forms are only available on the BLM intranet and are not available to the public on any Web site. Any paper records that are not input into the system are maintained in locked file cabinets.

(2) *Technical Security*—TSIS users are granted access to the TSIS application via the district TSIS data steward. The request for access must be signed by the TSIS data steward (ORSO) and IT Security Manager (ORSO) and passwords are required. The SFP Users are granted access to the TSIS-Web application by the district TSIS data steward. SCID Users are granted access to the SCID module Web application by the State office or district SCID data steward. The request for access must be signed by the TSIS data steward (ORSO) or SCID data steward, and IT Security Manager (ORSO). Data from the current TSIS (Unix-based) version are integrated into a data warehouse with the new TSIS-Web version and the SCID Web

module each night. The data is unloaded from the TSIS (Informix) database to a local directory where the system developer and system administrators have access. This data is then loaded into a new database (MySQL) on another server where the TSIS-Web data also resides. The integration of data sources excludes the identification provided by the permittee (for the 5450-24 permit), but does include permittee name, address, phone (if provided), and vehicle information (where provided). The TSIS data warehouse database is only available to the system developer, and information from this database is available to BLM users only via read-only reports. Most reports that are available from the warehouse data do not contain Personally Identifiable Information (PII). Of the few reports (6 total) that do contain PII, only four contain more than first/last name. Only users with access to the BLM intranet, authenticated BLM domain users, who are also members of the TSIS group in Active Directory, are able to retrieve these reports. These electronic records are maintained in compliance with Office of Management and Budget and Departmental guidelines.

(3) *Administrative Security*—All BLM employees with access to the system are required to complete Privacy Act, Records Management Act, and IT Security Awareness training prior to being given access to the system, and on an annual basis thereafter. The Rules of Behavior are in accordance with the BLM policy that requires the signature of all BLM Network users. Applicable Privacy Act warning statements are placed on all information printouts of data from the system.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration (NARA) procedures and General Records Schedule (GRS) BLM 4/6d(4) and (6). Records are to be destroyed or deleted when data has been transferred to an electronic medium and verified. However, due to the current freeze on the destruction/deletion of all records and the GRS/BLM records, all records are permanent until the freeze is lifted.

SYSTEM MANAGER AND ADDRESS:

Deputy State Director, Division of Resource Planning, Use and Protection (OR930), U.S. Department of the Interior, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the Systems Manager identified above. The request envelope and letter should both be clearly marked "PRIVACY ACT INQUIRY." A request for notification must meet the requirements of 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

An individual requesting records on himself or herself should send a signed, written inquiry to the Systems Manager identified above. The request should describe the records sought as specifically as possible. The request envelope and letter should both be clearly marked "PRIVACY ACT REQUEST FOR ACCESS." A request for access must meet the requirements of 43 CFR 2.63.

CONTESTING RECORDS PROCEDURES:

An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the System Manager identified above. A request for corrections or removal must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information is provided by the purchaser, contractor, or agreement recipient.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010-1364 Filed 1-22-10; 8:45 am]

BILLING CODE 4310-13-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[LLMT922200-10-L13100000-FI0000-P; NDM 94701]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease NDM 94701

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per 30 U.S.C. 188(d), Aavark Services, Inc., timely filed a petition for reinstatement of competitive oil and gas lease NDM 94701, McKenzie County, North Dakota. The lessee paid the required rental accruing from the date of termination.

No leases were issued that affect these lands. The lessee agrees to new lease terms for rentals and royalties of \$10 per acre and 16 $\frac{2}{3}$ percent. The lessee paid the \$500 administration fee for the

reinstatement of the lease and \$163 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the lease, effective the date of termination, subject to—

- The original terms and conditions of the lease;
- The increased rental of \$10 per acre;
- The increased royalty of 16²/₃ percent; and
- The \$163 cost of publishing this Notice.

FOR FURTHER INFORMATION CONTACT: Teri Bakken, Chief, Fluids Adjudication Section, Bureau of Land Management Montana State Office, 5001 Southgate Drive, Billings, Montana 59101-4669, 406-896-5091.

Teri Bakken,

Chief, Fluids Adjudication Section.

[FR Doc. 2010-1360 Filed 1-22-10; 8:45 am]

BILLING CODE 4310--SS-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

[Docket ID MMS-2010-OMM-0002]

Notice of Availability of the Revised Minerals Management Service Documentation of Section 106 Finding of Adverse Effect (Revised Finding) for the Proposed Cape Wind Energy Project Located on the Outer Continental Shelf (OCS) in Nantucket Sound, and the Opportunity for Public Comment

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability.

SUMMARY: The MMS has prepared a revised version of its Section 106 Finding of Adverse Effect document related to the proposed Cape Wind Energy Project pursuant to implementing regulations for Section 106 of the National Historic Preservation Act (36 CFR Part 800). The original Finding of Adverse Effect for this project was dated January 29, 2009. The Finding of Adverse Effect is being revised in response to new information that five additional properties within the Area of Adverse Effect for the project have now been found to be eligible for inclusion in the National Register of Historic Places.

DATES: The comment period for the Revised Finding document closes February 12, 2010.

FOR FURTHER INFORMATION CONTACT: Mr. Poojan Tripathi, Minerals Management Service, Cape Wind Project Manager, at (703) 787-1738.

SUPPLEMENTARY INFORMATION:

Cape Wind Energy Project Description

In November 2001, Cape Wind Associates, LLC applied for a permit from the U.S. Army Corps of Engineers (USACE) under the Rivers and Harbors Act of 1899 to construct an offshore wind power facility on Horseshoe Shoal in Nantucket Sound, Massachusetts. Following the adoption of the Energy Policy Act of 2005 (EPAct) and its associated amendments to the Outer Continental Shelf Lands Act (OCSLA), the Department of the Interior was given statutory authority to issue leases, easements, or rights-of-way for renewable energy projects on the Outer Continental Shelf (OCS). Accordingly, Cape Wind Associates, LLC, submitted an application to MMS in 2005 to construct, operate, and eventually decommission an offshore wind power facility on Horseshoe Shoal in Nantucket Sound, Massachusetts. The project calls for 130, 3.6± megawatt (MW) wind turbine generators, each with a maximum blade height of 440 feet, to be arranged in a grid pattern in 25 square miles of Nantucket Sound, offshore of Cape Cod, Martha's Vineyard, and Nantucket Island. With a maximum electric output of 468 megawatts and an average anticipated output of 182 megawatts, the facility is projected to generate up to three quarters of the Cape and Islands' electricity needs. Each of the 130 wind turbine generators would generate electricity independently. Solid dielectric submarine inner-array cables (33 kilovolt) from each wind turbine generator would interconnect within the array and terminate on an electrical service platform, which would serve as the common interconnection point for all of the wind turbines. The proposed submarine transmission cable system (115 kilovolt) from the electric service platform to the landfall location in Yarmouth is approximately 12.5 miles in length (7.6 miles of which falls within Massachusetts' territorial waters).

Nantucket Sound is a roughly triangular body of water generally bound by Cape Cod, Martha's Vineyard, and Nantucket Island. Open bodies of water include Vineyard Sound to the West and the Atlantic Ocean to the East and the South. Nantucket Sound encompasses between 500-600 square miles of ocean, most of which lies in Federal waters. The Cape Wind Energy

Project would be located completely on the OCS in Federal waters, aside from transmission cables running through Massachusetts territorial waters ashore. For reference, the northernmost turbines would be approximately 5.2 miles (8.4 km) from Point Gammon on the mainland; the southernmost turbines would be approximately 11 miles (17.7 km) from Nantucket Island (Great Point), and the westernmost turbines would be approximately 5.5 miles (8.9 km) from the island of Martha's Vineyard (Cape Poge).

ADDRESSES: The Revised Finding document can be accessed online at: <http://www.mms.gov/offshore/RenewableEnergy/CapeWind.htm>. Comments on the Revised Finding should be mailed or hand carried to the Minerals Management Service, Attention: James F. Bennett, 381 Elden Street, Mail Stop 4042, Herndon, Virginia 20170-4817. Envelopes or packages should be marked "Cape Wind Energy Project Revised Findings Document." The MMS will also accept comments submitted electronically through the web page at Federal eRulemaking Portal: <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter docket ID MMS-2010-OMM-0002, then click search. Under the tab "View By Docket Folder" you can submit public comments for this Notice. The MMS will post all comments.

Public Comment Procedures: 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.

The MMS is making the Revised Finding available for public review and comment. The written comments on the Revised Finding will be reviewed and considered as part of the ongoing NHPA Section 106 consultation process, and in particular, MMS' effort to resolve these adverse effects pursuant to 36 CFR subpart 800.6. The comment period for the Revised Finding document closes February 12, 2010.

January 19, 2010.

Chris C. Oynes,

Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2010-1279 Filed 1-22-10; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF LABOR**Office of the Secretary****Submission for OMB Review:
Comment Request**

January 19, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Occupational Safety and Health Administration (OSHA), 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: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: 4,4'-Methylenedianiline Construction 29 CFR 1926.60.

OMB Control Number: 1218–0183.

Affected Public: Business or other for-profits (Construction Firms).

Estimated Number of Respondents: 33.

Estimated Total Annual Burden Hours: 1,030.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$62,850.

Description: The purpose of the 4,4'-Methylenedianiline (MDA) Standard for the construction industry (29 CFR 1926.60) and its information collection requirements is to provide protection for employees from adverse health effects associated with occupational exposure to MDA. Employers must monitor exposure, keep employee exposures within the permissible exposure limits, provide employees with medical examinations and training, and establish and maintain employee exposure-monitoring and medical records. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55861 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2009–0036.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: 4,4'-Methylenedianiline General Industry 29 CFR 1910.1050.

OMB Control Number: 1218–0184.

Affected Public: Business or other for-profits (General Industry).

Estimated Number of Respondents: 15.

Estimated Total Annual Burden Hours: 298.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$21,428.

Description: The purpose of the 4,4'-Methylenedianiline (MDA) Standard for general industry (29 CFR 1910.1050) and its information collection requirements is to provide protection for employees from adverse health effects associated with occupational exposure to MDA. Employers must monitor exposure, keep employee exposures within the permissible exposure limits, provide employees with medical

examinations and training, and establish and maintain employee exposure-monitoring and medical records. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55860 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2009–0040.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Electrical Protective Equipment (29 CFR 1910.137), and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269).

OMB Control Number: 1218–0190.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 20,765.

Estimated Total Annual Burden Hours: 34,208.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$0.

Description: The information collection requirements contained in the Electrical Protective Equipment (29 CFR 1910.137) and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269) Standards are needed to help provide protection to workers who use electrical protective equipment and who are involved in industries engaged in electric power generation, transmission, and distribution work. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55261 on October 27, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2009–0037.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Standard on Walking-Working Surfaces (29 CFR part 1910, subpart D).

OMB Control Number: 1218–0199.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 41,540.

Estimated Total Annual Burden Hours: 6,125.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$0.

Description: The information collection requirements in the Walking-

Working Surfaces standard (29 CFR part 1910, subpart D) is designed to protect workers by making them aware of load limits of the floors of buildings, defective portable metal ladders, and the specifications of outrigger scaffolds used. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55858 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2009–0033.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–1268 Filed 1–22–10; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Delegation of Authority and Assignment of Responsibility to the Administrative Review Board

January 15, 2010.

Secretary's Order 1–2010

1. *Purpose.* To delegate authority and assign responsibility to the Administrative Review Board, define its composition, and describe its functions.

2. *Authorities.* This Order is issued under the authority of 5 U.S.C. 301 (Departmental Regulations); 29 U.S.C. 551 *et seq.* (Establishment of Department; Secretary; Seal); Reorganization Plan No. 6 1950 (5 U.S.C. App. 1 Reorg. Plan 6 1950); and the authorities cited in Section 5 of this Order.

3. *Background.* The Secretary of Labor (“Secretary”) has the authority and responsibility to decide certain appeals from administrative decisions. The Secretary created the Administrative Review Board (“Board” or “ARB”) in Secretary’s Order 02–96, which delegated authority and assigned responsibilities to the Board. Secretary’s Order 01–2002 delegated this authority and assigned responsibility to the ARB, defined and expanded its composition, clarified ARB procedural authorities, and codified the location of the ARB in the Department’s organizational structure. This Order creates and designates a Vice-Chair to maintain and operate the Board during a Chair’s absence or vacancy. Additionally, this Order delegates the responsibility for the operational management of the Board and its affairs to the newly created Vice-Chair.

4. *Directives Affected.* Secretary’s Orders 01–2002 and 02–96 are hereby canceled.

5. *Delegation of Authority and Assignment of Responsibilities.* The Board is hereby delegated authority and assigned responsibility to act for the Secretary of Labor in review or on appeal of the matters listed below, including, but not limited to, the issuance of final agency decisions. The Board shall report to the Secretary of Labor through the Deputy Secretary of Labor.

a. Final decisions of the Administrator of the Wage and Hour Division or an authorized representative of the Administrator, and final decisions of Administrative Law Judges (“ALJs”), under the following:

(1) The Davis-Bacon Act, as amended (40 U.S.C. 276a *et seq.*); any laws now existing or which may be subsequently enacted, providing for prevailing wages determined by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) (except matters pertaining to safety); the Copeland Act (40 U.S.C. 276c); Reorganization Plan No. 14 of 1950; and 29 CFR Parts 1, 3, 5, 6, Subpart C and D.

b. Final decisions of the Administrator of the Wage and Hour Division or an authorized representative of the Administrator, and from decisions of ALJ, arising under the McNamara-O’Hara Service Contract Act, as amended (41 U.S.C. 351); the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) (except matters pertaining to safety) where the contract is also subject to the McNamara-O’Hara Service Contract Act; and 29 CFR Parts 4, 5, 6, Subparts B, D, E.

c. Decisions and recommended decisions by ALJs as provided for or pursuant to the following laws and implementing regulations:

(1) Age Discrimination Act of 1975, 42 U.S.C. 6103;

(2) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1; 29 CFR Part 31;

(3) Clean Air Act, 42 U.S.C. 7622; 29 CFR Part 24;

(4) Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610; 29 CFR Part 24;

(5) Consumer Product Safety Improvement Act of 2008, 15 U.S.C. 2087;

(6) Title IX of the Education Amendments of 1972, 20 U.S.C. 1682; 29 CFR Part 36;

(7) Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005(a); 29 CFR Part 801, Subpart E;

(8) Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851; 29 CFR Part 24;

(9) Equal Access to Justice Act, 5 U.S.C. 504; 29 CFR Part 16;

(10) Executive Order No. 11246, as amended, 3 CFR 339 (1964–1965 Comp.); reprinted in 42 U.S.C. 2000e app.; 41 CFR Parts 60–1 and 60–30;

(11) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 203(m); 29 CFR Part 531, sections 531.4, 531.5;

(12) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 211(d); 29 CFR Part 530, Subpart E;

(13) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 214(c) 29 CFR Part 525, sections 525.22;

(14) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 216(e); 29 CFR Part 580;

(15) Federal Railroad Safety Act, 49 U.S.C. 20109;

(16) Federal Unemployment Tax Act, 26 U.S.C. 3303(b)(3), 3304(c);

(17) Federal Unemployment Tax Act (addressing agreements under the Trade Act of 1974, as amended), 26 U.S.C. 3302(c)(3); 20 CFR Part 617;

(18) Federal Water Pollution Control Act, 33 U.S.C. 1367; 29 CFR Part 24;

(19) Immigration and Nationality Act, as amended, 8 U.S.C. 1188(g)(2); 29 CFR Part 501, Subpart C;

(20) Immigration and Nationality Act, as amended, 8 U.S.C. 1182(n); 20 CFR Part 655, Subpart I;

(21) Immigration and Nationality Act as amended, 8 U.S.C. 1182(m) (1989); 20 CFR Part 655, Subpart E;

(22) Immigration and Nationality Act as amended, 8 U.S.C. 1182(m); 20 CFR Part 655, Subpart M;

(23) Immigration and Nationality Act as amended, 8 U.S.C. 1184(c)(14), 20 CFR Part 655, Subpart A;

(24) Immigration and Nationality Act, as amended, 8 U.S.C. 1288(c) and (d); 20 CFR Part 655, Subpart G;

(25) Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. 907(j)(2); 20 CFR Part 702;

(26) Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 CFR Part 500, Subpart F;

(27) National Apprenticeship Act, 29 U.S.C. 50; 29 CFR Parts 29 and 30;

(28) National Transit Systems Security Act of 2007, 6 U.S.C. 1142;

(29) Older Americans Senior Community Service Employment Program, 42 U.S.C. 3056, 20 CFR 641.415(c)(5);

(30) Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803; 29 CFR Part 22;

(31) Reports of alleged unlawful discharge or discrimination under Section 428 of the Black Lung Benefits Act, 30 U.S.C. 938;

(32) Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; 41 CFR Part 60–741, Subpart B;

(33) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; 29 CFR Part 32;

(34) Safe Drinking Water Act, 42 U.S.C. 300j–9(i); 29 CFR Part 24;

(35) Single Audit Act of 1984, 31 U.S.C. 7505; OMB Circular Nos. A–128 and A–110; 29 CFR Part 96;

(36) Social Security Act, 42 U.S.C. 503; 20 CFR Part 601;

(37) Solid Waste Disposal Act, 42 U.S.C. 6971; 29 CFR Part 24;

(38) Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 CFR Part 1978;

(39) Toxic Substances Control Act, 15 U.S.C. 2622; 29 CFR Part 24;

(40) Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4211, 4212; 41 CFR Part 60–250, Subpart B;

(41) Wagner-Peyser Act, as amended, 29 U.S.C. 49; 20 CFR Part 658;

(42) Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 CFR Part 50–203;

(43) Welfare to Work Act, 20 CFR 645.800(c);

(44) Wendell H. Ford Aviation Investment and Reform Act of the 21st Century, 49 U.S.C. 42121; 29 CFR Part 1979;

(45) Workforce Investment Act, 29 U.S.C. 2936(b), 20 CFR 667.830; 29 CFR Part 37 (see 37.110–112);

(46) Workforce Investment Act of 1998, 29 U.S.C. 2936; 20 CFR Part 627; 20 CFR Part 636; 29 CFR Part 37;

(47) Sarbanes-Oxley Act of 2002, 18 U.S.C. 1514A; and

(48) Any laws or regulations subsequently enacted or promulgated that provide for final decisions by the Secretary of Labor upon appeal or review of decisions, or recommended decisions, issued by ALJs.

The Board shall not have jurisdiction to pass on the validity of any portion of the Code of Federal Regulations that has been duly promulgated by the Department of Labor and shall observe the provisions thereof, where pertinent, in its decisions. The Board also shall not have jurisdiction to review decisions to deny or grant exemptions, variations, and tolerances and does not have the authority independently to take such actions. In issuing its decisions, the Board shall adhere to the rules of decision and precedent applicable under each of the laws enumerated in Sections 5(a), 5(b), and 5(c) of this

Order, until and unless the Board or other authority explicitly reverses such rules of decision or precedent. The Board's authority includes the discretionary authority to review interlocutory rulings in exceptional circumstances, provided such review is not prohibited by statute.

6. *Composition and Panel Configuration.*

a. The Board shall consist of a maximum of five Members, one of whom the Secretary shall designate as Chair, and a second of whom the Secretary shall designate as Vice-Chair. The Members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

b. Except as provided in Section 6(c), the Board shall sit, hear cases, render decisions, and perform all other related functions in panels of two or three Members, as may be assigned by the Chair, unless the Chair specifically directs that an appeal or review will be decided by the full Board.

c. Except as otherwise provided by law or duly promulgated regulation (see, e.g., 29 CFR Parts 7 and 8), if the petitioner(s) and the respondent(s) (or the appellant(s) and the appellee(s)) consent to disposition by a single Member, the Chair may determine that the decision shall be by a single Member. Upon an affirmative determination, the Chair of the Board shall, in his or her discretion, designate himself, herself, or any other Member of the Board to decide such an appeal under Section 8.

d. The Vice-Chair shall preside at meetings in the absence of the Chair. In the event of the vacancy of the Chair's position, the Vice-Chair shall assume all of the Chair's authority and shall act as Chair.

e. The Vice-Chair shall be responsible for the operational management of the Board and its affairs.

7. *Terms of the Members.*

a. Members of the Board shall be appointed for a term of two years or less.

b. Appointment of a Member of the Board to a term not to exceed a specified time period shall not affect the authority of the Secretary to remove, in his or her sole discretion, any Member at any time.

c. Vacancies in the membership of the Board shall not impair the authority of the remaining Member(s) to exercise all the powers and duties of the Board.

8. *Voting.* A petition for review may be granted upon the affirmative vote of one Member, except where otherwise provided by law or regulation. A

decision in any matter, including the issuance of any procedural rules, shall be by a majority vote, except as provided in Section 6(c).

9. *Location of Board Proceedings.* The Board shall hold its proceedings in Washington, DC, unless for good cause the Board orders that proceedings in a particular matter be held in another location.

10. *Rules of Practice and Procedure.* The Board shall prescribe such rules of practice and procedure, as it deems necessary or appropriate, for the conduct of its proceedings. The rules (1) which are prescribed as of the date of this Order in 29 CFR Part 7 and Part 8 with respect to Sections 5(a) and 5(b), respectively, of this Order and (2) which apply as of the date of this Order to appeals and review described in Section 5(c) of this Order shall, until changed, govern the respective proceedings of the Board when it is deciding appeals described in Section 5 of this Order.

11. *Departmental Counsel.* The Solicitor of Labor shall have the responsibility for representing the Secretary, the Deputy Secretary, and other officials of the Department and the Board in any administrative or judicial proceedings involving agency decisions issued pursuant to this Order, including representing officials of the Department before the Board. In addition, the Solicitor of Labor shall have the responsibility for providing legal advice to the Secretary, the Deputy Secretary, and other officials of the Department with respect to decisions covered by this Order, as well as the implementation and administration of this Order. The Solicitor of Labor may also provide legal advice and assistance to the Chair and/or Vice-Chair of the Board, as appropriate.

12. *Effective Date.* This delegation of authority and assignment of responsibility is effective immediately.

Dated: January 15, 2010.

Hilda L. Solis,

Secretary of Labor.

[FR Doc. 2010–1259 Filed 1–22–10; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request for Administrative Procedures—20 CFR 601 Including Form MA 8–7; Comment Request on Extension Without Change

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collection of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 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 requirements on respondents can be properly assessed.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice or by accessing: <http://www.doleta.gov/OMBCN/OMBControlNumber.cfm>.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before March 26, 2010.

ADDRESSES: Send comments to Robert Johnston, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S-4531, Washington, DC 20210, telephone number (202) 693-3005 (this is not a toll-free number) or by *e-mail*: johnston.robert@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Department of Labor, Employment and Training Administration regulations, 20 CFR 601, Administrative Procedures, contains collection of information requirements at Sections 601.2 and 601.3. Section 601.2 requires states to submit copies of their unemployment compensation laws for approval by the Secretary of Labor so that the Secretary may determine the status of state laws and plans of operation. Section 601.3 requires states to "submit all relevant state materials such as statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc." These materials are used by the Secretary to determine whether the state law contains provisions required by Section 3304(a) of the Internal Revenue Code of 1986. Grants of funds are made to states for the administration of their employment

security laws if their unemployment compensation laws and their plans of operation for public employment offices meet required conditions of Federal laws. The information transmitted by Form MA 8-7 is used by the Secretary to make findings (as specified in the above cited Federal laws) required for certification to the Secretary of the Treasury for payment to states or for certification of the state law for purposes of additional tax credit. If this information is not available, the Secretary cannot make such certifications. To facilitate transmittal of required material, the Department prescribes the use of Form MA 8-7, Transmittal for Unemployment Insurance Materials. This simple check off form is used by the states to identify material being transmitted to the National Office and allows the material to be routed to appropriate staff for prompt action.

II. Desired Focus of Comments

Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the MA 8-7, Transmittal for Unemployment Insurance Materials. The Department of Labor is particularly interested in comments that:

- 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 submissions of responses.

III. Current Actions

The continued collection of the information described above is necessary to enable the Employment and Training Administration to complete the required certifications.

Type of Review: Extension without change.

Agency: Employment and Training Administration (ETA).

Title: Transmittal for Unemployment Insurance Materials.

OMB Number: 1205-0222.

Agency Number: MA 8-7.

Affected Public: State and Local Governments.

Total Respondents: 53.

Frequency: As needed.

Total Responses: 636.

Average Time per Response: 1 Minute.

Estimated Total Burden Hours: 10 Hours.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintaining): \$0.

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: January 19, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010-1247 Filed 1-22-10; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR**Bureau of Labor Statistics****Submission for OMB Emergency Review: Comment Request**

January 20, 2010.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (PRA95) (Pub. L. 104-13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by March 31, 2010. 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—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free

numbers), E-mail: OIRA_submission@omb.eop.gov. Comments and questions about the ICR listed below should be received on or before February 24, 2010.

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 submissions of responses.

Agency: Bureau of Labor Statistics.

Type of Review: New collection.

Title of Collection: Quarterly Census of Employment and Wages Green Goods and Services Sector Pre-testing.

OMB Control Number: 1220-NEW.

Affected Public: Private sector businesses or other for-profits; not-for-profit institutions; farms; small businesses or organizations.

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
Forms panel testing	2,500	One time	2,500	30	1,250
Follow-up interviews	750	One time	750	30	375
Totals	2,500	.....	3,250	.....	1,625

The difference between the total number of respondents and the total number of responses reflects the fact that the respondents contacted for the follow-up interviews are a subset of the respondents contacted during the forms panel testing. About 750 of the respondents will be contacted twice, once during the panel testing and a second time for the follow-up interview.

Total Burden Cost: (capital/startup): \$0.

Total Burden Cost: (operating/maintenance): \$0.

Description: As the chief source of government data on employment, the 2010 Congressional appropriation tasks the Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Wages (QCEW) program with producing employment data on industry sectors that produce green goods and services. This initiative will produce regular tabulations of aggregate employment and wages for businesses whose primary activities fall in the green goods and services sector as defined by BLS. These series will be key to analyzing workforce trends in this sector.

The purpose of this request for clearance is for the QCEW program to initiate a research project to understand the collection environment and learn what information establishments have available that would help BLS collect employment data on industry sectors that produce green goods and services. This information will be used to improve the eventual data collection instrument, increase response rates, and ensure high quality data are collected.

The primary purpose of this research is neither to finalize a definition of green goods and services sector nor to determine what defines the green sector. Rather, the focus is on learning what collectable information firms have available about their products, services, and other items that might be used to collect data on this sector. The BLS definition of the green goods and

services sector industry will be addressed separately.

Why are we requesting Emergency Processing? Emergency clearance is being sought for the Quarterly Census of Employment and Wages Green Goods and Services Sector Industry Pre-testing. The purpose of this request for clearance by the BLS QCEW program is to initiate a research project to understand the collection environment and learn what information establishments have available that would help BLS collect employment data on industry sectors that produce green goods and services. This information will be used to develop the eventual data collection instrument and ensure high quality data are collected. Data collection is scheduled to begin in November 2010. In order for BLS to understand how to collect and produce high quality green goods and services business employment by this date, BLS must begin the forms panel testing as soon as possible. Therefore, BLS is requesting an emergency clearance to allow for the necessary research to be undertaken and completed within this timeframe. A second opportunity to comment on the proposed collection of data on green goods and services sector business employment will be afforded when the package is submitted to OMB under the standard clearance process in accordance with the PRA95 (44 U.S.C. 3506).

Darrin A. King,
Departmental Clearance Officer.

[FR Doc. 2010-1301 Filed 1-22-10; 8:45 am]

BILLING CODE 4510-24-P

DEPARTMENT OF LABOR

Proposed Information Collection Request for the ETA 218, Benefit Rights and Experience Report; Comment Request on Extension Without Change

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collection of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 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 requirements on respondents can be properly assessed.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice or by accessing: <http://www.doleta.gov/OMB/OMBControlNumber.cfm>.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before March 26, 2010.

ADDRESSES: Send comments to Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S-4531, Washington, DC 20210, telephone number (202) 693-3008 (this is not a toll-free number) or by e-mail: gibbons.scott@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for state unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible based on classification by potential duration categories, and those exhausting their full entitlement as classified by actual duration categories. These data are used by the National

Office in solvency studies, cost estimating and modeling, and assessment of state benefit formulas.

II. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the proposed extension for the collection of the ETA 218, Benefit Rights and Experience report. *Comments are requested that:*

- 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 submissions of responses.

III. Current Actions

The continued collection of the information contained on the ETA 218 report is necessary to enable the Office of Unemployment Insurance to continue evaluating state benefit formulas and the establishment of new benefit years.

Type of Review: Extension without change.

Agency: Employment and Training Administration (ETA).

Title: Benefit Rights and Experience.

OMB Number: 1205-0177.

Agency Number: ETA 218.

Affected Public: State and Local Governments.

Total Respondents: 580.

Frequency: Quarterly.

Total Responses: 580.

Average Time per Response: 0.5 hours.

Cite/Reference	Total respondents	Frequency	Total re-sponses	Average time per response	Burden
ETA 218 Regular	53	Quarterly	212	.5 hour	106 hrs.
ETA 218 Extended Benefits.	39	Quarterly	156	.5 hour	78 hrs.
ETA 218 Emergency Unemployment Compensation.	53	Quarterly	212	.5 hour	106 hrs.
Totals .....	.....	.....	580	.....	290 hrs.

Total Estimated Burden Hours: 290 hours.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintaining): \$0.

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: January 19, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010-1248 Filed 1-22-10; 8:45 am]

BILLING CODE 4510-FW-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 *November 30 through December 11, 2009*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. 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-72,826; *Alleson of Rochester, Inc., Athletic Apparel Manufacturing, Geneva, NY: November 9, 2008.*

TA-W-70,379; *The Stanley Works, Leased Workers from TAC Worldwide, New Britain, CT: May 20, 2008.*

TA-W-70,412; *iLevel, Dallas, OR: May 18, 2008.*

TA-W-70,437; *Circuit Science, Inc., Plymouth, MN: May 20, 2008.*

TA-W-71,875; *Kaiser Foundation Hospitals, KP-IT, Walnut Creek, CA: July 29, 2008.*

TA-W-72,650; *TI Group Automotive Systems, Winchester, KY: October 21, 2008.*

TA-W-70,042; *Crosby National Swage, First Staff, Hughes Agency, Staff Mark Agency, Jacksonville, AR: May 18, 2008.*

TA-W-70,079; *Aetrium Corporation, Leased Workers From Aerotek and Logic, North St. Paul, MN: May 18, 2008.*

TA-W-70,170; *Emporium Hardwoods, LLC, Leased Workers of Employment Solutions, Inc., Emporium, PA: April 21, 2008.*

TA-W-70,174; *D.R. Johnson Lumber Company, Riddle, OR: May 18, 2008.*

TA-W-70,248; *BorgWarner Turbos, BorgWarner, Inc./Turbo & Emission Systems Div. Adecco, Arden, NC: May 19, 2008.*

TA-W-70,324A; *Delphi Packard Electrical/Electronic Architecture, Delphi Corporation, Leased Workers from Bartech, Rootstown, OH: May 19, 2008.*

TA-W-70,324B; *Delphi Packard Electrical/Electronic Architecture, Delphi Corporation, Leased Workers from Bartech, Vienna, OH: May 19, 2008.*

TA-W-70,324C; *Delphi Packard Electrical/Electronic Architecture, Delphi Corporation, Leased Workers from Bartech, Howland, OH: May 19, 2008.*

TA-W-70,324D; *Delphi Packard Electrical/Electronic Architecture, Delphi Corporation/Leased Workers from Bartech, Cortland, OH: May 19, 2008.*

- TA-W-70,324; Delphi Packard Electrical/Electronic Architecture, Delphi Corporation, Leased Workers from Barteck, Warren, OH: May 19, 2008.
- TA-W-70,327; SAPA Fabricated Products, SAPA Inc., Leased Workers of Manpower Temporary Services, Magnolia, AR: May 18, 2009.
- TA-W-70,373; Eaton Hydraulics, Greenwood, SC: May 19, 2008.
- TA-W-70,443; Fleetwood Industries, Inc., New Production Introduction Assembly Division, Leesport, PA: May 18, 2008.
- TA-W-70,507; Oregon Metallurgical Corporation, Express Personnel Services, Albany, OR: May 18, 2008.
- TA-W-70,723; OFS Brands Holdings, Inc., Huntingburg, IN: May 24, 2008.
- TA-W-70,903; Severstal Warren, Inc., Warren, OH: June 1, 2008.
- TA-W-70,974; Watry Industries LLC, Leased Workers of Seek Staffing, Sheboygan, WI: May 21, 2008.
- TA-W-71,048; Warren Corporation, Leased Workers from Point Staffing Services, Stafford Springs, CT: June 5, 2008.
- TA-W-71,171; Cargill, Inc., Corn Milling North America Division, Decatur, AL: June 10, 2008.
- TA-W-71,320; Eck Industries, Inc., Consumers, Inc., Seek Careers Staffing, Manitowoc, WI: June 12, 2008.
- TA-W-71,411; P and M Industries, Inc., Thorofare, NJ: June 23, 2008.
- TA-W-71,416; Kennametal, Inc., MSSG, Leased Workers from Kelly Services, Bentonville, AR: June 25, 2008.
- TA-W-71,427; Modern Industries, Inc., Machining Division, Leased Workers Adecco Technical, Advanced Placement, Erie, PA: June 26, 2008.
- TA-W-71,618; Volvo Trucks North America, New River Valley Plant, Dublin, VA: July 9, 2008.
- TA-W-71,859; Faribault Woolen Mill Company, Faribault, MN: July 29, 2008.
- TA-W-72,017; MGP Ingredients, Inc., Pekin, IL: August 11, 2008.
- TA-W-72,050; Automotive Components Holdings, LLC, Ford Motor Company, Visteon, MSX, Ford Motor, Sandusky, OH: August 14, 2008.
- TA-W-72,279; GES US New England, Inc., Venture Corp, Lowell, MA: September 9, 2009.
- TA-W-72,624; Impress USA, Inc., North America, Weirton, WV: October 15, 2008.
- TA-W-71,255; Flextronics, Global Services Division, Louisville, KY: June 3, 2008.
- TA-W-70,141; McMurray Fabrics, Inc., Aberdeen, NC: May 18, 2008.
- TA-W-71,626; Robinson Steel, Granite City, IL: July 8, 2008.
- TA-W-70,335; Milliken and Company, Hatch Plant, Columbus, NC: May 19, 2008.
- TA-W-71,116; Russell Brands, LLC, Fabrics Division/Fruit of the Loom, Alexander City, AL: May 18, 2008.
- TA-W-71,319; Occidental Chemical Corporation, James H. Adams and Son Construction Co., Mobile, AL: June 18, 2008.
- TA-W-72,381; Grand Model Garment, Inc., New York, NY: September 21, 2008.
- TA-W-72,772; Narrow Fabric Industries Corporation, Cheynet Group/Leased Workers from Berks and Beyond, West Reading, PA: January 27, 2009.
- 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-70,115; Senco Bands, Inc., FKA Senco Products, Inc./Manpower, Inc. & Express Personnel, Cincinnati, OH: May 18, 2008.
- TA-W-70,392; Cleveland Casting Plant, Cleveland, OH: May 20, 2008.
- TA-W-70,438; Durr Systems, Inc., Durr Ag/Leased Workers from PDS Services, A. Bose, Inc. BV Technologies, Plymouth, MI: May 18, 2008.
- TA-W-70,733; Federal Mogul Corporation, Systems Protection Group, Exton, PA: May 23, 2009.
- TA-W-70,924; Dawn Food Products, Inc., Ossian, IN: May 26, 2008.
- TA-W-71,170; Corning, Inc., Leased Workers from Adecco, Pro Unlimited, Piedmont Prime Care, Danville, VA: June 10, 2008.
- TA-W-71,196A; Invensys Process Systems, Leased Workers From CDI Corporation, Irvine, CA: June 11, 2008.
- TA-W-71,196; Invensys Process Systems, Leased Workers From CDI Corporation, Foxboro, MA: June 11, 2008.
- TA-W-71,242; BAE Systems Controls, Inc., Leased Workers of Aerotek and Superior Technical Resources, Irving, TX: June 15, 2008.
- TA-W-71,554; International Automotive Components Huron, LLC, Huron, OH: June 14, 2008.
- TA-W-71,594; Flextronics International LTD, Leased Workers from Aerotek, Austin, TX: July 8, 2008.
- TA-W-71,739; Zippo Manufacturing Company, Bradford, PA: July 15, 2008.
- TA-W-71,763; Acushnet Company, Fortune Brands, Leased Workers from Olsten Staffing Services, Fairhaven, MA: July 21, 2008.
- TA-W-71,811; Ficoso North America, Leased Workers from Atwork Cumberland Staffing Agency, Crossville, TN: July 24, 2008.
- TA-W-71,842; Honeywell International, Electronic Materials Division, Sunnyvale, CA: July 21, 2008.
- TA-W-71,880; Brooks Automation, Inc., Extended Factory Division, Leases Workers from ESM, Express Personnel, Portland, OR: July 30, 2008.
- TA-W-71,882; Alcoa, Inc.—Reynolds Metals Company, Leased Workers from Icon Consultants and Headway Corp. Staffing, Massena, NY: July 30, 2008.
- TA-W-71,926; Honeywell International, Consumer Products Group, Fostoria, OH: September 8, 2009.
- TA-W-72,056; The ESAB Group Inc., Olstein Staffing, Florence, SC: August 17, 2008.
- TA-W-72,134; Winchester Lamp Plant, General Electric Company, Leased Workers from Diversco Janitorial Services, Winchester, VA: August 19, 2008.
- TA-W-72,234; Rieter Automotive Systems, North American Automotive Division, Lowell, IN: September 4, 2008.
- TA-W-72,261; Coopervision, Cooper Companies, Leased Workers from Reliance Temporary Staffing, Norfolk, VA: September 9, 2008.
- TA-W-72,348; Cooper Wiring Devices, Maine Operations/Leased Workers from Bonney Staffing and Adecco, Brunswick, ME: September 17, 2008.
- TA-W-72,403; Faradyne Motors, LLC, Kelly Services and Remedy Staff, Newark, NY: June 21, 2009.
- TA-W-72,421; Karl Schmidt Unisia, Inc., Fort Wayne, IN: September 25, 2008.
- TA-W-72,538; Visteon Eureka VGRAM, LLC, Interior Division, Visteon Corporation, Leased Workers from Aerotek, Eureka, MO: October 7, 2008.
- TA-W-72,577; Springfield Wire, Inc., Springfield, MA: December 6, 2009.
- TA-W-72,589; SKC HAAS Display Films LLC, A Joint Venture with DOW Chemical/Leased Workers of Diversco Integrated Services, Rochester, NY: October 14, 2008.
- TA-W-72,595; Boyd Corporation, Portland Div., Employment Trends and Staffmark, Portland, OR: October 13, 2008.
- TA-W-72,599; Pradco, Inc., Fishing Division/Kelly Services and First

- Staff Central, Ft. Smith, AR: October 14, 2008.
- TA-W-72,730; Gateway Corporation, Corinth, MS: October 27, 2008.
- TA-W-72,768; Solid State Measurements, Inc., Semilab Semiconduction Physics, Leased Workers From Oxford Solutions, Pittsburgh, PA: November 3, 2008.
- TA-W-72,785; Beneteau USA, Inc., Marion, SC: November 2, 2008.
- TA-W-72,866; Nova Controls, Inc., Hydro Controls/Leased Workers of Manpower and Kelly Services, Watsonville, CA: November 12, 2008.
- TA-W-72,871A; D&E Trucking, Orleans Furniture, Inc., Columbia, MS: November 10, 2008.
- TA-W-72,871; Orleans Furniture, Inc., Columbia, MS: November 10, 2008.
- TA-W-72,898; Modine Manufacturing Company, Nesco Service, Adecco, Belcan HR Affiliates, CBS, JC, Harrodsburg, KY: November 18, 2008.
- TA-W-72,914; Cummins Filtration, Allegis, Manpower and DP Personnel, Cookeville, TN: November 16, 2008.
- TA-W-72,938; Schneider Electric, North American Operating Div., Leased Workers from Volt Services and Adecco, Seneca, SC: November 23, 2008.
- TA-W-71,005; Vision Plastics-Gardner Bender, Leased Workers of Enterforce, San Diego, CA: June 3, 2008.
- TA-W-71,945; Rainbow Play Systems, Inc., Brookings, SD: August 6, 2008.
- TA-W-71,949; Oberg Industries, Inc., Adecco Employment Service, Specialized Staff, Venture, Freeport, PA: August 6, 2008.
- TA-W-72,059; Quebecor World, Premedia Division, New York, NY: August 16, 2008.
- TA-W-72,155; McKinney Products Company, ASSA Abloy, Scranton, PA: May 15, 2009.
- TA-W-72,305; Rave Sports, Inc., Lebanon, MO: September 14, 2008.
- TA-W-72,657; Hilton Reservations and Customer Care, A Subsidiary of Hilton Worldwide, Hazleton, PA: October 19, 2008.
- TA-W-70,032; Mega Brands America, Inc., Formerly Known as Rose Art Ind., Leased Workers from Ajilon Professional, Livingston, NJ: May 18, 2008.
- TA-W-71,373; IBM, Learning and Knowledge Group, Chicago, IL: June 22, 2008.
- TA-W-71,972; Agility Logistic, SNA Division, Connections Personnel, Sedona, Santa Ana, CA: July 15, 2008.
- TA-W-72,339; Eastman Kodak Company, Finance & Accounting Div., Adecco, Dayton, OH: September 16, 2008.
- TA-W-72,512; Hewlett Packard, HRGO/US—PSG Desktop & Notebook GBUs, W. Houston, TX: September 30, 2008.
- TA-W-72,544; Sonoco Products Company, Packaging Services Division, Leased Workers of Debbie's Staffing, Accountemps, Devens, MA: October 6, 2008.
- TA-W-72,578; Agilent Technologies, Inc., Technology and Service Organization, Leased Workers Timmsen Consulting, Santa Rosa, CA: October 6, 2008.
- TA-W-72,668; AEES Power System LP, Customer Service, Engineering, and Design Depts./Leased Workers of Aerotek, Farmington Hills, MI: October 20, 2008.
- TA-W-72,791; Siemens Industry, Inc., Industrial Automation Division, Spring House, PA: November 5, 2008.
- TA-W-70,525A; Yahoo Inc., Finance Division/Leased Workers from Workforce Logic, Burbank, CA: May 18, 2008.
- TA-W-70,525B; Yahoo Inc., Finance Division/Leased Workers from Workforce Logic, Santa Clara, CA: May 18, 2008.
- TA-W-70,525; Yahoo Inc., Finance Division/Leased Workers from Workforce Logic, Sunnyvale, CA: May 18, 2008.
- TA-W-70,963; Delaware Valley Financial Services, Allianz Life Insurance Company of North America, Berwyn, PA: May 19, 2008.
- TA-W-72,439; GlaxoSmithKline, Knowledge Management Division, Parsippany, NJ: September 28, 2008.
- TA-W-72,686; Citicorp North America, Inc., ACASH Division/Leased Workers of Randstad, Fort Lauderdale, FL: October 16, 2008.
- TA-W-72,923A; Carhartt, Inc., Glasgow Distribution Center, Glasgow, KY: November 20, 2008.
- TA-W-72,923; Carhartt, Inc., Glasgow Sortation Facility, Glasgow, KY: November 20, 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-70,420; Milliken and Company, Abbeville Plant, Automotive Division, Abbeville, SC: May 19, 2008.
- TA-W-71,764; Manter Technologies Corp., Marine City, MI: June 12, 2008.
- TA-W-70,036; Ferro Corporation, Porcelain Enamel Coatings Division, Cleveland, OH: May 18, 2008.
- TA-W-70,076; Ryerson, Inc., Nashville, TN: May 18, 2008.
- TA-W-70,167; Melampy Manufacturing Company, Wabec and Standard Car Truck/Leased Workers from Alternative Staffing, Gibsonia, PA: May 18, 2008.
- TA-W-70,531; Consolidated Metco, Inc., Plastics Division, Bryson City, NC: May 21, 2008.
- TA-W-70,626; Steel Forming, DBA Commercial Metal Forming, Youngstown, OH: May 4, 2008.
- TA-W-71,066; North American Hoganas, Inc., Leased Workers from Manpower and Kelly Services, Hollsopple, PA: June 8, 2008.
- TA-W-71,233; Advance Accessory System, Shelby, MI: June 5, 2008.
- TA-W-71,237; Phillips Plastics Corp, Custom Div., Manpower, Phillips, WI: June 2, 2008.
- TA-W-71,412; HTT Inc., Leased Workers from Staffing Answers, Sheboygan Falls, WI: June 24, 2008.
- TA-W-71,522; Coldform, Inc., Terryville, CT: July 2, 2008.
- TA-W-71,599; Toyotetsu Mid America, Leased Workers from Malone Staffing, Owensboro, KY: July 7, 2008.
- TA-W-71,688; Friction Holdings, LLC, Drivetrain Group Holding Corp., Crawfordsville, IN: July 13, 2008.
- TA-W-72,015; Illinois Steel Service, Inc., Chicago, IL: August 12, 2008.
- TA-W-72,178; Mullen Industries, St. Clair, MO: August 31, 2008.
- TA-W-72,278; Sabic Innovative Plastics US, LLC, Washington, WV: September 9, 2008.
- TA-W-72,307; Toyotetsu America, Inc., Toyoda Iron Works Company, JC Malone Associates, Somerset, KY: September 14, 2008.
- TA-W-70,363; TRW Automotive, LLC, Electronics Engineering Division, Leased Workers from Adecco Engineering, Farmington Hills, MI: May 19, 2008.
- TA-W-70,484; Virage Logic Corporation, Leased Workers from Office Team and Patni Computer Systems Ltd., Hampton, NJ: May 20, 2008.
- TA-W-70,943; Kenco Logistic Services, LLC, Remedy Intelligent and Omnisource Staffing, Lexington, KY: June 3, 2008.

TA-W-71,025; Canon USA, Inc., Semiconductor Equipment Division, Boise, ID: June 2, 2008.

TA-W-71,061; Elkay Manufacturing Company, Corporate Headquarters, Leased Workers of Accountemps, Oak Brook, IL: June 8, 2008.

TA-W-71,812; Sigmatron International, Inc., Snelling Personnel Services and Team Force Staffing, Hayward, CA: July 24, 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.

None.

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-72,820; Maverick Tube LLC, DBA Tenaris Counce, Counce, TN: November 24, 2009.

TA-W-72,821; Maverick Tube LLC, DBA Texas Arai, Houston, TX: November 24, 2007.

TA-W-72,822; Maverick Tube, LLC, DBA TenairsConroe, Conroe, TX: November 24, 2007.

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-70,646; Tenneco, Inc., Corporate Engineering Center, Grass Lake, MI.

TA-W-71,281; International Automotive Components Group North America, Troy, MI.

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.

TA-W-70,646; Tenneco, Inc., Corporate Engineering Center, Grass Lake, MI.

TA-W-71,281; International Automotive Components Group North America, Troy, MI.

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-70,223; Eaton Aeroquip, Inc., Mountain Home, AR.

TA-W-70,294; Quala-Die, Inc., St. Marys, PA.

TA-W-70,302; Pilgrims Pride, Leased Workers of PSSI, Farmerville, LA.

TA-W-70,305; Shorewood Packaging, A Business Unit of International Paper, Springfield, OR.

TA-W-70,346; Nabors Drilling USA, LP, Fruita, CO.

TA-W-70,395; Dawson Metal Company, Inc., Industrial Division, Jamestown, NY.

TA-W-70,618A; Shadowline Sales Inc., Shadowline, Inc., Myrtle Beach, SC.

TA-W-70,618B; Shadowline Sales Inc., Shadowline, Inc., Pigeon Forge, TN.

TA-W-70,618; Shadowline Sales Inc., Shadowline, Inc., St. Augustine, FL.

TA-W-70,705; Watertronics, LLC, Hartland, WI.

TA-W-70,732; Pilgrims Pride Corporation, Clinton, AR.

TA-W-70,755; Pilgrims Pride Corporation, Wilstaff, Eldorado, AR.

TA-W-70,783; T and S Hardwoods, Inc., Sylva, NC.

TA-W-70,967; Gerstenslager Company, Worthington Industries, Automotive Stamping Div., Wooster, OH.

TA-W-70,987A; Red Oak Die Casting, Quad Cast, Inc., Red Oak, IA.

TA-W-70,987; Quad City Die Casting, Inc, Moline, IL.

TA-W-71,230; Monaco Coach Corporation, N/K/S MNC Corporation, Coburg, OR.

TA-W-72,041; Aleris Blanking and Rim Products, Inc., Division of Aleris International, Inc., Terre Haute, IN.

TA-W-70,052A; Transfreight, LLC, Mitsui & Co., Ltd, Brownstown, MI.

TA-W-70,052; Transfreight, LLC, Mitsui & Co., Ltd, Princeton, IN.

TA-W-70,333; URS Corporation, URS Division/East 3 Regional Business Unit, Grand Rapids, MI.

TA-W-70,343; WuXi AppTec, Inc., Biological Manufacturing, Leased Workers from Aerotek, Philadelphia, PA.

TA-W-70,349; Trane, Residential Systems Division, Fort Smith, AR.

TA-W-70,482; Source Providers, Inc.—Comprehensive Logistics, Inc., Lansing, MI.

TA-W-70,541; Samuel Aaron, Inc., Long Island City, NY.

TA-W-70,585; Johnson Control, Inc., Rockwood, MI.

TA-W-70,772; United Airlines, Inc., Seattle-Tacoma Int'l Airport Line Maintenance Division, Seattle, WA.

TA-W-71,042; Pacific Rail Services, LLC, Seattle, WA.

TA-W-71,275; United Airlines, Inc., Portland Airport Line Maintenance Division, Portland, OR.

TA-W-71,301; Blazing Color, Bloomington, MN.

TA-W-71,325; Smartparts, Inc., Totowa, NJ.

TA-W-71,550; IBM Corporation, Global Technology Services Division, Chicago, IL.

TA-W-71,559; Gresham Chrysler—Jeep, Inc., Gresham, OR.

TA-W-71,579; United Airlines, Inc., Jamaica, NY.

TA-W-71,723; United Airlines, Inc., O'Hare International Airport Line Maintenance Division, Chicago, IL.

TA-W-71,989; United Airlines, Inc., Newark Int'l Airport Line Maintenance Division, Newark, NJ.

TA-W-71,990; United Airlines, Inc., La Guardia Airport Line Maintenance Division, Flushing, NY.

TA-W-72,216; Gwynn Lumber and Reload, Inc., Eureka, MT.

TA-W-72,499; Hamilton Fairfield Dodge Jeep, Hamilton, OH.

TA-W-72,527; Saturn of Green Bay, Inc., Green Bay, WI.

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.

TA-W-70,130; Pilgrims Pride Corp, Atkins, AR.

I hereby certify that the aforementioned determinations were issued during the period of November 30 through December 11, 2009. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 15, 2010.
Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.
[FR Doc. 2010-1311 Filed 1-22-10; 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 *November 2 through November 13, 2009*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. 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-70,545; Truck-Lite Company, Inc., Leased Workers from Adecco, Falconer, NY: May 8, 2008.

TA-W-70,564; Gemeinhardt, LLC, Elkhart, IN: May 20, 2008.

TA-W-70,879; Reynolds Consumer Products, Weyauwega Plant, d/b/a/ Presto, Weyauwega, WI: June 2, 2008.

TA-W-71,485; Albaugh, Inc., Leased Workers—Imko, Aerotek, Austin Nichols, and Lab Tech, St. Joseph, MO: June 23, 2008.

- TA-W-71,539; Plum Creek, Plum Creek Timber Company, Inc., LC Staffing, Columbia Falls, MT: July 1, 2008.
- TA-W-70,034; Vaagen Bros. Lumber, Inc., Leased Workers from Integrated Personnel, Colville, WA: May 18, 2008.
- TA-W-70,418; Pentair Water Pool and Spa, Acutrol Division, Auburn, CA: May 19, 2008.
- TA-W-70,526; Kennametal, Inc., Lyndonville, VT: May 18, 2008.
- TA-W-70,765; Nova Chemicals Inc., Performance Styrenics Division, Leased Workers from Allied Barton Security, Monaca, PA: May 20, 2008.
- TA-W-71,458; FormTech Industries, LLC, Detroit, MI: June 26, 2008.
- TA-W-71,983; Weber Automotive Corporation, Leased Workers from Spherion and Johnson SVS Group, Summerville, SC: August 4, 2008.
- TA-W-72,047; Mark Two Engineering, Inc., Aerotek, Medley, FL: August 13, 2008.
- TA-W-72,440; Wheatland Tube Company, Sharon, PA: July 22, 2009.
- TA-W-71,035; Prestige Printing, J.L. Wauford, Inc./Leased from Kelly Services and Randstad USA, Madison, TN: June 5, 2008.
- TA-W-70,189; Signature Aluminum, Inc., Greenville, PA: May 18, 2008.
- TA-W-70,396; U.S. Steel Tubular Products, Wheeling Machine Products Division, Pine Bluff, AR: May 19, 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-70,398; Cessna Aircraft Company, A Division of Textron, Leased Workers From Express Professional Staffing, Bend, OR: May 18, 2008.
- TA-W-70,453; Flextronics International, Limited, Leased Workers From Arotex, Flexicorps, Industrial Staffing, Elk Grove Village, IL: May 20, 2008.
- TA-W-70,916; Agilent Technologies, Digital Test, Independent Contractors & Leased Workers Johnson Controls & Volt, Colorado Springs, CO: June 1, 2008.
- TA-W-70,972; Amphenol Backplane Systems, Amphenol Corp., Microtech and Accountemps, Nashua, NH: June 1, 2008.
- TA-W-70,984; Keihin IPT Manufacturing, Inc., Keihin NA, Formerly KIPT, Now KNA, Leased Workers from Spartan Staffing, Greenfield, IN: June 2, 2008.
- TA-W-71,094; Duro Textiles, LLC, Duro Finishing and Duro Textile Printers, Leased Workers From Olsten Staffing, Fall River, MA: May 5, 2009.
- TA-W-71,355; Hollingsworth and Vose Company, Hawkinsville Division, Willstaff Worldwide, Hawkinsville, GA: June 10, 2008.
- TA-W-71,395; Startek USA, Inc., Subsidiary of Startek, Lynchburg, VA: June 24, 2008.
- TA-W-71,402; The Timken Company, Leased Workers from Adecco and Megaforce, Randleman, NC: June 23, 2008.
- TA-W-71,431; Sealing Products Manufacturing, LLC, Dana Holding Corporation, LLC, ADECCO, Danville, KY: June 24, 2008.
- TA-W-71,478; United States Gypsum, Santa Fe Springs Plant, Santa Fe Springs, CA: June 29, 2008.
- TA-W-71,480; Hydro Aluminum Precision Tubing North America, Adrian, MI: June 26, 2008.
- TA-W-71,530; Nordson Corporation, Leased Workers from Kelly Services, Robert Half Management, Amherst, OH: July 1, 2008.
- TA-W-71,755; Bose Corporation, Park Place Manufacturing, Leased Workers from Randstad, Framingham, MA: July 17, 2008.
- TA-W-72,069; Rennoc Corporation, Vineland, NJ: August 18, 2008.
- TA-W-72,099; Motorola Inc., Government and Public Safety Division, Schaumburg, IL: August 20, 2008.
- TA-W-72,167; Shorewood Packaging, Newport News, VA: August 25, 2008.
- TA-W-72,169; NuTec Tooling Systems, Inc., Leased Workers from Career Concepts, Meadville, PA: August 28, 2008.
- TA-W-72,199; Littelfuse LP, Leased Worker of Aerotek, Inc., Irving, TX: September 1, 2008.
- TA-W-72,244; Control Logic, Inc., Connelly Springs, NC: August 28, 2008.
- TA-W-72,263; The H and H Trailer Company, Kingman Division, Kingman, AZ: September 8, 2008.
- TA-W-72,353; Philips Respironics, Royal Phillips Electronics Inc., Leased Workers of Qualcomm Inc., Bend, OR: September 17, 2009.
- TA-W-72,395; 3M/Southbridge, Leased Workers from Coworx Staffing Services, Southbridge, MA: September 17, 2008.
- TA-W-72,469; Magal-Senstar, Inc., Division of Magal Security Systems, Fremont, CA: September 30, 2008.
- TA-W-72,500; Hardinge, Inc., Leased Workers of Manpower, Elmira, NY: September 29, 2008.
- TA-W-72,503; Sycamore Networks, Inc., Silvx Network Management Software, Chelmsford, MA: November 25, 2008.
- TA-W-72,561; United Tool and Plastics, Inc., Waynesboro, VA: October 8, 2008.
- TA-W-70,151; Smith and Nephew, Inc., Wound Management—Largo Div./ Leased Workers of Olsten Staffing, Largo, FL: May 4, 2008.
- TA-W-70,433; Weyerhaeuser NR, I-Level Division, Buckhannon, WV: May 18, 2008.
- TA-W-70,900; Acushnet Company, Leased Workers from Marquee Staffing, Carlsbad, CA: June 1, 2008.
- TA-W-71,125; Intra Corporation, Westland, MI: June 10, 2008.
- TA-W-71,225; Dura Automotive Systems, Seats Division, Leased Workers from Furst Staffing, Stockton, IL: June 5, 2008.
- TA-W-71,259; Cooper Tools, Inc., Cooper Power Tools Division, Cooper Industries, Dayton, OH: June 22, 2009.
- TA-W-72,093; Atlantic Guest, Inc., Actuant Company, Berlin, CT: August 19, 2008.
- TA-W-72,133; North American Pulp Molding, LLC, Luberski, Inc/dba Hidden Villa Ranch, Haynesville, LA: August 25, 2008.
- TA-W-70,403; IBM Corporation, Global Business Services, El Segundo, CA: May 18, 2008.
- TA-W-70,916A; Agilent Technologies, Digital Test, Independent Contractors & Leased Workers Johnson Controls & Volt, Santa Rosa, CA: June 1, 2008.
- TA-W-71,031; International Business Machines Corp. (IBM), Global Business Services, ABB Account, Endicott, NY: May 20, 2008.
- TA-W-71,243; AGS Commercial Solutions, Inc., Affiliated Computer Services, Business Processing Solutions Group, Lexington, KY: June 3, 2008.
- TA-W-71,905; Accenture LLP, Randstad, MIR Mitchell & Co., Dayton, OH: July 30, 2008.
- TA-W-72,195; Experian, Global Technology Services Division, Leased Workers of Tapfin, Costa Mesa, CA: September 1, 2008.
- TA-W-72,272; Mitsubishi Motors R and D of America, Inc., Mitsubishi Motors North America, Technicon Int'l, Ann Arbor, MI: September 5, 2008.
- TA-W-72,468; EDAG, Inc., Leased Workers from Partner Personnel, Inc., Auburn Hills, MI: September 30, 2008.
- TA-W-72,491; Commerce Energy, Inc., Just Energy, Leased Workers from

Accountants International, etc., Costa Mesa, CA: October 2, 2008.
 TA-W-70,919; *The Stride Rite Corporation, IT Solutions Delivery, Lexington, MA: June 1, 2008.*
 TA-W-71,493; *Evergreen Shipping Agency (America) Corporation, Leased Workers of Talent Tree, Inc., Charleston, SC: June 30, 2008.*
 TA-W-71,507; *Eastman Kodak, Graphics Communication Group, Adecco, Norwalk, CT: June 30, 2008.*
 TA-W-71,907; *Allstate Insurance Company, Allstate Service Info., Kelly Services, Diamond Bar, CA: August 3, 2008.*
 TA-W-71,924; *Allstate Insurance Company, Allstate Motor Club Division, South Barrington, IL: July 31, 2008.*
 TA-W-72,048; *FLSmidth, Inc., Cement Div., Leased Workers of Aerotek Contract, Engineering, Allied Personnel, Bethlehem, PA: August 14, 2008.*
 TA-W-72,480; *Interdent Service Corporation, Central Business Office/Billing and Collections Department, Vancouver, WA: September 29, 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-70,143A; *JL French Automotive Castings LLC, On-Site Leased Workers From Quality Personnel, Glasgow, KY: May 18, 2008.*
 TA-W-70,143; *JL French Automotive Castings LLC, On-Site Leased Workers From Labor Ready, Sheboygan, WI: May 18, 2009.*
 TA-W-70,457; *Core Manufacturing, Multi-Plastics, Inc., Division Sipco, Inc., M-Ploy, Saegertown, PA: May 20, 2008.*
 TA-W-70,481; *Kaiser Aluminum Fabricated Products, LLC, Richmond, VA: May 21, 2008.*
 TA-W-70,611; *Janesville Acoustics, A Unit of Jason, Inc., Norwalk, OH: May 22, 2008.*
 TA-W-70,773; *Microfibres, Inc., Pawtucket, RI: April 24, 2009.*
 TA-W-70,782; *BASF, Coatings Division, Leased Workers from Adecco, Greenville, OH: May 20, 2008.*
 TA-W-70,824; *Bridgestone APM Company, Findlay, OH: May 29, 2008.*

TA-W-70,885; *Neff-Perkins Company, Perry Facility, Perry, OH: May 28, 2008.*
 TA-W-70,992; *United Machine Works, Inc., Greenville, NC: May 26, 2008.*
 TA-W-71,101; *Stroh Die Casting Company, Inc, Milwaukee, WI: June 5, 2008.*
 TA-W-71,127; *Lear Corporation, Seating Systems Division, Lordstown, OH: June 9, 2008.*
 TA-W-71,706; *Daimler Trucks North America, LLC, Gastonia Components and Logistics, Gastonia, NC: July 15, 2008.*
 TA-W-71,725; *Caterpillar, Inc., Large Power Systems Division, Mossville, IL: July 6, 2008.*
 TA-W-72,223; *Axletech International, Subsidiary of General Dynamics, Oshkosh, WI: August 31, 2008.*
 TA-W-72,324; *Katahdin Paper Company, Pulp Mill, East Millinocket, ME: September 15, 2008.*
 TA-W-70,660; *Gold Canyon Mining and Construction, LLC, Apache Junction, AZ: May 20, 2008.*
 TA-W-70,687; *Marmon/Keystone Corporation, Marmon Distribution Services, LLC, East Butler Division, Butler, PA: May 21, 2008.*
 TA-W-71,444; *Applied Materials, Inc., Leased Workers from K2 Associates and Nstar, Rio Rancho, NM: June 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-71,011; *Cadon Acquisitions, LLC, Cadon Plating and Coatings, Phoenix Personnel, Wyandotte, MI: June 3, 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-71,425; *US Steel Corporation, Fairfield, AL: July 21, 2007.*

Insert C-ITC.

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-70,356; *Ford Motor Company, Powertrain Test Laboratories, Dearborn, MI.*
 TA-W-70,389; *Stanley Access Technologies, Farmington, CT.*
 TA-W-71,382; *Nortech Systems, Inc., Intercon 1 Division, Baxter, MN.*
 TA-W-71,383; *Nortech Systems, Inc., Aerospace Systems Division, Wayzata, MN.*
 TA-W-72,325; *C and K Powder Coating, Ebensburg, PA.*

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-70,664; *Signature Aluminum, Temroc Hamel Division, Hamel, MN.*
 TA-W-70,715; *Broan-Nutone, LLC, Hartford, WI.*
 TA-W-70,800; *MeadWestvaco Corporation, Consumer and Office Products Div., Enfield, CT.*
 TA-W-70,827; *FormTech Industries, LLC, Minerva Division, Minerva, OH.*
 TA-W-70,861; *Parkdale America, LLC, Plant #29, Sanford, NC.*
 TA-W-70,906; *Windsor Republic Door, Inc., Republic Doors and Frames Div., Manpower, Hamilton, McKenzie, TN.*
 TA-W-71,024; *Idaho Ethanol Processing, LLC, ED&F Man Biofuels, Caldwell, ID.*
 TA-W-71,375; *AK Steel Corporation, Mansfield Works Division, Mansfield, OH.*
 TA-W-71,384; *Nortech Systems, Inc., Aerospace Systems Division, Leased Workers of Doherty Staffing Solutions, Fairmont, MN.*
 TA-W-71,954; *National Envelope Corporation, Long Island City, NY.*
 TA-W-72,039; *PolyVision Corporation, Leased Workers of Spherion Company, Dixonville, PA.*
 TA-W-72,205; *Charles Conkle Motor Company, Inc., Kokomo, IN.*
 TA-W-72,231; *Lonza Inc., Riverside, Synthesis Section, Custom Mfg, Lab Support, Conshohocken, PA.*
 TA-W-70,038; *ABF Freight Systems, Subsidiary of Arkansas Best Corp., Dayton, OH.*
 TA-W-70,282; *J.W. Pike LTD/Vintage Verandah, Inc., Kalispell, MT.*
 TA-W-70,743; *General Motors Corporation, Powertrain Central,*

Advanced Mechanical Engineering, Pontiac, MI.
 TA-W-70,872; *Mars Petcare US, Inc., Mars Incorporated, McKenzie, TN.*
 TA-W-71,835; *FracTech Services, Cisco, TX.*
 TA-W-71,918; *Eberly Originals Ltd., Newton, NJ.*

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 *November 2 through November 13, 2009*. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 13, 2010.

Elliott S. Kushner,

Certifying Officer, Division Of Trade Adjustment Assistance.

[FR Doc. 2010-1312 Filed 1-22-10; 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 November 16 through November 27, 2009.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. 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-70,645; B.A. Ballou and Company, Inc., Leased Workers from Skill Master, East Providence, RI: September 15, 2008.

TA-W-70,719; Joseph T. Ryerson and Son, Inc., On-Site Workers from YRC Logistics and Staff Mark, Portland, OR: May 19, 2008.

TA-W-71,570; Sekisui Voltek, LLC, Coldwater Division, Sekisui Chemical Company, Coldwater, MI: July 7, 2008.

TA-W-71,698A; Hubbell, Inc. Delaware, Electrical Products Group, Electrical Products Group, Kellems Division, Milford, CT: July 15, 2008.

TA-W-71,698B; Hubbell, Inc (Delaware), Newtown, CT: July 15, 2008.

TA-W-71,698C; Hubbell, Inc. (Delaware), Premise Wiring Division, Stonington, CT: July 15, 2008.

TA-W-71,698D; Hubble, Inc. (Delaware), Electrical Segment, Electrical Systems, Orange, CT: July 15, 2008.

TA-W-71,698; Hubbell, Inc. (Delaware), Wiring Device, Kellems Division, Leased Workers from Adecco, Bridgeport, CT: July 15, 2008.

TA-W-72,654; Mount Vernon Neon, Everbrite, LLC, Leased Workers of Manpower, Mount Vernon, IL: October 15, 2008.

TA-W-72,051; Jacobs Chuck Manufacturing Company, Danaher Corporation, Leased Workers Etcon Staffing & Innovative Engineering, Clemson, SC: August 14, 2008.

TA-W-70,007; Prime Tanning Company, Hartland, ME: May 18, 2008.

TA-W-70,243; International Paper Company, Franklin, VA: May 19, 2008.

TA-W-70,380; Americas Styrenics, LLC, Leased Workers from Pioneer Pipe Company, Marietta, OH: May 20, 2008.

TA-W-70,473; United States Steel Corporation, Lorain, OH: May 21, 2008.

TA-W-70,683; E.I. DuPont De Nemours and Company, DuPont Protection Technologies Division, Leased Workers Schenker Logistics, Old Hickory, TN: May 26, 2008.

TA-W-70,789; Masterbrand Cabinet, Inc., Leased Workers from Manpower and Aerotek, Inc., Littlestown, PA: May 27, 2008.

TA-W-70,898; Ram Tool Company, Inc., Leased Workers from Partners for Performance, Conneaut Lake, PA: June 2, 2008.

TA-W-71,084; Sierra Pacific Industries, Quincy, CA: May 19, 2008.

TA-W-71,303; New Page Corporation, Cerberus Capital Management L.P./ Leased Workers ADECCO Staffing, Wickliffe, KY: June 18, 2008.

TA-W-71,765; Robin Industries, Inc., Berlin Division, Berlin, OH: July 10, 2008.

TA-W-72,243; Frank J. Upchurch Company, Charlotte, NC: September 9, 2008.

TA-W-72,296; Kimball International, Inc., Kimball Office Sales and Marketing Division, Jasper, IN: September 14, 2008.

TA-W-72,371; Gardau Ameristeel, APG Security, 5 Brothers Lube, Perth Amboy, NJ: September 21, 2008.

TA-W-70,471; SpringBoard Technology Corporation, Springfield, MA: May 19, 2008.

TA-W-71,819B; Williamsburg Manufacturing, Williamsburg, IA: July 20, 2008.

TA-W-72,363; David Rothschild Company, Inc., Leased Workers from A and Y Staffing Service, Reidsville, NC: September 15, 2008.

TA-W-72,419; Invista, S.A.R.L., Performance Surfaces and Materials Division/Koch Industries, Inc., Athens, GA: September 22, 2008.

TA-W-72,858; Class Fashion, Inc., New York, NY: November 15, 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-70,737; Meggitt Aircraft Braking Systems Corporation, Akron, OH: May 19, 2008.

TA-W-71,008; American Precision Industries, Inc., Leased Workers from Adecco and EGW Personnel Staffing, Amherst, NY: June 4, 2008.

TA-W-71,082; Hart & Cooley, Inc., Leased Workers from Demand Staff and Personnel Services, Winters, TX: June 4, 2008.

TA-W-71,105; Medtronic, Inc., Spring Lake Park Operation, Leased Workers from Manpower Temporary Services, Minneapolis, MN: June 8, 2008.

TA-W-71,123; Schott Solar, Inc., Leased Workers from National Engineering, Billerica, MA: June 9, 2008.

TA-W-71,207; Sanford Business to Business, Leased Workers of Manpower, Inc. and Spherion, Janesville, WI: June 12, 2008.

TA-W-71,438; The Gillette Company, Proctor and Gamble Blades & Razers Div., Lease Workers Adecco and Technical, Boston, MA: June 24, 2008.

TA-W-71,546; Bodet and Horst USA LP, Leased Workers From Select Staffing and Workforce Carolina, Mt. Airy, NC: July 6, 2008.

TA-W-71,624; Teknor Apex Company, Keknor Color Division, Hebronville, MA: July 8, 2008.

TA-W-71,729; Beresford Box, Inc., Spartanburg, SC: July 17, 2008.

TA-W-71,777; Fleetwood Travel Trailers of Ohio, Edgerton, OH: June 29, 2008.

TA-W-71,826; Weyerhaeuser Arcadia OSB Engineered Wood Products, Formerly Weyerhaeuser Co., I Level, Engineered Wood Products Division, Simsboro, LA: July 27, 2008.

TA-W-71,901; The Neff Company (CPI), Neff Motivation, Inc., Marysville, OH: July 31, 2008.

TA-W-72,414; Hanes Menswear Puerto Rico, Inc., Leased Workers from J. R. Ortiz Security, Inc., Ponce, PR: September 22, 2008.

TA-W-72,450; Hope Global of Detroit, Leased Workers from Staffing Network and DMEA, Detroit, MI: September 29, 2008.

TA-W-72,490A; Panduit Corporation., Leased Workers of Aerotek, Tinley Park, IL: September 29, 2008.

TA-W-72,490; Panduit Corporation, Leased Workers of Aerotek, New Lenox, IL: September 29, 2008.

TA-W-72,636; Dukes Titan Aviation LLC, Leased Workers of Jobiusa

- Staffing, Findlay, OH: October 20, 2008.
- TA-W-72,702; Benchmark Electronics, Inc., Benchmark Division/Leased Workers from Express Personnel, Beaverton, OR: October 16, 2008.
- TA-W-72,748; New United Motor Manufacturing, Inc., Venture of General Motors & Toyota Motor, Leased Workers From Corestaff, Fremont, CA: October 29, 2008.
- TA-W-72,834; Covercraft Industries, Inc., Fremont, OH: November 9, 2008.
- TA-W-70,763; Steelcase, Inc., Kentwood Regional Distribution Center, Kentwood, MI: May 27, 2008.
- TA-W-70,839A; Tele Atlas North America, Inc, Concord, MA: May 20, 2008.
- TA-W-70,839B; Tele Atlas North America, Inc, Detroit, MI: May 20, 2008.
- TA-W-70,839C; Tele Atlas North America, Inc, Redwood, CA: May 20, 2008.
- TA-W-70,839; Tele Atlas North America, Inc, Including Off-Site Workers Reporting to this Location, Lebanon, NH: May 20, 2008.
- TA-W-71,208; Steelcase, Inc., Kentwood East and West Plants/Leased Workers of Manpower Professional, Kentwood, MI: May 27, 2008.
- TA-W-72,416; Gates Denver Machining Center, Gates Corporation, Denver, CO: September 24, 2008.
- TA-W-72,717; QRS Music Technologies, Inc., Seneca, PA: June 16, 2009.
- TA-W-71,208A; Steelcase, Inc., Corporate Development Center/Leased Workers of Manpower Professional, Caledonia, MI: May 27, 2008.
- TA-W-71,491; Teleperformance USA, Inc., Microsoft Office Live Support, Salt Lake City, UT: June 26, 2008.
- TA-W-71,716; Malibu-Kahlua International, Pernod Richard, Leased Workers from Accountemps, Advantage Brook, Independent, White Plains, NY: July 9, 2008.
- TA-W-71,746; International Business Machines Corporation (IBM), Global Services, Integrated Tech. Leased Workers from CDI Business Solutions, Lexington, KY: July 17, 2008.
- TA-W-71,886A; Property Insight, Baltimore City, Baltimore, MD: July 27, 2008.
- TA-W-71,886B; Property Insight, Frederick County, Frederick, MD: July 27, 2008.
- TA-W-71,886C; Property Insight, Harford County, Bel Air, MD: July 27, 2008.
- TA-W-71,886D; Property Insight, Prince Georges County, Upper Marlboro, MD: July 27, 2008.
- TA-W-71,886; Property Insight, Baltimore County Facility, Towson, MD: July 27, 2008.
- TA-W-72,228; Freescale Semiconductor, Inc., Oak Hill NPI Assembly Engineering Division, Austin, TX: September 4, 2008.
- TA-W-72,252; Avaya Inc., Technical Integration Organization/Avaya Professional Services, Basking Ridge, NJ: May 28, 2008.
- TA-W-72,337; Intermec Technologies Corporation, Charlotte Service Depot, Leased Workers From Pace Staffing Network, Charlotte, NC: September 16, 2008.
- TA-W-72,453; Perot Systems, Data Center Operations Department, Plano, TX: September 28, 2008.
- TA-W-72,643; Seagate Technology LLC, Corporate Headquarters, Leased Workers of Spherion, Workforcelogic, Scotts Valley, CA: May 29, 2008.
- TA-W-72,723; Amdocs, Inc., Customer Care and Billing Division, IQN, Working in Many States, Chesterfield, MO: October 27, 2008.
- TA-W-71,054A; Apria Healthcare, Leased Workers from Corestaff, Indianapolis, IN: June 5, 2008.
- TA-W-71,054B; Apria Healthcare, Leased Workers from Corestaff, Mechesney Park, IL: June 5, 2008.
- TA-W-71,054C; Apria Healthcare, Leased Workers from Corestaff, Cromwell, CT: June 5, 2008.
- TA-W-71,054D; Apria Healthcare, Leased Workers from Corestaff, Tampa, FL: June 5, 2008.
- TA-W-71,054E; Apria Healthcare, Leased Workers from Corestaff, Minster, OH: June 5, 2008.
- TA-W-71,054F; Apria Healthcare, Leased Workers from Corestaff, St. Louis, MO: June 5, 2008.
- TA-W-71,054G; Apria Healthcare, Leased Workers from Corestaff, San Diego, CA: June 5, 2008.
- TA-W-71,054; Apria Healthcare, Leased Workers from Corestaff, Foothill Ranch, CA: June 5, 2008.
- TA-W-71,899; Warner Music, Inc., Warner Music Group, Corp., Leased Workers From Spherion, Burbank, CA: July 31, 2008.
- TA-W-72,467; Advanta Bank Corporation, Collections Call Center Division, Draper, UT: September 28, 2008.
- TA-W-72,517; American Institute of Physics, Publishing Center Division, Leased Workers From Office Team, Access Staffing, Melville, NY: September 30, 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-71,156; G-Seven Ltd, Hatfield, PA: June 10, 2008.
- TA-W-71,548; U.S. Steel Tubular Products, Inc., Tubular Processing Services Division, Leased Workers of Harbor American Texas, Houston, TX: July 3, 2008.
- TA-W-71,819A; Marada Industries, Inc., Division of Magna International, Westminster, MD: July 20, 2008.
- TA-W-71,819; Benco Manufacturing, Div. of Magna Intern'l, Temp Associates, Manpower, Belle Plaine, IA: July 20, 2008.
- TA-W-70,483; Novellus Systems Inc., Boise, ID: May 21, 2008.
- TA-W-71,915A; Plum Creek, Clearwater Division/Plum Creek Timber, Leased Workers Work Force, Streamside, Seeley Lake, MT: July 6, 2008.
- TA-W-71,915; Plum Creek, Clearwater Division/Plum Creek Timber, Leased Workers Work Force, Streamside, Missoula, MT: July 6, 2008.
- TA-W-72,250; Cleanpak International, CES Group/Leased Workers from Aerotek Commercial Staffing, Clackamas, OR: September 8, 2008.
- TA-W-72,365; Axcelis Technologies, Inc., Boise, ID. September 17, 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.
- None.
- 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-71,111; Evraz Oregon Steel Mills, Inc., Evraz, Inc., North America/Leased Workers from Robert Half, Portland, OR: July 28, 2007.
- 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-70,708; *Wilson Sporting Goods Company, Team Sports Division, Ada, OH.*

TA-W-72,630; *Daedalus Technologies Inc., Daedalus Technologies of Quebec Canada, Kennesaw, GA.*

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.

TA-W-71,100; *Standard Precision Manufacturing, Meadville, PA.*

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-70,072; *Maxon Furniture, Inc., Leased Workers From Select Staffing, Salisbury, NC.*

TA-W-70,267A; *Boise Cascade LLC Inland Region, Stud Mill, Elgin, OR.*

TA-W-70,267; *Boise Cascade LLC Inland Region, Plywood Mill, Elgin, OR.*

TA-W-70,559; *Horn Textile, Inc., Titasville, PA.*

TA-W-70,754; *NYPac Leather, LLC, Gloversville, NY.*

TA-W-70,759; *Lund Boat Company, A Subsidiary of Brunswick Corporation, New York Mills, MN.*

TA-W-70,863; *Chevron Mining, Inc., Questa Mine, Questa, NM.*

TA-W-70,877; *Schmidt-Hardy Chevrolet, Dealership Service Department, Cuba, MO.*

TA-W-71,051; *Seymour Tubing, Inc., Dunlap, TN.*

TA-W-71,596; *ATS Systems Oregon, Corvallis, OR.*

TA-W-71,651; *Keystone Findings, Inc., Telford, PA.*

TA-W-70,778; *Guide Corporation, Anderson, IN.*

TA-W-71,643; *Dietrich Industries, Inc., Worthington Industries, Pittsburgh, PA.*

TA-W-71,780; *Getrag Corporation, Leased Workers from Eger, Inc., Kontec U.S.A., LLC, Sterling Heights, MI.*

TA-W-71,863; *UAW Local 1999, Oklahoma City, OK.*

TA-W-72,275; *Anheuser-Busch, Inc., Mount Vernon, IL.*

TA-W-72,413; *Classic Automotive, Inc., Cullman, AL.*

TA-W-72,522; *Glass and Glazing Forensics, Inc., Troy, MI.*

TA-W-72,859; *RJ America Inc, Brooklyn, NY.*

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 November 16 through November 27, 2009. Copies of these determinations are available for inspection in Room N-5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 14, 2010.

Elliott S. Kushner

Certifying Officer Division of Trade Adjustment Assistance.

[FR Doc. 2010-1313 Filed 1-22-10; 8:45 am]

BILLING CODE 4510-FN-P

MERIT SYSTEMS PROTECTION BOARD

Merit Systems Protection Board (MSPB) Provides Notice of Opportunity To File Amicus Briefs

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Pursuant to 5 U.S.C. 7521 and 5 CFR 1201.131, the Merit Systems Protection Board (MSPB) is providing notice of the opportunity to file amicus briefs in the matter of *Stella Crumpler v. Department of Defense*, MSPB Docket Number DC-0752-09-0033-R-1, 2009 MSPB 233. Crumpler raises the question of whether, pursuant to 5 CFR Part 732, National Security Position, the rule in *Department of the Navy v. Egan*, 484 U.S. 518, 530-31 (1988), limiting the scope of MSPB review of a removal decision based on the revocation of a security clearance also applies to a removal from a "non-critical sensitive" position due to the employee having been denied continued eligibility for employment in a sensitive position.

Interested parties may submit amicus briefs or other comments on this issue no later than February 16, 2010. Amicus briefs must be filed with the Clerk of the Board. Briefs shall not exceed 15 pages in length. The text shall be double-spaced, except for quotations and footnotes, and the briefs shall be on 8

½ by 11 inch paper with one inch margins on all four sides.

DATES: All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before February 16, 2010.

ADDRESSES: All briefs shall be captioned "*Stella Crumpler v. Department of Defense*" and entitled "Amicus Brief." Only one copy of the brief need be submitted. Briefs must be filed with the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Matthew Shannon, Deputy Clerk of the Board, (202) 653-7200.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2010-1378 Filed 1-22-10; 8:45 am]

BILLING CODE 7400-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (10-009)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Lori Parker, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JF000, Washington, DC 20546, (202) 358-1351, *Lori.Parker-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA grants patent licenses for the commercial application of NASA-owned inventions. Each licensee is

required to report annually on its activities in commercializing its licensed inventions(s) and on any royalties due. NASA attorneys use this information to determine if a licensee is achieving and maintaining practical application of the licensed inventions as required by its license agreement.

II. Method of Collection

The current paper-based system is used to collect the information. It is deemed not cost effective to collect the information using a Web site form since the reports submitted vary significantly in format and volume.

III. Data

Title: Patent License Report.

OMB Number: 2700-0010.

Type of review: Extension of currently approved collection.

Affected Public: Business or other for-profit; individuals or households.

Number of Respondents: 90.

Responses per Respondent: 1.

Annual Responses: 90.

Hours per Request: 0.5 hour.

Annual Burden Hours: 45.

Frequency of Report: Annually.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA Clearance Officer.

[FR Doc. 2010-1237 Filed 1-22-10; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (10-008)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Mrs. Lori Parker, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mrs. Lori Parker, NASA PRA Officer, NASA Headquarters, 300 E Street, SW., JE000, Washington, DC 20546, (202) 358-1351, *Lori.Parker-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The analysis of the Effective Messaging Research survey will position NASA to effectively communicate Agency messages.

II. Method of Collection

All survey responses will be collected by telephone and tabulated electronically.

III. Data

Title: Effective Messaging Research.

OMB Number: 2700-0113.

Type of review: Extension of currently approved collection.

Affected Public: Individuals and households, Business or other for-profit, not-for-profit institutions, Federal Government, and State, Local or Tribal Government.

Number of Respondents: 2700.

Responses Per Respondent: 1.

Annual Responses: 2700.

Hours Per Request: 0.33 hours.

Annual Burden Hours: 900.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3)

ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2010-1245 Filed 1-22-10; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (10-007)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Mrs. Lori Parker, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mrs. Lori Parker, NASA PRA Officer, NASA Headquarters, 300 E Street, SW., JF000, Washington, DC 20546, (202) 358-1351, *Lori.Parker-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to 35 U.S.C. 209, applicants for a license under a patent or patent application must submit information in support of their request for a license. NASA uses the submitted information to grant the license.

II. Method of Collection

The current paper-based system is used to collect the information. It is deemed not cost effective to collect the information using a Web site form since the applications submitted vary significantly in format and volume.

III. Data

Title: Application for Patent License.

OMB Number: 2700-0039.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit, and individuals or households.

Number of Respondents: 60.

Responses per Respondent: 1.

Annual Responses: 60.

Hours per Request: 10 hours.

Annual Burden Hours: 600.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA Clearance Officer.

[FR Doc. 2010-1250 Filed 1-22-10; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (10-006)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as

required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Lori Parker, Mail Code JF, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street, SW., Mail Code JF, Washington, DC 20546, (202) 358-1351, lori.parker-1@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting extension of an existing collection, NASA Mentor-Protege Program—Small Business and Small Disadvantaged Business Concerns Report, that is used to help NASA monitor mentor-protege performance and progress in accordance with the mentor-protege agreement. Respondents will be for-profit small disadvantaged businesses. The NASA Mentor-Protege Program is designed to provide incentives for NASA prime contractors to assist small disadvantaged business (SDB) concerns, Historically Black Colleges and Universities (HBCUs), minority institutions (MIs), and women-owned small business (WOSB) concerns, in enhancing their capabilities to perform NASA contracts and subcontracts.

II. Method of Collection

NASA uses electronic methods to collect information from collection respondents.

III. Data

Title: NASA Mentor-Protege Program—Small Business and Small Disadvantaged Business Concerns Report.

OMB Number: 2700-0078.

Type of Review: Extension of a currently approved collection.

Number of Respondents: 20.

Affected Public: Business or other for-profit: 10.

Estimated Time per Response: 1.5 hours.

Estimated Total Annual Burden Hours: 30.

Estimated Total Annual Cost: \$0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2010-1254 Filed 1-22-10; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (10-005)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Lori Parker, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA Clearance Officer, NASA Headquarters, 300 E Street, SW., JE0000, Washington, DC 20546, (202) 358-1351, Lori.Parker-1@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The subject information collection involves the collection of data to support the development of the National Aviation Safety Strategic Plan (NASSP)

with strategies aligned with current and projected aviation safety issues. A major step in the development of the NASSP is the collection and analysis of worldwide safety issues.

II. Method of Collection

Aviation stakeholders will be contacted via electronic means and asked to respond by filling out a questionnaire. They will have the option of printing it and filling it out manually and then returning it via traditional mail, filling it out electronically and returning via email, or visiting a Web site where the questionnaire can be filled out online. The information will be collected by the JPDO Aviation Safety Working Group's Strategic Planning Subcommittee and used to determine the efficacy of the Aviation Safety Strategic Plan.

III. Data

Title: Biennial NextGen Safety Issue Survey.

OMB Number: 2700-XXXX.

Type of Review: New Collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 200 hours.

Estimated Annual Cost for Respondents: \$0.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA Clearance Officer.

[FR Doc. 2010-1257 Filed 1-22-10; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Centers for Chemical Innovation (CCI) Phase I Cyber Review Panel, Proposal Review Panel for Chemistry, #1191.

Dates & Times: February 23, 2010; 8:30 a.m.–4:30 p.m. February 24, 2010; 8:30 a.m.–4 p.m.

Place: NCSA ACCESS (National Center for Supercomputing Applications); 901 N. Stuart Street #800, Arlington, VA 22203.

Type of Meeting: Part-open.

Contact Person: Dr. William Brittain, Program Director, Chemistry Centers Program, Division of Materials Research, Room 1055, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292-5039.

Purpose of Meeting: Review progress of Phase I CCI awards.

Agenda

Tuesday, Feb 23, 2010 (All Times Eastern)

8:30–9:30, Closed Charge to Panel, instructions and discussion
 9:30–12, Open Presentation from “Center for Molecular Interfacing”
 12–12:30, Closed Discussions (NSF, panel, CMI)
 12:30–1:30, Lunch
 1:30–4, Open Presentation from “Center for Green Materials Chemistry (CGMC)”
 4–4:30, Closed Discussions (NSF staff, panel, CGMC)
 4:30–5:30, Closed Panel discussions and work on panel summaries

Wednesday, Feb 24, 2010 (All Times Eastern)

8:30–9, Closed Panel discussions
 9:00–11:30, Open Presentation from “Center for the Chemistry of the Universe (CCU)” (NSF staff, panel, CCU)
 12:00–12:30, Closed Discussions (NSF staff, panel, CCU)
 12:30–4, Closed Lunch, panel summaries, Panel discussions, finalizing summary reports

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552(b)(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 19, 2010.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2010-1266 Filed 1-22-10; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400; NRC-2010-0020]

Carolina Power & Light Company Shearon Harris Nuclear Power Plant, Unit 1 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 73.5, “Specific Exemptions,” from the implementation date for certain new requirements of 10 CFR Part 73, “Physical Protection of Plants and Materials,” for Renewed Facility Operating License No. NPF-63, issued to Carolina Power & Light Company (the licensee), now doing business as Progress Energy Carolinas, Inc. (PEC), for operation of the Shearon Harris Nuclear Power Plant, Unit 1 (HNP), located in New Hill, North Carolina.

In accordance with 10 CFR 51.21, “Criteria for and identification of licensing and regulatory actions requiring environmental assessments,” the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt HNP from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, HNP would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55, “Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,” by the March 31, 2010, deadline. PEC has proposed an alternate full compliance implementation date of July 30, 2010, for one requirement, and December 15, 2010, for two other requirements, which is approximately four months and eight and a half months, respectively, beyond the date required by 10 CFR Part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR

Part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the HNP site.

The proposed action is in accordance with the licensee's application dated November 30, 2009, as supplemented by letter dated December 16, 2009.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the HNP security system due to the need to design, resource, construct, and test three significant physical modifications to the current site security configuration, as well as other factors.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73 as discussed in a **Federal Register** (FR) notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental

impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR Part 73, the Commission prepared an environmental assessment and published a finding of no significant impact (Part 73, Power Reactor Security Requirements, 74 FR 13926 through 13967, dated March 27, 2009).

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (*i.e.*, the "no-action" alternative). If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. Denial of the exemption request would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for HNP, NUREG-0972, dated October 31, 1983, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Shearon Harris Nuclear Power Plant, Unit 1—Final Report (NUREG-1437, Supplement 33)."

Agencies and Persons Consulted

In accordance with its stated policy, on December 18, 2009, the NRC staff consulted with the North Carolina State official, Ms. Beverly Hall of the Division of Radiation Protection, with the North Carolina Department of Environment and Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 30, 2009, as supplemented by letter dated December 16, 2009. Attachment 1 to the licensee's

November 30, 2009 letter, as well as the December 16, 2009 letter in its entirety contain security-related information and, accordingly, are not available to the public. Other parts of these documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site: <http://www.nrc.gov/reading-rm/adams.html>.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 14th day of January 2010.

For the Nuclear Regulatory Commission.

Marlayna Vaaler,

Project Manager, Plant Licensing Branch 2-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010-1299 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-424 and 50-425; NRC-2010-0023]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for a certain new requirement of 10 CFR Part 73, "Physical protection of plants and materials," for Renewed Facility Operating License Nos. NPF-68 and NPF-81, issued to Southern Nuclear Operating Company, Inc. (SNC, the licensee), for operation of the Vogtle Electric Generating Plant, Units 1 and 2 (VEGP), located in Burke County, Georgia. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the VEGP from the required implementation date of March 31, 2010, for a certain new requirement of 10 CFR Part 73. Specifically, VEGP would be granted an exemption from being in full compliance with a certain new requirement contained in 10 CFR 73.55 by the March 31, 2010, implementation deadline. SNC has proposed an alternate full compliance implementation date of September 27, 2010, approximately 6 months beyond the date required by 10 CFR Part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR Part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the VEGP site.

The proposed action is in accordance with the licensee's application dated November 6, 2009, as supplemented by letter dated November 20, 2009.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform upgrades to the VEGP security system due to procurement, resource, and logistical impacts, including the spring 2010 Unit 2 refueling outage and other factors.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents.

No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR Part 73, the Commission prepared an environmental assessment and published a finding of no significant impact [Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)].

The licensee currently maintains a security program acceptable to the NRC and the new 10 CFR Part 73 security measures that will be implemented by March 31, 2010, will continue to provide acceptable physical protection of the VEGP. Therefore, the extension of the implementation date for the specified new requirement of 10 CFR Part 73, to September 27, 2010, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for the VEGP, NUREG—1087, dated March 1985, as supplemented through the "Generic Environmental Impact Statement for License Renewal

of Nuclear Plants: Vogtle Electric Generating Plant, Units 1 and 2—Final Report (NUREG—1437, Supplement 34)."

Agencies and Persons Consulted

In accordance with its stated policy, on January 5, 2010, the NRC staff consulted with the Georgia State official, Mr. Jim Hardeman of the Georgia Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 6, 2009, as supplemented by letter dated November 20, 2009. Portions of the submittals contain proprietary and security information and, accordingly, are not available to the public pursuant to 10 CFR 2.390. The public documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site: <http://www.nrc.gov/reading-rm/adams.html>.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 15th day of January 2010.

For the Nuclear Regulatory Commission.

Donna N. Wright,

Project Manager Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010-1307 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0019; Docket Nos. 50–390 and 50–391]

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, “Specific exemptions,” from the implementation date for certain new requirements of 10 CFR Part 73, “Physical protection of plants and materials,” for Facility Operating License No. NPF–90, issued to Tennessee Valley Authority (TVA, the licensee), for operation of the Watts Bar Nuclear Plant (WBN), Unit 1, located in Rhea County, Tennessee. This consideration is also applicable to Unit 2, currently under licensing process. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the TVA from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, WBN, Units 1 and 2 would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. TVA has proposed an alternate full compliance implementation date of September 24, 2012, approximately two and half years beyond the date required by 10 CFR Part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR Part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the WBN, Units 1 and 2 site that were not previously considered in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009).

The proposed action is in accordance with the licensee’s application dated November 6, 2009, as supplemented by letter dated January 11, 2010.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the WBN, Units 1 and 2 security system because they involve new components and engineering that cannot be obtained or completed by the March 31, 2010, implementation date.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven’s Act are expected.

There are no impacts to the air or ambient air quality. There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

The licensee currently maintains a security system acceptable to the NRC and will continue to provide acceptable physical protection of the WBN, Units 1 and 2 as TVA implements certain new requirements in 10 CFR Part 73. Therefore, the extension of the

implementation date of the new requirements of 10 CFR Part 73 to September 24, 2012, would not have any significant environmental impacts.

The NRC staff’s safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (i.e., the “no-action” alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the “no action” alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for the WBN, Units 1 and 2, NUREG–0498, dated December 1978, and a supplement to the Final Environmental Statement (NUREG–0498 Supplement 1), dated April 1995.

Agencies and Persons Consulted

In accordance with its stated policy, on December 24, 2009, the NRC staff consulted with the Tennessee State official, Elizabeth Flanagan of the Tennessee Bureau of Radiological Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee’s letter dated November 6, 2009, as supplemented by letter dated January 11, 2010. Portions of the November 6, 2009, submittal contain safeguards and security sensitive information and, accordingly, are not available to the public. Other parts of these documents may be examined, and/or copied for a fee, at the NRC’s Public Document Room (PDR), located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville,

Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site: <http://www.nrc.gov/reading-rm/adams.html>.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 14th day of January 2010.

For the Nuclear Regulatory Commission.

John G. Lamb,

Senior Project Manager, Watts Bar Special Projects Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010-1304 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-438-CP, 50-439-CP; ASLBP No. 10-896-01-CP-BD01]

Tennessee Valley Authority; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.105, 2.300, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 1 and 2)

This proceeding concerns a Petition to Intervene submitted by the Blue Ridge Environment Defense League, its chapter Bellefonte Efficiency and Sustainability Team, and the Southern Alliance for Clean Energy in response to a **Federal Register** Notice published on March 13, 2009 (74 FR 10,969) stating that any person adversely affected by the Commission's determination to reinstate the construction permits for Bellefonte Nuclear Plant, Units 1 and 2, to be located in Jackson County, Alabama, may request a hearing. The scope of the hearing request "is limited to whether good cause exists for the reinstatement of the [construction permits]" (*ibid.*; see also *In the Matter of Tennessee Valley Authority* (Bellefonte Nuclear Plant, Units 1 and 2), CLI-10-

06, 71 NRC (slip op. at 6-7, 19 (Jan. 7, 2010))).

The Board is comprised of the following administrative judges:

G. Paul Bollwerk III, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Dr. Anthony J. Baratta, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Dr. William W. Sager, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 15th day of January 2010.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2010-1319 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282 and 50-306; NRC-2010-0022]

License Nos. DPR-42 and DPR-60; Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated September 4, 2009, Mr. David Lee Sebastian (petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the licensee for the Prairie Island Nuclear Generating Plant, Units 1 and 2. The Prairie Island Nuclear Generating Plant is operated by Northern States Power Company, incorporated in Minnesota as a wholly owned subsidiary of Xcel Energy, Inc. (Xcel). The petitioner requests that the NRC:

(1) Order Xcel to cease and desist from its current arbitrary and capricious practices using the Access Authorization and Fitness for Duty (AA/FFD) Programs other than their intended created intent, as they are being applied against the petitioner.

(2) Order compliance with:

(A) The NRC's regulations under Section 73.56, "Personnel Access Authorization Requirements for Nuclear Power Plants," of Title 10 of the Code of Federal Regulations (10 CFR 73.56);

(B) The rationale described in the final rule "Access Authorization Program for Nuclear Power Plants" (RIN 3150-AA90) published in the **Federal Register** on April 26, 1991 (56 FR 18997); and

(C) Nuclear Energy Institute's (NEI) implementation guidance in "Nuclear Power Plant Access Authorization Program" (NEI-03-01, Rev. 2).

(3) That the petitioner be granted access authorization without further delay to perform his accepted job tasks with all record of denial removed from any and all records wherever found.

(4) Issue any other Order, or grant any other relief, to which the petitioner may have shown himself entitled.

As the basis for the request, the petitioner states that Xcel is in violation of 10 CFR 73.56 in denying him access to the Prairie Island Nuclear Generating Plant using the AA/FFD program by basing the decision solely upon an existing tax lien. The petitioner states that Xcel failed to base the decision to grant or deny unescorted access authorization on a review and evaluation of all pertinent information. The petitioner states that Xcel failed to incorporate all three elements (i.e., background investigation, psychological assessment, and behavioral observation) of the unescorted access authorization program when making the decision to deny the petitioner unescorted access, contrary to the rationale for rule "Access Authorization Program for Nuclear Power Plants" (56 FR 18997).

The NRC is treating the petitioner's request pursuant to 10 CFR 2.206, "Requests for Action under This Subpart." The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, the NRC will take appropriate action on this petition within a reasonable time. A copy of the petition is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, MD 20852. Publicly available records related to this action will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr.Resource@nrc.gov. The ADAMS accession number for the

incoming petition request is ML093380574.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 15th day of January 2010.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2010-1309 Filed 1-22-10; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 213.103.

FOR FURTHER INFORMATION CONTACT: Roland Edwards, Senior Executive Resource Services, Employee Services, 202-606-2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between December 1, 2009, and December 31, 2009. These notices are published monthly in the **Federal Register** at <http://www.gpoaccess.gov/fr/>. A consolidated listing of all authorities as of June 30 is also published each year. The following Schedules are *not* codified in the Code of Federal Regulations. These are agency-specific exceptions.

Schedule A

No Schedule A authorities to report during December 2009.

Schedule B

No Schedule B authorities to report during December 2009.

Schedule C

The following Schedule C appointments were approved during December 2009.

Department of State

DSGS69986 Executive Director to the Assistant Secretary for International Organizational Affairs. Effective December 23, 2009.

Department of Defense

DDGS17267 Director for Joint Communications to the Assistant Secretary of Defense, Public Affairs. Effective December 1, 2009.

Department of the Army

DWGS60076 Special Assistant to the Assistant Secretary of the Army (Civil Works). Effective December 24, 2009.

Department of Justice

DJGS00155 Speechwriter to the Director, Office of Public Affairs. Effective December 17, 2009.

Department of Agriculture

DAGS00186 White House Liaison to the Secretary. Effective December 4, 2009.

DAGS00320 Special Assistant to the Deputy Chief of Staff. Effective December 16, 2009.

Department of Commerce

DCGS60512 Senior Advisor to the Under Secretary of Commerce for Industry and Security. Effective December 1, 2009.

DCGS00502 Director of Advance to the Director of Scheduling and Advance. Effective December 10, 2009.

DCGS60371 Policy Advisor to the Chief of Staff for the National Oceanic and Atmospheric Administration. Effective December 16, 2009.

DCGS00693 Policy Advisor to the Chief of Staff for the National Oceanic and Atmospheric Administration. Effective December 22, 2009.

Department of Labor

DLGS00024 Special Assistant to the Assistant Secretary for Disability Employment Policy. Effective December 1, 2009.

DLGS60076 Special Assistant to the Director, Office of Federal Contract Compliance Programs. Effective December 1, 2009.

DLGS60107 Regional Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 3, 2009.

DLGS60142 Special Assistant to the Deputy Secretary of Labor. Effective December 24, 2009.

Department of Education

DBGS00572 Special Assistant to the Assistant Secretary for Planning, Evaluation, and Policy Development. Effective December 1, 2009.

DBGS00317 Confidential Assistant to the Chief of Staff. Effective December 4, 2009.

DBGS00318 Director for Special Initiatives to the Assistant Deputy Secretary for Innovation and Improvement. Effective December 4, 2009.

DBGS00319 Special Assistant to the Chief of Staff. Effective December 4, 2009.

DBGS00406 Confidential Assistant to the Assistant Secretary for Vocational

and Adult Education. Effective December 4, 2009.

DBGS00218 Executive Director of the White House Initiative on Asian Americans and Pacific Islanders to the Under Secretary. Effective December 15, 2009.

DBGS00529 Special Assistant to the Director, Faith-Based and Community Initiatives Center. Effective December 17, 2009.

DBGS00498 Special Assistant to the Principal Deputy Assistant Secretary. Effective December 22, 2009.

Environmental Protection Agency

EPGS10002 Senior Speech Writer to the Associate Administrator for Public Affairs. Effective December 8, 2009.

Department of Energy

DEGS00780 Director, Office of Congressional Affairs to the Director of Congressional, Intergovernmental, and Public Affairs. Effective December 10, 2009.

DEGS00781 Legislative Affairs Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 24, 2009.

DEGS00783 Special Assistant to the Deputy Director, Scheduling and Advance. Effective December 24, 2009.

DEGS00785 Staff Assistant to the General Counsel. Effective December 31, 2009.

General Services Administration

GSGS01435 Special Assistant to the Regional Administrator. Effective December 11, 2009.

GSGS01434 Federal Interagency Councils Program Manager to the Associate Administrator for Governmentwide Policy. Effective December 17, 2009.

Department of Transportation

DTGS60301 Associate Director to the Deputy Assistant Secretary for Governmental Affairs. Effective December 18, 2009.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010-1272 Filed 1-22-10; 8:45 am]

BILLING CODE 6325-39-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on January 27, 2010 at 10 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

Item 1: The Commission will consider a recommendation to adopt new rules, rule amendments, and a new form under the Investment Company Act of 1940 governing money market funds, to increase the protection of investors, improve fund operations, and enhance fund disclosures.

Item 2: The Commission will consider a recommendation to publish an interpretive release to provide guidance to public companies regarding the Commission's current disclosure requirements concerning matters relating to climate change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: January 20, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010-1434 Filed 1-21-10; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 28, 2010 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the

scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, January 28, 2010 will be: Institution and settlement of injunctive actions; Institution and settlement of administrative proceedings; adjudicatory matters; and Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551-5400.

Dated: January 21, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010-1456 Filed 1-21-10; 4:15 pm]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Big Sky Energy Corp., Biomedical Waste Systems, Inc., Biometrics Security Technology, Inc., Biosys, Inc., Bolder Technologies Corp., Boyds Wheels, Inc., Breakaway Solutions, Inc., and BRE-X Minerals, Ltd.; Order of Suspension of Trading

January 21, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Big Sky Energy Corp. because it has not filed any periodic reports since the period ended December 31, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Biomedical Waste Systems, Inc. because it has not filed any periodic reports since the period ended March 31, 1995.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Biometrics Security Technology, Inc. because it has not filed any periodic reports since 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 Biosys, Inc. because it has not filed any periodic reports since the period ended September 30, 1996.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bolder Technologies Corp. 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 Boyds Wheels, Inc. because it has not filed any periodic reports since the period ended September 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Breakaway Solutions, 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 BRE-X Minerals, Ltd. because it has not filed any periodic reports since the period ended August 19, 1996.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 21, 2010, through 11:59 p.m. EST on February 3, 2010.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2010-1441 Filed 1-21-10; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61371; File No. SR-NASDAQ-2010-005]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Amend Rules 3330 and 9810 To Reflect Changes to Corresponding FINRA Rules

January 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 13, 2010, The NASDAQ Stock Market LLC (the “Exchange” or “NASDAQ”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b-4(f)(6) under the Act,³ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing this proposed rule change to amend NASDAQ Rules 3330 (Payment Designed to Influence Market Prices, Other than Paid Advertising) and 9810 (Initiation of Proceeding) to reflect recent changes to corresponding rules of the Financial Industry Regulatory Authority (“FINRA”). The text of the proposed rule change is available at <http://nasdaqomxbx.cchwallstreet.com>, at the Exchange’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Many of NASDAQ’s rules are based on rules of FINRA (formerly the National Association of Securities Dealers (“NASD”). During 2008, FINRA embarked on an extended process of moving rules formerly designated as “NASD Rules” into a consolidated

FINRA rulebook. In most cases, FINRA has renumbered these rules, and in some cases has substantively amended them. Accordingly, NASDAQ also proposes to initiate a process of modifying its rulebook to ensure that NASDAQ rules corresponding to FINRA/NASD rules continue to mirror them as closely as practicable. In some cases, it will not be possible for the rule numbers of NASDAQ rules to mirror corresponding FINRA rules, because existing or planned NASDAQ rules make use of those numbers. However, wherever possible, NASDAQ plans to update its rules to reflect changes to corresponding FINRA rules.

This filing addresses NASDAQ Rules 3330 (Payment Designed to Influence Market Prices, Other than Paid Advertising) and 9810 (Initiation of Proceeding) to update cross-references to corresponding rules of FINRA.

In SR-FINRA-2009-078,⁴ FINRA made changes that reflected, among other things, incorporation into the consolidated FINRA rulebook of NASD Rule 3330 as FINRA Rule 5230 (Payments Involving Publications that Influence the Market Price of a Security)⁵ and NASD Rule 2330 as FINRA Rule 2150 (Improper Use of Customers’ Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts).⁶

NASD Rule 3330 prohibits a member from giving, or offering to give, anything of value to any person for the purpose of influencing or rewarding the action of such person in connection with the publication or circulation in any newspaper, investment service, or similar publication, of any matter that has, or is intended to have, an effect upon the market price of any security; and provides an exception for any matter that is clearly distinguishable as paid advertising. As part of transferring NASD Rule 3330 into the consolidated FINRA rulebook as FINRA Rule 5230, FINRA proposed two changes to the rule to modernize its terms and clarify its scope by: (a) Updating the list of media to which the rule refers to include electronic and other types of media, including magazines, Web sites, and television programs; and (b) expanding the exceptions in the rule beyond paid

advertising to also include compensation paid in connection with research reports and communications published in reliance on Section 17(b) of the Securities Act of 1933 (the “1933 Act”).

NASDAQ is, by this filing, renumbering its Rule 3330 to Rule 5230A and upgrading its rule by clarifying that the media the rule refers to includes electronic and other types of media and expanding the exceptions in the rule beyond paid advertising.

NASD Rule 2330 prohibits members and associated persons from: (a) Making improper use of a customer’s securities or funds; (b) guaranteeing a customer against loss in connection with any securities transaction or in any securities account of the customer; and (c) sharing in the profits or losses in the customer’s account except under certain limited conditions specified in the Rule. As part of transferring NASD Rule 2330 into the consolidated FINRA rulebook as FINRA Rule 2150, FINRA proposed minor changes to Rule 2150(c) and added Supplementary Information to the rule that codified existing staff guidance in respect of when a guarantee is not subject to prohibition, when a member can reimburse for transaction losses, correction of *bona fide* errors, and preservation of written authorizations.⁷

NASDAQ has proposed, in a recent immediately effective filing,⁸ to renumber its Rule 2330 and IM-2330 to Rule 2150 and IM-2150, respectively; clarify cross-references in its rule and IM; and reflect the changes to FINRA Rule 2150. NASDAQ is, by this filing, clarifying the cross-reference in its Rule 9810 to NASDAQ Rule 2150.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁹

⁷ Supplementary Material to FINRA Rule 2150 states: (i) A “guarantee” extended to all holders of a security by an issuer as part of that security generally would not be subject to the prohibition against guarantees and that a permissible sharing arrangement remains subject to other applicable FINRA rules; (ii) the rule does not preclude a member from determining on an after-the-fact basis, to reimburse a customer for transaction losses, provided however that the member shall comply with all reporting requirements that may be applicable to such payment; (iii) the rule does not preclude a member from correcting a *bona fide* error; and (iv) the required written authorization(s) shall be preserved for a period of at least six years after the date the account is closed, which is consistent with the retention period under the Act for similar records.

⁸ See Securities Exchange [sic] Release No. 61128 (December 8, 2009), 74 FR 66191 (December 14, 2009)(SR-NASDAQ-2009-106)(notice of filing and immediate effectiveness).

⁹ 15 U.S.C. 78f.

⁴ See Securities Exchange [sic] Release No. 61087 (December 1, 2009), 74 FR 65190 (December 9, 2009)(SR-FINRA-2009-078)(notice of filing and immediate effectiveness).

⁵ See Securities Exchange Act Release No. 60648 (September 10, 2009), 74 FR 47837 (September 17, 2009)(SR-FINRA-2009-048)(order approving adoption of FINRA Rule 5230).

⁶ See Securities Exchange Act Release No. 60701 (September 21, 2009); 74 FR 49425 (September 28, 2009)(SR-FINRA-2009-014)(order approving adoption of FINRA Rule 2150).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

in general, and with Sections 6(b)(5) of the Act,¹⁰ in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed changes will conform NASDAQ Rules 3330 and 9810 to recent changes made to several corresponding FINRA rules, to promote application of consistent regulatory standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and Rule 19b-4(f)(6) thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2010-005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2010-005. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NASDAQ. 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-NASDAQ-2010-005 and should be submitted on or before February 16, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010-1267 Filed 1-22-10; 8:45 am]

BILLING CODE 8011-01-P

¹³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61368; File No. SR-ISE-2009-87]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Approving Proposed Rule Change Relating to Foreign Currency Options

January 15, 2010.

I. Introduction

On October 27, 2009, the International Securities Exchange, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its rules regarding Foreign Currency Options ("FX Options") to permit the Exchange to list a single strike price of one cent (\$0.01) for each expiration month for FX Options opened for trading on the Exchange. The proposed rule change was published for comment in the **Federal Register** on November 24, 2009.³ The Commission received no comment letters on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

ISE Rule 2205 governs the opening for trading of series of FX Options.⁴ Pursuant to ISE Rule 2205, after a class of options contracts on any underlying currency pair has been approved for listing and trading, the Exchange may open for trading series of FX Options that expire in consecutive monthly intervals, in three or "cycle" month intervals, or that have up to 36 months to expiration. The Exchange also may open additional consecutive month series of the same class for trading at or about the time a prior consecutive month series expires.

ISE now proposes to amend ISE Rule 2205 to allow the Exchange to list a single strike price of one cent (\$0.01) for each expiration month for FX Options opened for trading on the Exchange. The proposed one cent strike would be in addition to the strike prices listed by the Exchange pursuant to ISE Rule 2205.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 61024 (November 18, 2009), 74 FR 61395 (November 24, 2009).

⁴ ISE began trading FX options on April 17, 2007. See Securities Exchange Act Release No. 55575 (April 3, 2007), 72 FR 17963 (April 10, 2007) (SR-ISE-2006-59) (the "FX Options Order").

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6).

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁵ Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,⁶ which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁷ that the proposed rule change (SR-ISE-2009-87) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010-1271 Filed 1-22-10; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61369; File No. SR-CBOE-2009-103]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Temporary Membership Status and Interim Trading Permit Access Fees

January 15, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ notice is hereby given that on December 31, 2009, the Chicago Board Options Exchange, Incorporated (“CBOE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to adjust (i) the monthly access fee for persons granted temporary CBOE membership status (“Temporary Members”) pursuant to Interpretation and Policy .02 under CBOE Rule 3.19 (“Rule 3.19.02”) and (ii) the monthly access fee for Interim Trading Permit (“ITP”) holders under CBOE Rule 3.27. The text of the proposed rule change is available on the Exchange’s Web site (<http://www.cboe.org/Legal/>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The current access fee for Temporary Members under Rule 3.19.02² and the current access fee for ITP holders under Rule 3.27³ are both \$8,991 per month. Both access fees are currently set at the indicative lease rate (as defined below) for December 2009. The Exchange proposes to adjust both access fees effective at the beginning of January 2010 to be equal to the indicative lease rate for January 2010 (which is \$7,928). Specifically, the Exchange proposes to revise both the Temporary Member access fee and the ITP access fee to be \$7,928 per month commencing on January 1, 2010.

The indicative lease rate is defined under Rule 3.27(b) as the highest

clearing firm floating monthly rate⁴ of the CBOE Clearing Members that assist in facilitating at least 10% of the CBOE transferable membership leases.⁵ The Exchange determined the indicative lease rate for January 2010 by polling each of these Clearing Members and obtaining the clearing firm floating monthly rate designated by each of these Clearing Members for that month.

The Exchange used the same process to set the proposed Temporary Member and ITP access fees that it used to set the current Temporary Member and ITP access fees. The only difference is that the Exchange used clearing firm floating monthly rate information for the month of January 2010 to set the proposed access fees (instead of clearing firm floating monthly rate information for the month of December 2009 as was used to set the current access fees) in order to take into account changes in clearing firm floating monthly rates for the month of January 2010.

The Exchange believes that the process used to set the proposed Temporary Member access fee and the proposed Temporary Member access fee itself are appropriate for the same reasons set forth in CBOE rule filing SR-CBOE-2008-12 with respect to the original Temporary Member access fee.⁶ Similarly, the Exchange believes that the process used to set the proposed ITP access fee and the proposed ITP access fee itself are appropriate for the same reasons set forth in CBOE rule filing SR-CBOE-2008-77 with respect to the original ITP access fee.⁷

Each of the proposed access fees will remain in effect until such time either that the Exchange submits a further rule filing pursuant to Section 19(b)(3)(A)(ii)

⁴ Rule 3.27(b) defines the clearing firm floating monthly rate as the floating monthly rate that a Clearing Member designates, in connection with transferable membership leases that the Clearing Member assisted in facilitating, for leases that utilize that monthly rate.

⁵ The concepts of an indicative lease rate and of a clearing firm floating month rate were previously utilized in the CBOE rule filings that set and adjusted the Temporary Member access fee. Both concepts are also codified in Rule 3.27(b) in relation to ITPs.

⁶ See Securities Exchange Act Release No. 57293 (February 8, 2008), 73 FR 8729 (February 14, 2008) (SR-CBOE-2008-12), which established the original Temporary Member access fee, for detail regarding the rationale in support of the original Temporary Member access fee and the process used to set that fee, which is also applicable to this proposed change to the Temporary Member access fee as well.

⁷ See Securities Exchange Act Release No. 58200 (July 21, 2008), 73 FR 43805 (July 28, 2008) (SR-CBOE-2008-77), which established the original ITP access fee, for detail regarding the rationale in support of the original ITP access fee and the process used to set that fee, which is also applicable to this proposed change to the ITP access fee as well.

⁵ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78s(b)(2).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² See Securities Exchange Act Release No. 56458 (September 18, 2007), 72 FR 54309 (September 24, 2007) (SR-CBOE-2007-107) for a description of the Temporary Membership status under Rule 3.19.02.

³ See Securities Exchange Act Release No. 58178 (July 17, 2008), 73 FR 42634 (July 22, 2008) (SR-CBOE-2008-40) for a description of the Interim Trading Permits under Rule 3.27.

of the Act⁸ to modify the applicable access fee or the applicable status (*i.e.*, the Temporary Membership status or the ITP status) is terminated.

Accordingly, the Exchange may, and likely will, further adjust the proposed access fees in the future if the Exchange determines that it would be appropriate to do so taking into consideration lease rates for transferable CBOE memberships prevailing at that time.

The procedural provisions of the CBOE Fee Schedule related to the assessment of each proposed access fee are not proposed to be changed and will remain the same as the current procedural provisions relating to the assessment of that access fee.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(4) of the Act,¹⁰ in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and subparagraph (f)(2) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CBOE-2009-103 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-CBOE-2009-103. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-CBOE-2009-103 and should be submitted on or before February 16, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Florence E. Harmon,
Deputy Secretary.

[FR Doc. 2010-1270 Filed 1-22-10; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Delegation of Authority 329]

Delegation by the Under Secretary of State for Public Diplomacy and Public Affairs to the Coordinator, Bureau of International Information Programs, or to Any Successor

By virtue of the authority vested in me as the Under Secretary of State for Public Diplomacy and Public Affairs by law, including by Delegation of Authority No. 234 of October 1, 1999, and the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), and to the extent authorized by law, I hereby delegate to the Coordinator, Bureau of International Information Programs, or to any successor:

- The functions and authorities related to the dissemination of information abroad about the United States, and related functions, including those functions in the United States Information and Educational Exchange Act of 1948, as amended (the Smith-Mundt Act) (22 U.S.C. 1431 *et seq.*), and
- The functions and authorities in the National Endowment for Democracy Act (22 U.S.C. 4412) relating to the grant program with the National Endowment for Democracy.

The Secretary of State, the Deputy Secretary of State, the Deputy Secretary of State for Management and Resources, and the Under Secretary of State for Public Diplomacy and Public Affairs may at any time exercise the functions and authorities delegated herein. The functions and authorities delegated herein may be further delegated, to the extent consistent with law.

Any actions related to the functions and authorities described herein that may have been taken by the Coordinator prior to the date of this delegation of authority are hereby confirmed and ratified. Such actions shall remain in force as if taken under this delegation of authority, unless or until such actions are rescinded, amended or superseded.

Any reference in this delegation of authority to any statute or delegation of authority shall be deemed to be a reference to such statute or delegation of authority as amended from time to time.

¹³ 17 CFR 200.30-3(a)(12).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(2).

This delegation shall be published in the **Federal Register**.

Dated: January 12, 2010.

Judith A. McHale,

Under Secretary for Public Diplomacy and Public Affairs.

[FR Doc. 2010-1349 Filed 1-22-10; 8:45 am]

BILLING CODE 4710-11-P

DEPARTMENT OF STATE

[Public Notice 6878]

Notice of Meeting of a Study Group of the U.S. Department of State Advisory Committee on Private International Law

A Study Group of the Department of State Advisory Committee on Private International Law (ACPIL) will hold a public meeting to continue the discussion of the treatment of IP-secured financing practices in the United Nations Commission on International Trade (UNCITRAL) Draft Legislative Guide on Secured Transactions (Guide). At the 40th Session of the UNCITRAL in December 2007, it adopted a legislative guide on secured transactions, including recommendations dealing with the scope of the Guide as it relates to IP law and secured financing, as well as the inclusion in the commentary to the Guide of explanatory statements on the treatment of IP as secured financing. UNCITRAL also approved a work project on IP law matters as they relate to secured financing law. Other sessions for that work project were held in May and October of 2008 and April and October 2009. *This is not a meeting of the full Advisory Committee.*

The Study Group will use this public meeting to continue to exchange thoughts on the relationship between secured finance and IP and how this matter should be addressed in the new draft IP annex to the Guide. The report of the earlier sessions of the UNCITRAL Working Group and the papers prepared by the Secretariat for the next session of the UNCITRAL working group can be obtained at http://www.uncitral.org/uncitral/en/commission/working_groups/6Security_Interests.html. The revised document that will be reviewed at the February 8-12 session of the Working Group in New York is also available on this link.

Time and Place: The public meeting will take place at the Department of State, Office of Private International Law, 2430 E Street, NW., Washington, DC on Wednesday, February 3, 2010, from 10 a.m. to 12:30 p.m. EST.

Public Participation: This Study Group meeting is open to the public, subject to the capacity of the meeting room. Access to the meeting building is controlled; persons wishing to attend should contact Tricia Smeltzer or Niesha Toms of the Department of State Legal Adviser's Office at SmeltzerTK@state.gov or TomsNN@state.gov and provide your name, e-mail address, and mailing address to get admission into the meeting or to get directions to the office. Persons who cannot attend but who wish to comment are welcome to do so by e-mail to Michael Dennis at DennisMJ@state.gov. A member of the public needing reasonable accommodation should advise those same contacts not later than January 27th. Requests made after that date will be considered, but might not be able to be fulfilled. If you are unable to attend the public meeting and you would like to participate by teleconferencing, please contact Tricia Smeltzer or Niesha Toms at 202-776-8420 to receive the conference call-in number and the relevant information.

Information about members of the public is sought pursuant to 22 U.S.C. 2658; Executive Order 10450; Executive Order 12356; and Section 506 (a) of the Federal Records Act of 1950, as amended (44 U.S.C. 3101). The primary purpose for collecting the information is to assure protection of U.S. Department of State facilities and to allow all Department of State (DOS) staff to pre-register single visitors or groups and verify the requester has escort authority. The information furnished is used by the Department of State's Bureau of Diplomatic Security to enhance the Department's security by tracking visitor traffic and to prevent security vulnerability. The information may be shared with Bureau of Diplomatic Security staff as a routine use, and on an as-needed basis with outside law-enforcement organizations as part of the Department's effort to combat terrorism and to cooperate with law enforcement investigations. In addition, the information provided is used to better track, manage, and control access to buildings and restricted areas under the jurisdiction of the Department of State; to determine the status of individuals entering Department of State premises; and to provide data requisite to investigations and security reports. Data may be shared with other Local, State, and Federal law enforcement agencies. Failure to provide the information requested may result in denial of access to U.S. Department of State facilities.

Dated: January 15, 2010.

Michael J. Dennis,

Attorney-Adviser, Office of Private International Law, Department of State.

[FR Doc. 2010-1353 Filed 1-22-10; 8:45 am]

BILLING CODE 7410-08-P

DEPARTMENT OF STATE

[Delegation of Authority 330]

Re-Delegation to Daniel Sreebny of the Functions and Authorities of the Coordinator, Bureau of International Information Programs

By virtue of the authority vested in me as the Under Secretary of State for Public Diplomacy and Public Affairs by law, including by Delegation of Authority No. 234 of October 1, 1999, and the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), and to the extent authorized by law, I hereby delegate to Daniel Sreebny the functions and authorities of the Coordinator, Bureau of International Information Programs.

The Secretary of State, the Deputy Secretary of State, the Deputy Secretary of State for Management and Resources, and the Under Secretary of State for Public Diplomacy and Public Affairs may at any time exercise the functions and authorities delegated herein. The functions and authorities delegated herein may not be further delegated without my approval.

This delegation shall take effect upon the designation and appointment by the Secretary of State of Daniel Sreebny to serve as Acting Coordinator. It shall expire upon the selection and entry upon duty of an individual to serve as the Coordinator, Bureau of International Information Programs, or the appointment and entry upon duty of an individual to serve as the Assistant Secretary for International Information Programs, whichever shall occur first.

This delegation of authority shall be published in the **Federal Register**.

Dated: January 12, 2010.

Judith A. McHale,

Under Secretary for Public Diplomacy and Public Affairs.

[FR Doc. 2010-1327 Filed 1-22-10; 8:45 am]

BILLING CODE 4710-11-P

DEPARTMENT OF STATE

[Public Notice 6886]

Waiver of Restriction on Assistance to the Central Government of Egypt

Pursuant to section 7086(c)(2) of the Department of State, Foreign

Operations, and Related Programs Appropriation Act, 2010 (Division F, Pub. L. 111-117) ("the Act"), and Department of State Delegation of Authority Number 245-1, I hereby determine that it is important to the national interest of the United States to waive the requirements of section 7086(c)(1) of the Act with respect to the Government of Egypt, and I hereby waive such restriction.

This determination shall be reported to Congress, and published in the **Federal Register**.

Dated: January 11, 2010.

Jacob J. Lew,

Deputy Secretary of State for Management and Resources.

[FR Doc. 2010-1351 Filed 1-22-10; 8:45 am]

BILLING CODE 4710-31-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Seeking OMB Approval

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 16, 2009, vol. 74, no. 199, page 53312. 49 U.S.C. 40117 authorizes airports to impose passenger facility charges (PFC). **DATES:** Please submit comments by February 24, 2010.

FOR FURTHER INFORMATION CONTACT:

Carla Mauney at Carla.Mauney@faa.gov.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Passenger Facility Charge (PFC) Application.

Type of Request: Extension without change of a currently approved collection.

OMB Control Number: 2120-0557.

Form(s): 5500-1.

Affected Public: An estimated 450 Respondents.

Frequency: This information is collected on occasion.

Estimated Average Burden per Response: Approximately 10 hours per response.

Estimated Annual Burden Hours: An estimated 24,025 hours annually.

Abstract: 49 U.S.C. 40117 authorizes airports to impose passenger facility

charges (PFC). This program requires public agencies and certain members of the aviation industry to prepare and submit applications and reports to the FAA. This program provides additional funding for airport development which is needed now and in the future.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to oir_submission@omb.eop.gov, or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on January 19, 2010.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.

[FR Doc. 2010-1342 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Deadline for Notification of Intent To Use the Airport Improvement Program (AIP) Primary, Cargo, and Nonprimary Entitlement Funds for Fiscal Year 2010

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces February 22, 2010, as the deadline for each airport sponsor to notify the FAA whether or not it will use its fiscal year 2010 entitlement funds available under Public Law No. 111-117 to accomplish Airport Improvement Program (AIP)-

eligible projects that the sponsor previously identified through the Airports Capital Improvement Plan (ACIP) process during the preceding year. If a sponsor does not declare their intention regarding their fiscal year 2010 entitlement funds by February 22, 2010, FAA will be unable to take the necessary actions to award these funds, nor designate these funds as "protected" carryover funds. In addition, these funds will not be carried over without a legislative enactment that provides an additional AIP authorization and an extension of the FAA's spending authority from the Airport and Airway Trust Fund beyond March 31, 2010.

FOR FURTHER INFORMATION CONTACT: Mr. Frank J. San Martin, Manager, Airports Financial Assistance Division, APP-500, on (202) 267-3831.

SUPPLEMENTARY INFORMATION: Title 49 of the United States Code, section 47105(f), provides that the sponsor of each airport to which funds are apportioned shall notify the Secretary by such time and in a form as prescribed by the Secretary, of the sponsor's intent to apply for the funds apportioned to it (entitlements). This notice applies only to those airports that have had entitlement funds apportioned to them, except those nonprimary airports located in designated Block Grant States. Sponsors intending to apply for any of their available entitlement funds, including those unused from prior years, shall submit by February 22, 2010, a written indication to the designated Airports District Office (or Regional Office in regions without Airports District Offices) that they will submit a grant application prior to February 26, 2010, or by a prior date established by the designated Airport District or Regional Office.

This notice is promulgated to expedite and prioritize the grant-making process. In the past when there has been full-year funding for AIP, the FAA has established a deadline of May 1 for an airport sponsor to declare whether it will apply for, or defer use of its entitlement funding. Considering that Congress has authorized the AIP program only until March 31, 2010, i.e. into the middle of a fiscal year, the FAA is establishing February 22, 2010, as the deadline for each airport sponsor to notify the FAA whether or not it will use its fiscal year 2010 entitlement funds.

The AIP grant program is operating under the requirements of Public Law No. 111-116, the "Federal Aviation Administration Extension Act, Part II", enacted on December 16, 2009, which amends 49 U.S.C. 48103, to extend AIP

for a six-month period beginning October 1, 2008 and ending on March 31, 2010. The FAA's expenditure authority from the Airport and Airway Trust Fund will also expire on March 31, 2010, in the absence of an additional statutory extension. Therefore, to avoid the risk of not being able to carryover funds if an additional extension is not enacted, and to allow sufficient time for accounting processing, AIP funds should be obligated in FAA's accounting records on or before March 3, 2010.

Sponsors have three options available regarding AIP grants during this period. First, sponsors may elect to make an application for a grant based on entitlements currently available to them. Sponsors that elect to take such a grant must submit grant applications to the FAA no later than February 26, 2010, in order to meet the March 3, 2010 obligation deadline. Second, sponsors may elect to wait until after the February 22, 2010 notification date for protection of carryover entitlements. However, if a sponsor does not declare their intention regarding the use of fiscal year 2010 entitlement funds by the February 22, 2010 deadline, FAA will be unable to take the necessary actions to designate these as "protected" carryover funds. In addition, these funds would not be carried over without a legislative enactment that provides additional AIP authorization for fiscal year 2010 and extends the FAA's spending authority from the Airport and Airway Trust Fund beyond March 31, 2010. Third, sponsors may elect to declare their intention to carryover the entitlements by sending written notification of such intention by February 22, 2010. Unused carryover entitlements that have been deferred will be available in fiscal year 2011 pending legislative action to further extend authorization and appropriations.

If a statutory extension beyond March 31, 2010 of the AIP program and the FAA's authority to make expenditures from the Trust Fund is enacted, additional entitlement funds may be available to sponsors. In that case, airport sponsors who did not previously declare their intention to carryover the entitlements must provide a written indication by May 1, 2010 to the designated Airports District Office (or Regional Office in regions without Airports District Offices) that they will either carryover or use their fiscal year 2010 entitlements by submitting a grant application by August 1, 2010.

Issued in Washington, DC on January 6, 2010.

Frank J. San Martin,

Manager, Airports Financial Assistance Division, Office of Airport Planning and Programming.

[FR Doc. 2010-1291 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Davis and Weber Counties, UT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed transportation improvement project in Davis and Weber Counties, Utah.

FOR FURTHER INFORMATION CONTACT: Ed Woolford, Environmental Program Manager or Paul Ziman, Area Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84118, Telephone: (801) 963-0182, E-mail: Edward.Woolford@dot.gov or Paul.Ziman@dot.gov, respectively. The Utah Department of Transportation (UDOT) contact is Randy Jefferies, Project Manager, 166 Southwell Street, Ogden, UT 84404, Telephone: (801) 620-1690, E-mail: rjefferies@utah.gov.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with UDOT, will prepare an EIS on a proposal to address projected transportation demand in western Davis and Weber Counties. Although the exact limits of the study area have not been defined, the transportation needs that will be evaluated in the proposal extend northward from about Parrish Lane (400 South) in Centerville in Davis County to about 1200 South in Marriott-Slaterville in Weber County. The eastern limits of the study area extend to I-15 and the western limit will be just east of the Great Salt Lake.

To provide for local and regional travel demands, the regional transportation plan developed by the local Metropolitan Planning Organization, Wasatch Front Regional Council (WFRC), has identified the need for an improved transportation system in the study area. Alternatives under consideration include (1) Taking no-action (no-build); (2) transportation system management/travel demand management; and (3) build alternatives. A multi-modal evaluation of

transportation improvements in the corridor will be the focus of the study. Transportation build alternatives to be studied include, but are not limited to: (1) Collector roadway; (2) freeway; (3) arterial roadway; (4) transit; (5) combinations of any of the above; and (6) other feasible alternatives identified during the scoping process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public scoping meetings will be held in the study area from 4:30 p.m. to 8 p.m. as follows: February 23, 2010, at Syracuse High School, 665 South 2000 West, Syracuse, UT; February 24, 2010, at Davis County Legacy Events Center (Davis County Fairgrounds) at 151 South 1100 West, Farmington, UT; and, February 25, 2010, at West Weber Elementary School, 4178 West 900 South, Ogden, UT. Public notices announcing these meetings will be published in the region. Information regarding this meeting and the project may also be obtained through a public Web site, <http://www.udot.utah.gov/westdavis>. In addition to the public scoping meetings, public hearings will be held after the draft EIS has been prepared. The draft EIS will be available for public and agency review and comment before the public hearing.

To ensure that a full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above by March 22, 2010.

(Catalog of Federal and Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 14, 2010.

James Christian,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2010-1293 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Intent To Prepare an Environmental Impact Statement for Proposed Transit Improvements in the Eastside Transit Corridor Phase 2, Eastern Portion of Los Angeles County, CA**

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Los Angeles County Metropolitan Transportation Authority (LACMTA) intend to prepare an Environmental Impact Statement (EIS) for the Eastside Transit Corridor Phase 2 Project in Los Angeles County, California. LACMTA operates the Metro transit system in Los Angeles County. The proposed project would provide a continuation of the Metro Gold Line Eastside Extension, a light rail transit line (LRT), from Union Station in downtown Los Angeles to East Los Angeles. This connection between Downtown Los Angeles and the growing Eastside is consistent with regional transportation and land use plans. Phase 2 would expand upon the Gold Line Eastside Extension investment and bring improved, high-capacity transit service as far east as Whittier or South El Monte, connecting the cities of Commerce, Monterey Park, Montebello, Rosemead, South El Monte, Pico Rivera, Santa Fe Springs and Whittier, and unincorporated portions of Los Angeles County which include east Los Angeles and west Whittier-Los Nietos.

The EIS will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. LACMTA will also use the EIS document to comply with the California Environmental Quality Act (CEQA), which requires an Environmental Impact Report (EIR). The purpose of this notice is to alert interested parties regarding the intent to prepare the EIS, to provide information on the nature of the proposed project and possible alternatives, to invite public participation in the EIS process (including providing comments on the scope of the Draft Environmental Impact Statement (DEIS)), to announce that public scoping meetings will be conducted, and to identify participating and cooperating agency contacts.

DATES: Written comments on the scope of the EIS, including the project's purpose and need, the alternatives to be

considered, the impacts to be evaluated, and the methodologies to be used in the evaluations should be sent to LACMTA on or before April 14, 2010, at the address below. See **ADDRESSES** below for the address to which written public comments may be sent. Public scoping meetings to accept comments on the scope of the EIS/EIR will be held on the following dates:

- Monday, February 22, 2010; 6 to 8 p.m. at the Pico Women's Center, 9214 Mines Avenue, Pico Rivera, CA.
- Wednesday, February 24, 2010; 6 to 8 p.m. at the South El Monte Senior Center/Dining Room, 1556 Central Avenue, South El Monte, CA.
- Thursday, February 25, 2010; 6 to 8 p.m. at the Senior Center at City Park—South Wing, 115 South Taylor Avenue, Montebello, CA.
- Saturday, February 27, 2010; 10 a.m. to 12 p.m. at the Salvation Army Santa Fe Springs—Studio 12000, 12000 East Washington Boulevard, Whittier, CA.

The project's purpose and need and the description of alternatives for the proposed project will be presented at these meetings. The buildings used for the scoping meetings are accessible to persons with disabilities. Any individual who requires special assistance, such as a sign language interpreter, to participate in the scoping meeting should contact Ms. Kimberly Yu, Transportation Planning Manager, LACMTA, at (213) 922-7910, or yuki@metro.net.

Scoping materials will be available at the meetings and on the LACMTA Web site (<http://www.metro.net/eastsidephase2>). Paper copies of the scoping materials may also be obtained from Ms. Ann Kerman, Outreach Project Manager, LACMTA, at (213) 922-7671, or kermana@metro.net. An interagency scoping meeting will be held on Thursday, February 18, 2010, at 10 a.m. at LACMTA, in the Windsor Conference Room, 15th Floor, One Gateway Plaza, Los Angeles, CA 90012. Representatives of Native American Tribal governments and of all Federal, State, regional and local agencies that may have an interest in any aspect of the project will be invited to be participating or cooperating agencies, as appropriate.

ADDRESSES: Comments will be accepted at the public scoping meetings or they may be sent to Ms. Kimberly Yu, Project Manager, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Mail Stop 99-22-2, Los Angeles, CA 90012, or via e-mail at yuki@metro.net. The locations of the public scoping meetings are given above under **DATES**.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Tellis, Team Leader, Los Angeles Metropolitan Office, Federal Transit Administration, 888 South Figueroa Street, Suite 1850, Los Angeles, CA 90017, phone (213) 202-3950, e-mail ray.tellis@dot.gov.

SUPPLEMENTARY INFORMATION:**Scoping**

Scoping is the process of determining the scope, focus and content of an EIS. FTA and LACMTA invite all interested individuals and organizations, public agencies, and Native American Tribes to comment on the scope of the Draft EIS, including the project's purpose and need, the alternatives to be studied, the impacts to be evaluated, and the evaluation methods to be used. Comments should focus on: Alternatives that may be less costly or have less environmental or community impacts while achieving similar transportation objectives, and the identification of any significant social, economic, or environmental issues relating to the alternatives.

NEPA "scoping" has specific and fairly limited objectives, one of which is to identify the significant issues associated with alternatives that will be examined in detail in the document, while simultaneously limiting consideration and development of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental impacts—those that give rise to the need to prepare an environmental impact statement—should be identified; impacts that are deemed not to be significant need not be developed extensively in the context of the impact statement, thereby keeping the statement focused on impacts of consequence. Transit projects may also generate environmental benefits; these should be highlighted as well—the impact statement process should draw attention to positive impacts, not just negative impacts.

Once the scope of the environmental study, including significant environmental issues to be addressed, is settled, an annotated outline of the document will be prepared and shared with interested agencies and the public. The outline serves at least three worthy purposes, including (1) Documenting the results of the scoping process; (2) contributing to the transparency of the process; and (3) providing a clear roadmap for concise development of the environmental document.

In the interest of producing a readable and user-friendly public document, and pursuant to 40 CFR 1502.10, the EIS

shall be limited to 250 pages exclusive of any 4(f) and/or 6(f) evaluation. The EIS should emphasize graphics and virtual visual simulations over technical jargon, and technical appendices shall be included in a separate volume.

Project Initiation

The FTA and LACMTA will prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Eastside Transit Corridor Phase 2 Project pursuant to 23 U.S.C. 139 and the California Environmental Quality Act (CEQA). LACMTA is serving as the local lead agency for purposes of CEQA environmental clearance, and FTA is serving as the Federal lead agency for purposes of National Environmental Policy Act (NEPA) environmental clearance. This notice shall alert interested parties to the preparation of the EIS/EIR, describe the alternatives under consideration, invite public participation in the EIS/EIR process, and announce the public scoping meetings. FTA and LACMTA will invite interested Federal, State, Tribal, regional and local government agencies to be participating agencies under the provisions of Section 6002 of SAFETEA-LU.

Purpose and Need for the Project

The purpose of this project is to improve public transit service and mobility in the Eastside Transit Corridor Phase 2. The project would provide the study area with improved fixed-guideway east-west transit service from the Metro Gold Line Eastside Extension (Phase 1) to cities farther east of the city of Los Angeles. Possible eastern extensions from the Metro Gold Line Phase 1 terminus at Atlantic Boulevard would generally continue east parallel to or along State Route 60 or south along Garfield Avenue, turning southeast along Washington Boulevard. The overall goal of the proposed project is to improve mobility in the Eastside Transit Corridor Phase 2 by extending the benefits of the existing Metro Gold Line and bus investments beyond the current terminus. Mobility problems and potential improvements for this corridor have been well documented in many studies that are available from Metro's Records Management Department, including numerous Metro Red Line planning studies, *Eastside Transit Corridor Studies: Re-Evaluation Major Investment Study* (2000), the *Eastside Transit Corridor Phase 2 Final Alternatives Analysis Report* (2009), the *Eastside Transit Corridor Phase 2 Alternatives Analysis Addendum* (2009), Southern California Association of Governments (SCAG) planning

studies, the Metro Rapid Demonstration Project (2000), and in the Southern California Association of Governments' Regional Transportation Plan (2004).

The Eastside Transit Corridor Phase 2 is identified in the LACMTA's Long Range Plan and has been selected as one of the many transit and highway projects to receive local Measure R funding. Additional considerations supporting the project's need include: (1) The concentration of activity centers and destinations dispersed throughout the project area, such as Montebello Town Center, Monterey Park Mall, Pico Rivera Town Center, Industry Office Park, Santa Fe Springs Promenade, Uptown Whittier District, and Whittier Narrows Recreation Center, which have a high volume of pedestrian activity and attract residents from within and outside of the study area; (2) over the next 20 years, population is expected to grow by nearly 24%, for a total of 830,000, and employment is also expected to increase 15%, for a total of 384,000 jobs; (3) increasing traffic congestion on the highway and arterial network throughout the project area; (4) transit-supportive General Plans in the cities of Commerce, Montebello, Monterey Park, Pico Rivera, Rosemead, Whittier, and county of Los Angeles; (5) significant transit dependent population in western and eastern portions of the project area; and (6) emerging travel demand patterns associated with a job-rich study area that has led to significant westbound congestion during the morning rush hours and corresponding eastbound congestion during the evening rush hours.

Project Location and Environmental Setting

The Eastside Transit Corridor Phase 2 Project is located in eastern Los Angeles County and is generally bounded by Pomona Boulevard and State Route 60 (SR-60) Freeway to the north, Peck Road and Painter Avenue to the east, Olympic and Washington Boulevards to the south, and Atlantic Boulevard to the west. The project area consists of portions of eight jurisdictions, including the cities of Commerce, Montebello, Monterey Park, Pico Rivera, Rosemead, Santa Fe Springs, South El Monte, Whittier and portions of unincorporated Los Angeles County which includes east Los Angeles and west Whittier-Los Nietos. A diverse mix of land uses are located within the project area, including single- and multi-family residences, commercial and retail uses, industrial development, parks and recreational uses including the Whittier Narrows Recreation Center, health and

medical uses, educational institutions, flood control facilities, and vacant land.

The proposed Eastside Transit Corridor Phase 2 project would connect to the eastern terminus of the Metro Gold Line Eastside Extension. In conjunction with the Metro Gold Line Eastside Extension, the project would provide through transit service between downtown Los Angeles and eastern Los Angeles County.

The two alternatives, Light Rail Transit (LRT) system, would begin at the Metro Gold Line Eastside Extension terminus at Atlantic Boulevard and Pomona Boulevard and continue either east along SR-60 Freeway or southeast along Garfield Avenue and Washington Boulevard. Stations plus associated parking, traction power substations (TPSS), and a maintenance yard would be part of each LRT alternative.

Alternatives

The Eastside Transit Corridor Phase 2 Alternatives Analysis Report (2009) and further refinement documented in the Alternatives Analysis Report Addendum, prepared for LACMTA, identified four alternatives for further consideration in the EIS/EIR. The four alternatives include: A No-Build Alternative, Transportation System Management (TSM) Alternative, SR-60 LRT Alternative, and Washington Boulevard LRT Alternative.

No-Build Alternative: The No-Build Alternative would maintain existing transit service through the year 2035. No new transportation infrastructure would be built within the project area aside from projects currently under construction, or funded for construction and operation by 2035 by the recently approved Measure R sales tax. This alternative will include the highway and transit projects in the current Metro Long Range Transportation Plan and the 2035 Southern California Association of Governments Regional Transportation Plan. The completion of the Metro Rapid Bus Program would be included as well as possible additional feeder bus networks to serve the region's major activity centers.

Transportation System Management (TSM) Alternative: The DEIS/DEIR will evaluate transportation and environmental effects of modest improvements in the highway and transit systems beyond those in the No-Build Alternative. The TSM Alternative would include low-cost improvements to the No-Build Alternative to reduce delay and enhance mobility. The TSM Alternative would emphasize transportation system upgrades, such as intersection improvements, minor road widening, traffic engineering actions,

bus route restructuring, shortened bus headways, expanded use of articulated buses, reserved bus lanes, expanded park-and-ride facilities, express and limited-stop service, signalization improvements, and timed-transfer operations. Key elements of the TSM Alternative include: Providing new Pomona Freeway Express service connecting to the Metro Gold Line Eastside Extension terminus; providing new Beverly Boulevard Rapid bus service; adding service to M10 Whittier Boulevard and M50 Washington Boulevard bus routes; upgrading M30 Garfield Avenue and M20 Montebello Boulevard bus lines; adding service to Metro 265 and 266 local buses; adding service to Foothill Transit 274; and providing new 577 Express service operating along Metro Route 270.

SR-60 LRT Alternative: This build alternative alignment extends approximately 6.9 miles east with a street level, at-grade system from the current Metro Gold Line Eastside Extension terminus at Atlantic Boulevard and Pomona Boulevard and transitions to an aerial configuration along the south edge of the SR-60 Freeway, within the right-of-way, to Peck Road. A total of four aerial stations are proposed under this alternative with locations at SR-60 and Garfield Avenue, SR-60 and Montebello Town Center, SR-60 and Santa Anita Avenue, and SR-60 and Peck Road.

Washington Boulevard LRT Alternative: This build alternative alignment extends east with a street level, at-grade system from the current Metro Gold Line Eastside Extension terminus at Atlantic Boulevard and Pomona Boulevard and transitions to an aerial configuration along the south edge of the SR-60 Freeway. The aerial alignment turns and continues south on Garfield Avenue, and then continues southeast along Washington Boulevard to a terminus east of Lambert Road. This alternative is approximately 9.3 miles in length, with a total of six aerial stations located at SR-60 and Garfield Avenue, Garfield Avenue and Whittier Boulevard, Washington Boulevard and Greenwood Avenue, Washington and Rosemead Boulevards, Washington and Norwalk Boulevards, and Washington Boulevard and Lambert Road.

Probable Effects

The purpose of this EIS/EIR process is to study, in a public setting, the effects of the proposed project and its alternatives on the physical, human, and natural environment. The FTA and LACMTA will evaluate all significant environmental, social, and economic impacts of the construction and

operation of the proposed project. The probable impacts will be determined as a part of project scoping. Unless further screening illuminates areas of possible impact, resource areas will be limited to those uncovered during scoping. Measures to avoid, minimize, and mitigate adverse impacts will also be identified and evaluated.

FTA Procedures

The regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), call for public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that FTA and LACMTA do the following: (1) Extend an invitation to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become "participating agencies;" (2) provide an opportunity for involvement by participating agencies and the public to help define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the EIS; and (3) establish a plan for coordinating public and agency participation in, and comment on, the environmental review process. An invitation to become a participating or cooperating agency, with scoping materials appended, will be extended to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project. It is possible that FTA and LACMTA will not be able to identify all Federal and non-Federal agencies and Native American Tribes that may have such an interest. Any Federal or non-Federal agency or Native American Tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Project Manager identified above under **ADDRESSES**.

A comprehensive public involvement program and a Coordination Plan for public and interagency involvement will be developed for the project and posted on LACMTA's Web site (Eastside Transit Corridor Phase 2 Project Web page: <http://www.metro.net/eastsidephase2>). The public involvement program includes a full range of activities including the project Web page on the LACMTA Web site, development and distribution of project newsletters, and outreach to local officials, community and civic groups, and the public. Specific activities or events for involvement will be detailed in the public involvement program.

LACMTA may seek New Starts funding for the proposed project under 49 United States Code 5309 and will, therefore, be subject to New Starts regulations (49 Code of Federal Regulations (CFR) Part 611). The New Starts regulations also require the submission of certain project-justification information to support a request to initiate preliminary engineering. This information is normally developed in conjunction with the NEPA process. Pertinent New Starts evaluation criteria will be included in the EIS.

The EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR Parts 1500-1508) and with the FTA/Federal Highway Administration regulations "Environmental Impact and Related Procedures" (23 CFR Part 771). In accordance with 23 CFR Part 771.105(a) and 23 CFR Part 774, FTA will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements include, but are not limited to, the environmental and public hearing provisions of Federal transit laws (49 U.S.C. 5301(e), 5323(b), and 5324); the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR Part 93); the Section 404(b)(1) guidelines of EPA (40 CFR Part 230); the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800); the regulation implementing Section 7 of the Endangered Species Act (50 CFR Part 402); Section 4(f) of the Department of Transportation Act (23 CFR Part 774); and Executive Orders 12898 on environmental justice, 11988 on floodplain management, and 11990 on wetlands.

Issued on: January 20, 2010.

Leslie T. Rogers,

Regional Administrator, Region IX, Federal Transit Administration.

[FR Doc. 2010-1332 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2000-7257; Notice No. 58]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) Meeting.

SUMMARY: FRA announces the forty-first meeting of the RSAC, a Federal advisory committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics will include opening remarks from the FRA Administrator, and status reports will be provided by the Locomotive Standards, Passenger Safety, Track Safety Standards, and Medical Standards Working Groups. Status updates will be provided on the following tasks arising out of the Rail Safety Improvement Act of 2008 (RSIA): Positive Train Control, Passenger Hours of Service, Railroad Bridge Safety Management, and Conductor Certification. FRA may offer a new task on Minimum Training Standards for Safety-Related Railroad Employees, as required by the RSIA. This agenda is subject to change, including the possible addition of further proposed tasks.

DATES: The meeting of the RSAC is scheduled to commence at 9:30 a.m. on Thursday, February 11, 2010, and will adjourn by 4:30 p.m.

ADDRESSES: The RSAC meeting will be held at the Marriott Washington, Wardman Park Hotel, located at 2660 Woodley Road, NW., Washington, DC. The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Larry Woolverton, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6212; or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The

RSAC is composed of 54 voting representatives from 31 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on pending tasks at: <http://rsac.fra.dot.gov>. Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

Issued in Washington, DC on January 19, 2010.

Grady C. Cothen, Jr.,
Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010-1281 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Fifth Meeting—RTCA Special Committee 220: Automatic Flight Guidance and Control**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 220: Automatic Flight Guidance and Control meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 220: Automatic Flight Guidance and Control.

DATES: The meeting will be held February 23-25, 2010. February 23rd-24th from 9 a.m. to 5 p.m. and February 25th from 9 a.m. to 2 p.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Tucson Airport, 6575 South Country Club Road, Tucson, Arizona, USA 85706, Tel. +1-520-741-0505, Fax: +1-520-741-0510.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 220: Automatic Flight Guidance and Control meeting. The agenda will include:

- Welcome/Agenda Overview
- MOPS General Status
- MOPS Part 23 inputs status
- MOPS Part 25/27 inputs status
- Breakout into individual MOPS sections WGs
- All-hands to Merge the MOPS sections WGs
- Report out from each MOPS WG: status, schedule, issues
- Establish Dates, Location, Agenda for Next Meeting, Other Business

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 15, 2010.

Francisco Estrada C.,
RTCA Advisory Committee.

[FR Doc. 2010-1287 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Noise Exposure Map Notice for Kona International Airport at Keahole, Keahole, North Kona, HI**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the State of Hawaii for Kona International Airport at Keahole under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is January 12, 2010.

FOR FURTHER INFORMATION CONTACT: Peter Ciesla, Federal Aviation Administration, Western Pacific Region, Airports Division, P.O. Box 92007, Los Angeles, California 90009-2007, *Telephone:* (310) 725-3612.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Kona International Airport at Keahole are in compliance with applicable requirements of Part 150,

effective January 12, 2010. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the State of Hawaii. The documentation that constitutes the "noise exposure maps" as defined in section 150.7 of Part 150 includes: Exhibit 1, Existing Conditions (2008) Noise Exposure Map and Exhibit, Future Condition (2013) Noise Exposure Map. The Noise Exposure Maps contain current and forecast information including the depiction of the airport and its boundaries, the runway configurations, land uses such as residential, noise sensitive institutions, a school, non noise-sensitive land uses, and growth risk areas, and also those areas within the noise contours. Estimates for the number of people within these contours, for the year 2008 is shown in Table 4C. Estimates of the future number of people within the 2013 noise contours is shown in Table 4F. Flight tracks for the existing and the five-year forecast Noise Exposure Maps are found in Exhibits 3E, 3F, 3G, and 3H. The type and frequency of aircraft operations (including nighttime operations) are found in Tables 3A and 3B for the existing conditions (2008) and the future conditions (2013). The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on January 12, 2010.

FAA's determination on an airport operator's noise exposure maps is

limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,
Western-Pacific Region, Airports
Division, Room 3012, 15000 Aviation
Boulevard, Hawthorne, California
90261;

Federal Aviation Administration,
Honolulu Airports District Office, 300
Ala Moana Boulevard, 7-128,
Honolulu, Hawaii 96850;

State of Hawaii, Department of
Transportation, Airports Division, 400
Rodgers Boulevard, Suite 700,
Honolulu, Hawaii 96819-1880;

Kona International Airport at Keahole,
73-200 Kupipi Street, Kailua-Kona,
Hawaii 96740-2645.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on January 12, 2010.

Mia Paredes Ratcliff,

*Acting Manager, Airports Division, AWP-600,
Western-Pacific Region.*

[FR Doc. 2010-1326 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Peninsula Corridor Joint Powers Board-Caltrain

[Waiver Petition Docket Number FRA-2009-0124]

The Peninsula Corridor Joint Powers Board (JPB) seeks a waiver of compliance from certain provisions of Title 49 CFR Part 238 *Passenger Equipment Safety Standards*. Specifically, JPB is considering purchasing non-FRA compliant high-efficiency electric multiple unit (EMU) vehicles, constructed to European safety standards for its Caltrain commuter rail service between San Francisco, CA, and Gilroy, CA. JPB seeks relief from the requirements of § 238.204 Static End Strength; § 238.205 Anti-Climbing Mechanism; § 238.207 Link Between Coupling Mechanism; § 238.211 Collision Posts; and § 238.213 Corner Posts.

JPB, which owns and operates the Caltrain commuter rail service between San Francisco, CA, and Gilroy, CA [MilePost (MP) 51.9], is currently considering a program that increases system capacity by removing constraints within the system. This program, referred to as "Caltrain 2025," will allow Caltrain to expand service and reduce costs while providing a measurably safer transportation network. Along with electrification of mainline tracks and implementation of an enhanced positive train control system, a key component of this program involves the operation of some non-FRA compliant high-efficiency EMU vehicles constructed to European safety standards that feature Crash Energy

Management capabilities. Also, Caltrain will temporally separate freight operations from passenger operations between San Francisco, CA, and Santa Clara (MP 44.6), by limiting freight movements to the exclusive freight period hours of midnight–5 a.m. Only from MP 44.6–MP 51.9 will freight service commingle with Caltrain commuter equipment during revenue service.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2009–0124) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR

19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on January 19, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010–1226 Filed 1–22–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Utah Transit Authority

[Supplement to Waiver Docket Number FRA–1999–6253]

As a supplement to the Utah Transit Authority's (UTA) Petition for Approval of Shared Use and Waiver of Certain FRA Regulations (the original shared use waiver was granted by the FRA Railroad Safety Board on August 19, 1999, for the Sandy/Salt Lake TRAX LRT line), UTA is amending the terms and conditions of the original waiver by constructing the Daybreak/Test Track Segment portion of the Mid-Jordan LRT line extension of the Sandy/Salt Lake TRAX LRT line. This Test Track will be an exclusive light rail segment, featuring a limited connection to the general freight system at an interlocking. UTA submits that this request is consistent with the waiver process for Shared Use. *See Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment*, 65 FR 42529 (July 10, 2000); *see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems*, 65 FR 42626 (July 10, 2000).

UTA is expanding its original Sandy/Salt Lake TRAX LRT line by building the 10.6-mile Mid-Jordan LRT line extension on the active Union Pacific Railroad (UPRR) Bingham Branch,

which is a single track used solely for freight operations. As part of this Mid-Jordan extension, UTA will reconstruct this existing track and add a new parallel track. This construction will allow that portion of the Mid-Jordan LRT line that runs on the Bingham Branch to utilize two (2) tracks for light rail operations during the temporally separated passenger period. UPRR will continue to operate on the Bingham Branch only during the freight period. UTA anticipates petitioning FRA at a future date for a supplemental waiver of compliance from certain portions of Title 49 of the CFR for shared use temporal separation operations on this Mid-Jordan LRT line extension.

This petition pertains to UTA's intent to first construct an initial 2-mile portion of this Mid-Jordan extension called the Daybreak/Test Track Segment, which will be used exclusively by UTA TRAX LRT equipment. This track initially will be used to commission new LRV equipment and to train LRV operators. This Daybreak/Test Track segment will be an exclusive light rail portion of the Mid-Jordan LRT line extension, with a limited connection to UPRR Bingham Branch at address 5600 West. This connection will be composed of four electrically locked hand throw switches interlocked with UTA's Signal & Train Control System. In addition to this, UTA will temporarily employ portable derail devices to separate any possible incursions of UPRR equipment onto this Daybreak/Test Track equipment. Derails will be permanently removed once UTA has completed testing and begun pre-revenue service on the entire Mid-Jordan line.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–1999–6253) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200

New Jersey Avenue, SE., W12-140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on January 19, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010-1236 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of a Record of Decision (ROD) for the Proposed Bay Area Rapid Transit (BART) Connector Project at Oakland International Airport (OAK), Oakland, Alameda County, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Record of Decision.

SUMMARY: The FAA is issuing this notice to advise the public that it has issued a ROD for the proposed construction and operation of the proposed BART connector project at OAK. The ROD evaluated the proposed BART-OAK connector project at OAK, Oakland, Alameda County, California.

SUPPLEMENTARY INFORMATION: The FAA has completed and issued its ROD for a proposed BART-OAK connector project

at OAK, Oakland, Alameda County, California. The proposed airport connector project would operate on an Automated Guideway Transit (AGT) system on an exclusive, approximate 3-mile long right-of-way. The AGT would provide a link between the existing BART Coliseum station and the airport terminal. Approximately one mile of the connector project would be built on airport property. The connector project would improve access to OAK by using a direct and convenient connection to the existing regional BART rail transit system. The ROD discusses alternatives considered by FAA in reaching its decision, summarizes the analysis used to evaluate the alternatives, and briefly summarizes the potential environmental consequences evaluated in the FAA's ROD. The ROD also identifies the FAA's environmentally preferred alternative, applicable and required mitigation. The FAA submitted a letter to the U.S. Environmental Protection Agency (EPA) on November 19, 2009, indicating the FAA was adopting the Federal Transit Administration (FTA) 2002 FEIS on this project and also re-circulated the EIS as a Final EIS for the FAA. EPA published the notice indicating FAA's adoption of the FTA FEIS in the **Federal Register** on November 27, 2009. The comment period closed on December 28, 2009 and comments were received from the EPA. The FAA provided responses to the EPA comments in Appendix A of the ROD.

Copies of the ROD are available for public examination during business hours at the following locations:

1. Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010-1303.
2. Federal Aviation Administration, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, CA 90261.
3. Federal Aviation Administration, Office of the Associate Administrator for Airports, Planning and Environmental Division, Room 615, 800 Independence Avenue, SW., Washington, DC 20591.
4. Administrative Offices of the Port of Oakland, Port of Oakland, 530 Water Street, Oakland, CA 94607.
5. Alameda Public Library, Bay Farm Island Library, 3221 Macartney Road, Alameda, CA 94502.
6. Oakland Public Library, Brookfield Branch, 9255 Edes Avenue, Oakland, CA 94603.
7. Oakland Public Library, Main Library, 125 14th Street, Oakland, CA 94612.
8. Oakland Public Library, Martin Luther King Jr. Branch, 6833 International Blvd., Oakland, CA 94621.

9. San Leandro Public Library (Main), 300 Estudillo Avenue, San Leandro, CA 94577.

10. MTC-ABAG Library, Joseph P. Bort MetroCenter, 101 8th Street, Oakland, CA 94607.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Ciesla, Regional Environmental Protection Specialist, Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: (310) 725-3612.

Issued in Hawthorne, California on January 12, 2010.

Mia Paredes Ratcliff,

Acting Manager, Airports Division, Western-Pacific Region, AWP-600.

[FR Doc. 2010-1286 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2010-0003]

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 CYTHERA.

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-2010-0003 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 February 24, 2010.

ADDRESSES: Comments should refer to docket number MARAD-2010-0003. 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 CYTHERA is:

Intended Commercial Use of Vessel: "Sailing pleasure cruise."

Geographic Region: "SC, NC, GA, FL, VA, MD, DE, NJ, NY, CT, RI, MA, NH, ME".

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: January 13, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010-1282 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2010-0004]

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 MELE KAI.

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-2010-0004 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 February 24, 2010.

ADDRESSES: Comments should refer to docket number MARAD-2010-0004. 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 are 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 MELE KAI is:

Intended Commercial Use of Vessel: "Sport fishing out of Nawiliwili Harbor and the surrounding waters in Kauai, Hawaii."

Geographic Region: "Lihue, Hawaii out of Nawiliwili Harbor".

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: January 13, 2010.

By Order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010-1285 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2010-0005]

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 M/V VIA MARE.

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-

0005 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 February 24, 2010.

ADDRESSES: Comments should refer to docket number MARAD-2010-0005. 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 M/V VIA MARE is:

Intended Commercial Use of Vessel: "Casual day and short charters, day outings, etc."

Geographic Region: "Washington State (WA)."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association,

business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: January 13, 2010.

By order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010-1284 Filed 1-22-10; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

**Submission for OMB Review;
Comment Request**

January 19, 2010.

The Department of Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. A copy of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

DATES: Written comments should be received on or before February 24, 2010 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0212.

Type of Review: Extension.

Title: Application for Extension of Time to File Certain Employee Plan Returns.

Form: 5558.

Description: This form is used by employers to request an extension of time to file the employee plan annual information return/report (Form 5500 series) or employee plan excise tax return (Form 5330). The data supplied on Form 5558 is used to determine if such extension of time is warranted.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 131,555 hours.

OMB Number: 1545-1546.

Type of Review: Extension.

Title: Revenue Procedure 97-33, EFTPS (Electronic Federal Tax Payment System).

Description: Some taxpayers are required by regulations issued under Sec. 6302 (h) of the Internal Revenue Code to make Federal Tax Deposits (FTDs) using the Electronic Federal Tax

Payment System (EFTPS). Other taxpayers may choose to voluntarily participate in EFTPS. EFTPS requires that a taxpayer complete an enrollment form to provide the information the IRS needs to properly credit the taxpayer's account. Revenue 97-33 provides procedures and information that will help taxpayers to electronically make FTDs and tax payments through EFTPS.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 278,622 hours.

OMB Number: 1545-0052.

Type of Review: Extension.

Title: Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Nonexempt Charitable Trust Treated as a Private Foundation, and Form 4720, Return of Certain Excise Taxes on Charities and Other.

Form: 990-PF, 4720, 4720 sch I.

Description: IRC section 6033 requires all private foundations, including section 4947(a)(1) trusts treated as private foundations, to file an annual information return. Section 53.4940-1(a) of the Income Tax Regulations requires that the tax on net investment income be reported on the return filed under section 6033. Form 990-PF is used for this purpose. Section 6011 requires a report of taxes under Chapter 42 of the Code for prohibited acts by private foundation and certain related parties. Form 4720 is used by foundations and/or related persons to report prohibited activities in detail and pay the tax on them.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 11,052,594 hours.

OMB Number: 1545-2020.

Type of Review: Extension.

Title: Information Returns Required with Respect to Certain Foreign Corporations and Certain Foreign-Owned Domestic Corporations.

Description: This document contains final and temporary regulations that provide guidance under section 6038 and 6038A of the Internal Revenue Code. The final regulations under Sec. 1.6038-2 are revised to remove and replace obsolete references to a form and IRS offices. The temporary regulations clarify the information required to be furnished regarding certain related party transactions of certain foreign corporations and certain foreign-owned domestic corporations. Specifically, in addition to the types of transactions listed in Sec. 1.6038-2(f)(11) taxpayers are required to report the sales of tangible property other than stock in trade on Form 5471.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 1,250 hours.

OMB Number: 1545–0687.

Type of Review: Revision.

Title: Exempt Organization Business Income Tax Return.

Form: 990–T.

Description: Form 990–T is needed to compute the section 511 tax on unrelated business income of a charitable organization. IRS uses the information to enforce the tax.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 5,262,319 hours.

OMB Number: 1545–1696.

Type of Review: Extension.

Title: Political Organization Report on Contributions and Expenditures.

Form: 8872.

Description: Internal Revenue Code section 527(j) requires certain political organizations to report certain contributions received and expenditures made after July 1, 2000. Every section 527 political organization that accepts a contribution or makes an expenditure for an exempt function during the calendar year must file Form 8872, except for: A political organization that is not required to file Form 8871, or a state or local committee of a political party or political committee of a state or local candidate.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 431,200 hours.

OMB Number: 1545–1707.

Type of Review: Extension.

Title: REG–106511–00 Estate Tax; Form 706, Extension to File (TD 8957 (final)).

Description: This collection involves regulations relating to the filing of an application for an automatic 6-month extension of time to file an estate tax return (Form 706). The regulations provide guidance to executors of decedents' estates on how to properly file the application for the automatic extension.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–0123.

Type of Review: Revision.

Title: Form 1120, U.S. Corp. Income Tax Return, Schedule D, Capital Gains and Losses, Schedule H, Section 280H Limitations for a Personal Service Corporation (PSC), Schedule N, Foreign* * *

Form: Form 1120, Schedule B (Form 1120), Schedule D (Form 1120),

Schedule G (Form 1120), Schedule H (Form 1120), Schedule L, Schedule M–1 (Form 1120), Schedule M–2 (Form 1120), Schedule M–3 (Form 1120), Schedule N (Form 1120), Schedule O (Form 1120), Schedule PH (Form 1120).

Description: Use Form 1120, U.S.

Corporation Income Tax Return, to report the income, gains, losses, deductions, credits, and to figure the income tax liability of a corporation.

Respondents: Businesses or other for-profits and Farms.

Estimated Total Burden Hours: 362,808,467 hours.

Bureau Clearance Officer: R. Joseph Durbala, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 6129, Washington, DC 20224; (202) 622–3634.

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. 2010–1255 Filed 1–22–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 19, 2010.

The Department of Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. A copy of this submission may be obtained by calling the Treasury Department Office Clearance Officers listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

DATES: Written comments should be received on or before February 24, 2010 to be assured of consideration.

Office of Financial Stability (OFS)

OMB Number: 1505–0216.

Type of Review: Revision of a currently approved collection.

Title: Troubled Asset Relief Program—Making Home Affordable Participants.

Description: Authorized under the Emergency Economic Stabilization Act (EESA) of 2008 (Pub. L. 110–343), the Department of the Treasury has implemented several aspects of the

Troubled Asset Relief Program (TARP). Among these components is a voluntary foreclosure prevention program—Making Home Affordable (MHA) program, under which the Department will use TARP capital to lower the mortgage payments of qualifying borrowers. The Treasury will do this through agreements with mortgage servicers to modify loans on their systems. All servicers are eligible to participate in the program.

Respondents: Private Sector: Businesses or other for-profit institutions.

Estimated Total Reporting Burden: 12,480 hours.

Recovery Act

OMB Number: 1505–0221.

Type of Review: Extension without change to a currently approved collection.

Title: Application for Section 1603: Payments for Specified Renewable Energy Property in Lieu of Tax Credit.

Form: TD F 101.1.

Description: Authorized under the American Recovery and Reinvestment Act (ARRA), hereafter Recovery Act, the Department of the Treasury is implementing several provisions of the Act, specifically Division B—Tax, Unemployment, Health, Fiscal Relief, and Other Provisions. Among these components is a program that requires Treasury to make payments, in lieu of a tax credit, to persons who place in service qualified renewable energy property. The collection of information is necessary to identify recipients and evaluate whether or not the property is qualified.

Respondents: State, Local, and Tribal Governments.

Estimated Total Reporting Burden: 2,000 hours.

OFS Clearance Officer: Daniel Abramowitz, OFS, 1801 L Street, NW., Washington, DC 20036; (202) 927–9645.

Recovery Act Clearance Officer: Ellen Neubauer, 1500 Pennsylvania Ave., NW., Room 2064D, Washington, DC 20220; (202) 622–5338.

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2010–1258 Filed 1–22–10; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY**Submission for OMB Review;
Comment Request**

January 19, 2010.

The Department of Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. A copy of this submission may be obtained by calling the Treasury Department Office Clearance Officers listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

DATES: Written comments should be received on or before February 24, 2010 to be assured of consideration.

Domestic Finance/Terrorism Risk Insurance Program (TRIP)

OMB Number: 1505-0190.

Type of Review: Extension of a currently approved collection.

Title: Terrorism Risk Insurance Program Rebuttal of Controlling Influence Submission.

Description: 31 CFR 50.8 specifies a rebuttal procedure that requires a written submission by an insurer that seeks to rebut a regulatory presumption of "controlling influence" over another insurer under the Terrorism Risk Insurance Program to provide Treasury with necessary information to make a determination.

Respondents: Businesses or other for-profits.

Estimated Total Reporting Burden: 400 hours.

TRIP Clearance Officer: Sara Clary, TRIP, 1425 New York Ave, NW., Washington, DC 20220; (202) 622-7139.

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395-7873.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. 2010-1256 Filed 1-22-10; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****Agency Information Collection Activities: Proposed Information Collection; Comment Request**

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning a new information collection titled, "Basel Comprehensive Quantitative Impact Study."

DATES: You should submit comments by March 26, 2010.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mailstop 2-3, Attention: 1557-NEW, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-5274 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874-4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to: OCC Desk Officer, Attention: 1557-NEW, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting approval of the following new information collection:

Title: Basel Comprehensive Quantitative Impact Study.

OMB Control No.: 1557-NEW.

Description: The International Convergence of Capital Measurement and Capital Standards: A Revised Framework, also known as the Basel II Capital Accord, sets out a general international capital framework for banking institutions. The Basel II Capital Accord was adopted under the auspices of the Basel Committee on Banking Supervision¹ (Basel Committee), and was implemented into domestic regulations in the United States by the Federal banking agencies on December 7, 2007 (72 FR 69288). In an effort to refine the Basel II Capital Accord, the Basel Committee will conduct a quantitative impact study (QIS) to assess the impact of the proposed revisions that were published by the Basel Committee on December 17, 2009.² As part of this effort, the OCC, in coordination with the other Federal banking agencies, is proposing to collect data from national banks with respect to the following subjects:

Revisions to the Basel II market risk framework³ and guidelines for computing capital for incremental risk in the trading book,⁴ including the incremental risk capital charge; the comprehensive risk measure for correlation trading portfolios; the new rules for securitization exposures in the trading book; and the revised capital charges for certain equity exposures subject to the standardized measurement method for market risk.

Enhancements to the Basel II framework⁵ including the revised risk weights for re-securitizations held in the banking book.

Enhancements to strengthen the resilience of the banking sector⁶

¹ The Basel Committee on Banking Supervision is a committee of banking supervisory authorities, which was established by the central bank Governors of the Group of Ten countries in 1975. It consists of senior representatives of bank supervisory authorities and central banks from Argentina, Australia, Belgium, Brazil, Canada, China, France, Germany, Hong Kong SAR, India, Indonesia, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, Russia, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. It usually meets at the Bank for International Settlements (BIS) in Basel, Switzerland, where its permanent Secretariat is located.

² Basel Committee on Banking Supervision, *Strengthening the resilience of the banking sector*, consultative document, December 17, 2009.

³ Basel Committee on Banking Supervision, *Revisions to the Basel II market risk framework*, July 2009.

⁴ Basel Committee on Banking Supervision, *Guidelines for computing capital for incremental risk in the trading book*, July 2009.

⁵ Basel Committee on Banking Supervision, *Enhancements to the Basel II framework*, July 2009.

⁶ See footnote 2.

including the proposed changes to the definition of capital; the proposed introduction of a leverage ratio; and the proposed changes to the treatment of counterparty credit risk.

Liquidity enhancements referring to the international framework for liquidity risk measurement, standards and monitoring.⁷

Operational risk and countercyclical tools.

The OCC intends to collect data for the QIS from banks subject to the Basel II Capital Framework⁸ and those subject to the current risk-based capital guidelines (Basel I).⁹ Unless otherwise noted, all data would be reported on a consolidated basis. Ideally, banks should include all their assets in this information collection. However, due to data limitations, inclusion of some assets (for example, the portfolio of a minor subsidiary) may not be feasible. Exclusion of such assets is acceptable, as long as the remaining assets are representative of the bank as a whole.

Type of Review: New collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 20.

Estimated Number of Responses: 20.

Estimated Average Burden Hours per Response: 234 hours.

Estimated Total Annual Burden: 4,680 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 19, 2010.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2010-1261 Filed 1-22-10; 8:45 am]

BILLING CODE 4810-30-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Bank Secrecy Act Advisory Group; Solicitation of Application for Membership

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for nominations.

SUMMARY: FinCEN is inviting the public to nominate financial institutions and trade groups for membership on the Bank Secrecy Act Advisory Group. New members will be selected for three-year membership terms.

DATES: Nominations must be received by February 24, 2010.

ADDRESSES: Applications may be mailed (not sent by facsimile) to Regulatory Policy and Programs Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183 or e-mailed to: BSAAG@fincen.gov.

FOR FURTHER INFORMATION CONTACT:

Jennifer White, Regulatory Outreach Specialist at 202-354-6400.

SUPPLEMENTARY INFORMATION: The Annunzio-Wylie Anti-Money Laundering Act of 1992 required the Secretary of the Treasury to establish a Bank Secrecy Act Advisory Group (BSAAG) consisting of representatives from federal regulatory and law enforcement agencies, financial institutions, and trade groups with members subject to the requirements of the Bank Secrecy Act, 31 CFR 103 *et seq.* or Section 6050I of the Internal Revenue Code of 1986. The BSAAG is the means by which the Secretary receives advice on the operations of the Bank Secrecy Act. As chair of the BSAAG, the Director of FinCEN is responsible for ensuring that relevant issues are placed before the BSAAG for review, analysis, and discussion. Ultimately, the BSAAG will make policy recommendations to the Secretary on issues considered. BSAAG membership is open to financial institutions and trade groups. New members will be selected to serve a three-year term and must designate one individual to represent that member at plenary meetings. In compliance with Executive Order 13490 of January 21, 2009, and White House policy, member

organizations may not designate a representative to participate in BSAAG plenary or subcommittee meetings who is currently registered as a lobbyist pursuant to 2 U.S.C. 1603(a).

It is important to provide complete answers to the following items, as applications will be evaluated on the information provided through this application process. Applications should consist of:

- Name of the organization requesting membership
- Point of contact, title, address, e-mail address and phone number
- The BSAAG vacancy for which the organization is applying
- Description of the financial institution or trade group and its involvement with the Bank Secrecy Act, 31 CFR 103 *et seq.*

- Reasons why the organization's participation on the BSAAG will bring value to the group

Based on current BSAAG position openings we encourage applications from the following sectors or types of organizations with experience working on the Bank Secrecy Act:

- State Governments (1 vacancy)
- Industry Trade Groups—Banking (1 vacancy)
- Industry Trade Groups—Casino (1 vacancy)
- Industry Trade Groups—Money Services Businesses (1 vacancy)
- Industry Trade Groups—Precious Metals Stones and Jewels (1 vacancy)
- Industry Trade Groups—State (1 vacancy)
- Industry Representatives—Banking (3 vacancies)
- Industry Representatives—Money Services Businesses (1 vacancy)
- Industry Representatives—Securities/Futures (1 vacancy)

Organizations may nominate themselves, but applications for individuals who are not representing an organization for a vacancy noted above will not be considered. Members must be able and willing to make the necessary time commitment to participate on subcommittees throughout the year by phone and attend biannual plenary meetings held in Washington, DC the second Wednesday of May and October. Members will not be remunerated for their time, services, or travel. In making the selections, FinCEN will seek to complement current BSAAG members in terms of affiliation, industry, and geographic representation. The Director of FinCEN retains full discretion on all membership decisions. The Director may consider prior years' applications when making selections and does not limit consideration to institutions

⁷ Basel Committee on Banking and Supervision, *International Framework for liquidity risk measurement, standards and monitoring*, consultative document, December 17, 2009.

⁸ See 12 CFR Part 3, Appendix C.

⁹ See 12 CFR Part 3, Appendix A.

nominated by the public when making its selection.

Dated: January 15, 2010.

Charles M. Steele,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2010-1260 Filed 1-22-10; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for applications for assistance under the Capital Grant component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, funding priorities, application process, and amount of funding available.

Applicants who do not require funding for acquisition, renovation or new construction to create new housing for homeless veterans should not respond to this Notice of Funding Availability (NOFA). Per Diem-Only (PDO) funding will not be given under this notice. If your agency is in need of funding for operations-only, your agency should apply under a Grant and Per Diem; PDO Funding Notice.

DATES: An original completed and collated capital grant application (plus three completed collated copies) for assistance under VA's Homeless Providers Grant and Per Diem Program must be received in the Grant and Per Diem Field Office, by 4 p.m. Eastern Time on March 31, 2010. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, *this deadline is firm as to date and hour*, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid any risk of loss of eligibility due to unanticipated delays, computer service outages (in the case of Grants.gov), or other delivery-related problems.

For a Copy of the Application Package: Download directly from VA's Grant and Per Diem Program Web page at: <http://www.va.gov/homeless/> or <http://www.grants.gov/>. Questions should be referred to the Grant and Per

Diem Program at (toll-free) 1-877-332-0334. For a document relating to VA's Homeless Providers Grant and Per Diem Program, see the Final Rule published in the **Federal Register** on September 26, 2003.

Submission of Application: An original completed and collated grant application (plus three copies) and a cover letter clearly stating under which funding priority (see funding priorities) applicants wish to be considered must be submitted to the following address: VA Homeless Providers Grant and Per Diem Field Office, 10770 North 46th Street, Suite C-200, Tampa, FL 33617. Applications must be received in the Grant and Per Diem Field office by the application deadline. This includes applications submitted through Grants.gov. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Ms. Chelsea Watson, VA Homeless Providers Grant and Per Diem Program, Department of Veterans Affairs, 10770 North 46th Street, Suite C-200, Tampa, FL 33617, or you may call (toll-free) 1-877-332-0334.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of capital funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible entities to: (1) Expand existing transitional housing projects; or (2) develop new transitional housing programs. Supportive service centers will not be considered in this NOFA. Funding applied for under the capital grant component may be used for: (1) Remodeling or alteration of existing buildings; (2) acquisition or rehabilitation of buildings; (3) new construction; and (4) acquisition of vans (in connection with a new grant and per diem grant project) for outreach to and transportation for homeless veterans. Funding sought under this Notice is authorized by the "Homeless Veterans Comprehensive Assistance Act of 2001," Public Law 107-95, § 5, codified as amended at 38 U.S.C. 2011, 2012, 2013, 2061, 2064. For eligibility criteria please refer to 38 CFR part 61.

Capital grant applicants may not receive assistance to replace funds provided by any State or local government to assist homeless persons. **Note:** Applicants considering the use of Low Income Housing Tax Credits in conjunction with the capital grants in this NOFA should take into account that these tax credits are often used for permanent housing projects. Permanent

housing is not an eligible activity under VA's Homeless Providers Grant and Per Diem Program. Other issues such as site control, leases for residents, and using the grant funds as a loan may be problematic to applicants even if transitional housing is provided, and upon review and discovery may result in the application being denied.

A proposal for an existing project that seeks to shift its focus by changing the population being served or the precise mix of services being offered is not eligible for consideration. No more than 25 percent of housing and services available in projects funded through this grant program may be provided to clients who are not receiving those services as veterans.

VA is pleased to issue this NOFA for the Homeless Providers Grant and Per Diem Program. The Department expects to award approximately \$24 million under the capital grant component.

Funding available under this NOFA is being offered to help offset the capital expenses of existing State and local governments, Indian Tribal Governments, faith-based and community-based organizations that are capable of creating and providing supported transitional housing for homeless veterans. The District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, are considered eligible entities under the definition of "State" in the Final Rule, § 61.1 Definitions.

Note, all organizations that are conditionally selected will be requested to submit the second submission portion of the application package. In order to be considered eligible for funding, organizations must demonstrate in the second submission firm commitments to match 35 percent of the total project cost or the difference between the total project cost and what is requested from VA, *whichever is greater*.

Per diem for these programs is requested in the grant application and may be paid at the time of grant project completion. It should be noted that VA per diem payment is limited to the applicant's cost of care per eligible veteran minus other sources of payments to the applicant for furnishing services to homeless veterans up to the per day rate VA pays for State Home Domiciliary care. Awardees will be required to support their request for per diem payment with adequate fiscal documentation as to program income and expenses.

Interested organizations should know that the vast majority of homeless veterans in this country suffer from

mental illness or substance abuse disorders or are dually diagnosed with both mental illness and substance abuse disorders. In addition, many homeless veterans have serious medical problems. The recent events associated with the Nation's returning Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) veterans further emphasizes the need for collaboration with VA medical centers, VA community-based outpatient clinics or other health care providers as well as with VA and other benefit providers to ensure that homeless veterans have access to appropriate health care services. VA considers this program an important part of our effort to end chronic homelessness among all veterans.

It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to verify the completion of the capital grant as well as monitor services provided to homeless veterans and outcomes associated with the services provided in grant and per diem-funded programs. Applicants should be aware of the following:

All awardees that are conditionally selected in response to *this NOFA* must meet the requirements of the current edition of the Life Safety Code of the National Fire Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be protected throughout by an approved automatic sprinkler system unless a facility is specifically exempted under the Life Safety Code. Applicants should make consideration of this when submitting their capital grant applications. VA will conduct an inspection prior to awardees being able to submit requests for per diem payment to ensure this requirement is met.

Upon capital grant completion each program seeking per diem will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless veterans in the per diem-funded program.

Monitoring will include at a minimum an annual review of each per diem program's progress toward meeting internal goals and objectives in helping veterans attain housing stability, adequate income support, and self-sufficiency as identified in each per diem program's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure per diem payment is accurate.

Each per diem-funded program will participate in VA's National Program Monitoring and Evaluation System administered by VA's Northeast

Program Evaluation Center (NEPEC). NEPEC's monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each per diem-funded program.

Authority: Funding applied for under this Notice is authorized by the "Homeless Veterans Comprehensive Assistance Act of 2001," Public Law 107-95, § 5, codified as amended at 38 U.S.C. 2011, 2012, 2013, 2061, 2064. The program is implemented by the Final Rule codified at 38 CFR part 61.0. The regulations can be found in 38 CFR 61.0 through 61.82. Funds made available under this Notice are subject to the requirements of the aforementioned regulations.

Allocation: Approximately \$24 million is available for the capital grant component. Capital grant awards will be limited to transitional housing projects; service center programs will not be considered in this round. Vans must be directly connected to a new grant and per diem Grant project and will be limited to one per project number. Per diem payments to capital grant recipients are subject to the availability of funds and recipients maintaining the program for which the grant was awarded.

Funding Priorities: VA establishes the following funding priorities in order to: (1) Implement the provisions of Public Law 107-95 regarding geographical dispersion and non-duplication of service; and (2) bolster capacity in areas that are underserved by the Grant and Per Diem Program. These areas may have high populations of homeless veterans and limited services to address homeless veterans' needs. These areas can include both urban and rural areas but may be particularly prevalent outside the high population areas.

VA is offering to eligible applicants funding priorities for transitional housing and services for (1) women veterans and women veterans caring for dependent children and (2) Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property. In addition, VA is encouraging interested State and local governments, faith-based and community-based organizations to apply for funding under this NOFA. In this round of capital grant funding, VA expects to award funding to create approximately 1,000 community-based supported housing beds.

Funding priority 1. VA is offering the opportunity for providers who are willing to create new projects (30 beds or less) specifically for women veterans and women veterans with care of

dependent children only. Of those eligible entities in the first funding priority that are legally fundable, the highest scoring applicants will be funded first until approximately \$3 million is awarded. Applicants not funded in this priority will be considered in the third funding priority. Should not enough eligible projects be funded under the first funding priority, funds not expended in this priority will fall to the third funding priority.

Funding priority 2. VA is offering the opportunity to Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property to apply for funding under this NOFA to create transitional housing and services for homeless veterans. Eligible entities that are Indian Tribal Governments or non-profit agencies willing to provide transitional housing and services on Indian Tribal Property will be considered in the second funding priority as applicable. Of those eligible entities in the second funding priority that are legally fundable, the highest scoring applicants will be funded first until approximately \$2 million is awarded. Applicants not funded in this priority will be placed in the third funding priority. Should not enough eligible projects be funded under the second funding priority, funds not expended in this priority will fall to the third funding priority. **Note:** Non-profit agencies who apply under this priority will be required to provide a letter of assurance from the Indian Tribal Government that if funded the provision of service will occur on Indian Tribal Property.

Funding priority 3. VA is encouraging interested State and local governments, non-profit organizations and State and local governments that have been selected to utilize buildings on VA Medical Center grounds under the Secretary's Enhanced Use Lease Program initiative for housing homeless veterans, faith-based, and community-based organizations, as well as eligible entities located in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, to apply for funding under this NOFA to create transitional housing and services for all homeless veterans. Eligible entities that are State and local governments, Indian Tribal Governments, Enhanced Use Lease organizations, faith-based, and community-based organizations, or any territory or possession of the United States, will be considered in the third funding priority as applicable. Of those eligible entities that are legally fundable, the highest-ranked

applications for which funding is available, will be conditionally selected for eligibility to receive a capital grant in accordance with their ranked order until funding is expended (approximately \$19 million).

Methodology: VA will review all capital grant applications in response to this Notice of funding availability as follows: VA will group the applicants into the funding priority categories as applicable. Applicants will then be ranked within their respective funding category based on score and any ranking criteria set forth in that funding category only if the applicant scores at least 600 cumulative points, and receive points under the criteria in paragraphs (b), (c), (d), (e) and (i) of § 61.13.

The highest-ranked application for which funding is available, within the highest funding category, will be conditionally selected in accordance with their ranked order until VA reaches the projected amount of funding for each category. If funds are still available after selection of those applications in the highest priority group, VA will continue to conditionally select applicants in lower priority categories in accordance with the selection method set forth in the Final Rule § 61.14.

Application Requirements: Applicants must include a cover letter clearly stating under which funding priority they wish to be considered. Non-profit agencies who apply under funding priority two are required to provide a letter of assurance from the Indian Tribal Government stating that if funded the provision of service will occur on Indian Tribal Property. The grant application requirements will be specified in the application package. Applicants should be careful to complete the proper application package. Submission of the incorrect or incomplete application package will result in the application being rejected at threshold. The packages include all required forms and certifications. Selections will be made based on criteria described in the application, Final Rule, and NOFA. Applicants who are conditionally selected will be notified of any additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: January 11, 2010.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2010-1296 Filed 1-22-10; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for applications for assistance under the "Per Diem-Only" (PDO) component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, funding priorities, application process, and amount of funding available.

DATES: An original completed and collated grant application (plus three completed collated copies) for assistance under the VA's Homeless Providers Grant and Per Diem Program must be received in the Grant and Per Diem Field Office, by 4 p.m. Eastern Time on Wednesday, March 31, 2010. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, *this deadline is firm as to date and hour*, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid the risk of loss of eligibility due to unanticipated delays or other delivery-related problems.

For a Copy of the Application Package: Download directly from VA's Grant and Per Diem Program Web page at: <http://www.va.gov/homeless/> or <http://www.grants.gov/>. Questions should be referred to the Grant and Per Diem Program at (toll-free) 1-877-332-0334. For information relating to the VA Homeless Providers Grant and Per Diem Program, see the Final Rule published in the **Federal Register** on September 26, 2003.

Submission of Application: An original completed and collated grant application (plus three copies) and a cover letter clearly stating under which funding priority applicants (*see* funding priorities) wish to be considered must be submitted to the following address: VA Homeless Providers Grant and Per Diem Field Office, 10770 N. 46th Street, Suite C-200, Tampa, FL 33617.

Applications must be received in the Grant and Per Diem Field office by the application deadline. This includes applications submitted through Grants.gov. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Ms. Chelsea Watson, VA Homeless Providers Grant and Per Diem Program, Department of Veterans Affairs, 10770 N. 46th Street, Suite C-200, Tampa, FL 33617; (toll-free) 1-877-332-0334.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible programs that have not previously applied for or received per diem in connection with a grant (*see* 38 CFR 61.1 through 61.82). Funding applied for under this Notice is authorized by Public Law 109-461, Sec. 703, known as the Veterans Benefit, Health Care and Information Technology Act of 2006, and by the "Homeless Veterans Comprehensive Assistance Act of 2001," Public Law 107-95, § 5, codified as amended at 38 U.S.C. 2011, 2012, 2013, 2061, 2064, and may be used for aid for supportive housing. Service centers will not be funded in this NOFA. Funding will be in the form of per diem payments issued to eligible entities from the date of the award and will continue subject to availability of funds and the recipients' compliance with 38 CFR 61.1 through 61.82. For eligibility criteria, please refer to Final Rule published in the **Federal Register** on September 26, 2003, 38 CFR 61.30, 61.31, and 61.32.

VA expects that it will take no longer than 90 days from the date of award for projects to be inspected and become operational. Failure to meet the 90-day milestone may result in the per diem award being terminated.

Capital grant recipients who received capital grant funding under VA's Homeless Providers Grant and Per Diem Program in years 1994 through 2009 for acquisition, renovation or new construction should not respond to this NOFA. Per diem payments for those portions of their programs that were created with capital grant funds is requested in the capital grant application and paid at the time of the capital grant project completion and inspection.

Previous PDO recipients that renewed their PDO grants in 2005, 2007, or 2008 need not reapply to continue these projects.

VA is pleased to issue this NOFA for the Homeless Providers Grant and Per Diem Program as a part of the effort to end chronic homelessness among our Nation's veterans. The Department expects to create approximately 1,200 beds under this NOFA.

Funding available under this NOFA is being offered to help offset the operating expenses of existing State and local governments, Indian Tribal Governments, faith-based, and community-based organizations that are capable of providing supported housing and supportive services for homeless veterans. The District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, may be considered eligible entities under the definition of "State" in the 38 CFR 61.1 Definitions. It should be noted that VA payment is limited to the applicant's cost of care per eligible veteran minus other sources of payments to the applicant for furnishing services to homeless veterans up to the per-day rate VA pays for State Home Domiciliary care. Awardees will be required to support their request for per diem payment with adequate fiscal documentation as to program income and expenses.

Interested organizations should know that the vast majority of homeless veterans in this country suffer from mental illness or substance abuse disorders or are dually diagnosed with both mental illness and substance abuse disorders. In addition, many homeless veterans have serious medical problems. The recent events associated the Nation's returning Operation Enduring Freedom and Operation Iraqi Freedom (OEF/OIF) veterans further emphasizes the need for collaboration with VA medical centers, VA community-based outpatient clinics or other health care providers as well as with VA and other benefit providers as an important aspect of ensuring that homeless veterans have access to appropriate health care services. VA considers this program an important part of our effort to end chronic homelessness among all veterans.

It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor services provided to homeless veterans and outcomes associated with the services provided in grant and per diem-funded programs. VA is also implementing new procedures to further this effort. Applicants should be aware of the following:

All awardees that are conditionally selected in response to this NOFA must meet the Life Safety Code of the

National Fire and Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be equipped with sprinklers unless they are specifically exempted under the Life Safety Code and make consideration of this when submitting their grant applications as no additional funds will be made available for capital improvements under this per diem-only NOFA. VA will conduct an inspection prior to awardees being able to submit request for payment to ensure this requirement is met.

Each per diem-funded program will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless veterans in the per diem-funded program.

Monitoring will include at least an annual review of each per diem program's progress toward meeting internal goals and objectives in helping veterans attain housing stability, adequate income support, and self-sufficiency as identified in each per diem program's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure per diem payment is accurate.

Each per diem-funded program will participate in VA's national program monitoring and evaluation system administered by VA's Northeast Program Evaluation Center (NEPEC). It is the intention of VA to develop specific performance targets with respect to housing for homeless veterans. NEPEC's monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each per diem-funded program.

Authority: Funding applied for under this Notice is authorized by Public Law 109-461, Sec. 703, known as the Veterans Benefit, Health Care and Information Technology Act of 2006 and by the Homeless Veterans Comprehensive Assistance Act of 2001, Public Law 107-95, § 5, codified as amended at 38 U.S.C. 2011, 2012, 2013, 2061, 2064. The program is implemented by the final rule codified at 38 CFR Part 61.0. The regulations can be found in their entirety in 38 CFR, Sec. 61.0 through 61.82. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation: Approximately \$15 million annually is available for the per diem-only award component of this program. This funding subject to the availability of funds and will be available so long as recipients meet the requirements of 38 CFR 61.0 through 61.82.

Funding Priorities: VA establishes the following funding priorities in order to:

(1) Implement the provisions of Public Law 107-95 regarding geographical dispersion and non-duplication of service; and (2) bolster capacity in areas that are underserved by the Grant and Per Diem Program. These areas may have high populations of homeless veterans and limited services to address homeless veteran's needs. These areas can include both urban and rural areas but may be particularly prevalent outside the high population areas.

VA is offering eligible applicants funding priorities for transitional housing and services to: (1) Serve women and women with care of dependent children; (2) Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property. VA is encouraging interested State and local governments, faith-based and community-based organizations to apply for funding under this NOFA.

In this round of per diem-only grant funding, VA expects to award eligibility for funding to create approximately 1,200 per diem-only community-based supported housing beds.

Funding priority 1. VA is offering the opportunity for providers who are willing to create new projects specifically for women and women with care of dependent children only, which are 30 beds or less. Of those eligible entities in the first funding priority, that are legally fundable, the highest scoring applicants will be funded first until approximately 200 beds are awarded. Applicants not funded in this priority will be considered in the third funding priority. Should not enough eligible projects be funded under the first funding priority, beds not awarded in this priority will fall to the third funding priority.

Funding priority 2. VA is offering the opportunity to Indian Tribal Governments or non-profit agencies that will provide transitional housing and services on Indian Tribal Property to apply for funding under this NOFA to create transitional housing and services for homeless veterans. Eligible entities such as Indian Tribal Governments and non-profit agencies willing to provide transitional housing and services on Indian Tribal Property will be considered in the second funding priority as applicable. Of those eligible entities in the second funding priority that are legally fundable; the highest scoring applicants will be funded first until approximately 100 beds are awarded. Applicants not funded in this priority will be placed in the third funding priority. Should not enough eligible projects be funded under the second funding priority, beds not

expended in this priority will fall to the third funding priority. **Note:** Non-profit agencies who apply under this priority will be required to provide a letter of assurance from the Indian Tribal Government that if funded, the provision of service will occur on Indian Tribal Property.

Funding priority 3. VA is encouraging interested State and local governments, non-profit organizations and State and local governments that have been selected to utilize buildings on VA Medical Center grounds under the Secretary's Enhanced Use Lease Program initiative for housing homeless veterans, faith-based, and community-based organizations, as well as eligible entities located in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, to apply for funding under this NOFA to create transitional housing and services for all homeless veterans. Eligible entities that are State and local governments, Indian Tribal Governments, Enhanced Use Lease organizations, faith-based, and community-based organizations, or any territory or possession of the United States, will be considered in the third funding priority as applicable. Of those eligible entities that are legally fundable, the highest-ranked applications for which funding is available, will be conditionally selected for eligibility to receive a per diem-only award in accordance with their ranked order until funding is expended (approximately 900 beds).

Methodology: VA will review all non-capital grant recipients in response to this notice of funding availability. VA will then group the applicants into the funding priorities categories. Applicants will then be ranked within their respective funding category based on score and any ranking criteria set forth in that funding category only if the applicant scores at least 500 cumulative points from paragraphs (b), (c), (d), (e), and (i) of 38 CFR Sec. 61.13.

The highest-ranked application for which funding is available, within the highest funding category, will be conditionally selected for eligibility to receive per diem payment in accordance with their ranked order until VA reaches the projected bed totals for each category. If funds are still available after selection of those applications in the highest priority group, VA will continue to conditionally select applicants in lower priority categories in accordance with the selection method set forth in the final rule Sec. 61.32.

Application Requirements: Applicants must include a cover letter clearly stating under which funding

priority they wish to be considered. Non-profit agencies who apply under funding priority two are required to provide a letter of assurance from the Indian Tribal Government that if funded, the provision of service will occur on Indian Tribal Property. The grant application requirements will be specified in the application package. Applicants should be careful to complete the proper application package. Submission of the incorrect or incomplete application package will result in the application being rejected at threshold review. The packages include all required forms and certifications. Selections will be made based on criteria described in the application, Final Rule, and NOFA. Applicants who are conditionally selected will be notified of any additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified timeframe, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: January 13, 2010.

John R. Gingrich,
Chief of Staff, Department of Veterans Affairs.
[FR Doc. 2010-1297 Filed 1-22-10; 8:45 am]
BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendment to system of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled "Employee Incentive Scholarship Program—VA" (110VA10) as set forth in the **Federal Register** 67 FR 66712. VA is amending the system records by revising the Routine Uses of Records Maintained in the System Including Categories of Users and the Purpose of Such Uses. VA is republishing the system notice in its entirety.

DATES: Comments on the amendment of this system of records must be received no later than February 24, 2010. If no public comment is received, the amended system will become effective February 24, 2010.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to Director, Regulations Management (02Reg), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; telephone (704) 245-2492.

SUPPLEMENTARY INFORMATION: Routine Use 6 was amended to allow disclosure to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under authority of Title 44, Chapter 29, of the United States Code (U.S.C.). NARA and GSA are responsible for management of old records no longer actively used, but which may be appropriate for preservation, and for the physical maintenance of the Federal government's records. VA must be able to provide the records to NARA and GSA in order to determine the proper disposition of such records.

Routine Use 11 was added to allow VA to disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records

that is compatible with the purpose for which VA collected the records.

Routine Use 12 was added to allow for disclosure of relevant information to be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

Routine Use 13 was added to allow VA to disclose on its own initiative any information in the system, except the names and home addresses of Veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of the law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order. VA may also disclose on its own initiative the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, or order issued pursuant thereto.

Routine Use 14 was added for disclosure to other Federal agencies to be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

Routine Use 15 was added so that VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry

out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

The Report of Intent to Amend a System on Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Dated: December 23, 2009.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

110VA10

SYSTEM NAME:

Employee Incentive Scholarship Program—VA.

SYSTEM LOCATION:

Active records will be maintained at the Health Care Staff Development and Retention Office (HCSDDRO/10A2D), Veterans Health Administration (VHA), Department of Veterans Affairs (VA), 1555 Poydras Street, Suite 1971, New Orleans, Louisiana 70112; the Austin Automation Center (AAC), Department of Veterans Affairs, 1615 East Woodward Street, Austin, Texas 78772; and the VA health care facilities and VISN offices where scholarship recipients are employed. Address locations for VA health care facilities are listed in Appendix 1 of the Biennial Publication of Privacy Act Issuances. Complete records will be maintained only at the HCSDDRO address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

VA employees who apply for and are denied or granted educational assistance awards under the provisions of VA. Employee Incentive Scholarship Program (EISP) in a field leading to appointment or retention in a position listed in 38 U.S.C., section 7401.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) in this system may include personal identification information related to the application material, to award processes, to employment, to obligated service, and to requests for waivers or suspensions of obligated

service or financial indebtedness to VA such as (1) name, (2) employing facility number, (3) telephone number(s), (4) Social Security number, (5) award amount, (6) obligated service incurred, and (7) name and address of the educational institution; or any amount if indebtedness (accounts receivable) arising from the scholarship and owed to VA. The application for an EISP award includes the applicant's full name, employing facility number, home and work telephone numbers, Social Security number, job title, current education level, degree sought, description of the academic program covered by the scholarship, the starting and completion dates of the employee's academic program, the name and address of the academic institution, the number of credits in the student's academic program plan and the cost of the education covered by the academic program plan. Records may include memoranda submitted by the employees, calculations for the service obligations, copies of letters and memoranda from employees making the requests and in correspondence to employees and appropriate local program officials delineating the decisions on such requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C. Sections 501, 503, 7451, 7452, and 7431–7440.

PURPOSE(S):

The records and information may be used for determining and documenting individual applicant eligibility for scholarship awards, calculating the service commitments for scholarship recipients, ensuring program financial accountability, monitoring individual applicant educational progress, monitoring the employment status of scholarship recipients during their periods of obligated service, terminating the employee from the program, and evaluating and reporting program results and effectiveness. The information would be used to determine the financial liability of individuals who breach their EISP contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 45 CFR Parts 160 and 164, i.e., individually identifiable health information, and 38 U.S.C. 7332, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a

routine use unless there is also specific statutory authority in 38 U.S.C. 7332 and regulatory authority in 45 CFR Parts 160 and 164 permitting disclosure.

1. Disclosure of any information in this system that is necessary to verify authenticity and completeness of the application may be made to educational institutions and other relevant organizations or individuals.

2. Disclosure of any information in this system may be made to a Federal agency in order to determine if an applicant has an obligation for service under another Federal program, thus rendering the applicant ineligible for a VA Employee Incentive Scholarship Program Award.

3. Disclosure of an information in this system may be made to the local supervisory officials and program coordinators to ensure that individual data in the system of records is up to date and that award recipients are in compliance with the terms of the scholarship program contract.

4. Any information in this system may be used to evaluate and report program results and effectiveness to appropriate officials including members of Congress on a routine and ad hoc basis.

5. Disclosure of information in this system may be made to a member of Congress or staff person acting for the member when the member or staff person requests the records on behalf of and at the request of that individual.

6. Disclosure of information may be made to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under authority of Title 44, United States Code.

7. Disclosure of information to the FLRA (including its General Counsel) when requested in connection with the investigation and resolution of allegations of unfair labor practices, in connection with matters before the Federal Service Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

8. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

9. Disclosure may be made to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel

practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

10. Disclosure may be made to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices, examination of Federal affirmative employment programs, compliance with the Uniform Guidelines of Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

11. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body provided that, in each case, the agency also determines prior to disclosure that release of the records to DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

12. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

13. VA may disclose on its own initiative any information in the system, except the names and home addresses of veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of the law whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order. VA may also disclose on its own initiative the names and addresses of veterans and their

dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, or order issued pursuant thereto.

14. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

15. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(2), VA may disclose records from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper, electronic media and computer printouts.

RETRIEVABILITY:

Records are retrieved by use of the award number or an equivalent participant account number assigned by

HCSDRO, social security number and the name of the individual.

SAFEGUARDS:

Access to the basic file in HCSDRO is restricted to authorized VA employees and vendors. Access to the office spaces where electronic media is maintained within HCSDRO is further restricted to specifically authorized employees and is protected by contracted building security services. Records (typically computer printouts) at HCSDRO will be kept in locked files and made available only to authorized personnel on a need-to-know basis. During non-working hours the file is locked and the building is protected by contracted building security services. Records stored on electronic media are maintained on a VA-approved and managed, password-protected, secure local area network (LAN) located within HCSDRO office spaces and safeguarded as described above. Records stored on electronic media at Veterans Integrated Service Network (VISN) Offices, VA health care facilities, and the Austin Automated Center in Austin, Texas are provided

equivalent safeguards subject to local policies mandating protection of information subject to Federal safeguards.

RETENTION AND DISPOSAL:

Records will be maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Health Care Staff Development and Retention Office (10A2D), Veterans Health Administration, Department of Veterans Affairs, 1555 Poydras Street, Suite 1971, New Orleans, Louisiana 70112.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such records, should submit a written request or apply in person to the Director, Health Care Staff Development and Retention Office, Veterans Health Administration, Department of Veterans

Affairs, 1555 Poydras Street, Suite 1971, New Orleans, Louisiana 70112.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of VA records in this system may write, call or visit the Director, Health Care Staff Development and Retention Office (10A2D), Veterans Health Administration, Department of Veterans Affairs, 1555 Poydras Street, Suite 1971, New Orleans, Louisiana 70112. The telephone number is (504) 589-5267.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Information contained in the records is obtained from the individual, references given in application material, educational institutions, VA medical facilities, the VA AAC, other Federal agencies, state agencies and consumer reporting agencies.

[FR Doc. 2010-1294 Filed 1-22-10; 8:45 am]

BILLING CODE 8320-01-P



Federal Register

**Monday,
January 25, 2010**

Part II

The President

**Memorandum of January 20, 2010—
Addressing Tax Delinquency by
Government Contractors**

Presidential Documents

Title 3—

Memorandum of January 20, 2010

The President

Addressing Tax Delinquency by Government Contractors

Memorandum for the Heads of Executive Departments and Agencies

The Federal Government pays more than half a trillion dollars a year to contractors and has an important obligation to protect American taxpayer money and the integrity of the Federal acquisition process. Yet reports by the Government Accountability Office (GAO) state that Federal contracts are awarded to tens of thousands of companies with serious tax delinquencies. The total amount in unpaid taxes owed by these contracting companies is estimated to be more than \$5 billion.

Too often, Federal contracting officials do not have the most basic information they need to make informed judgments about whether a company trying to win a Federal contract is delinquent in paying its taxes. We need to give our contracting officials the tools they need to protect taxpayer dollars.

Accordingly, I hereby direct the Commissioner of Internal Revenue (Commissioner) to direct a review of certifications of non-delinquency in taxes that companies bidding for Federal contracts are required to submit pursuant to a 2008 amendment to the Federal Acquisition Regulation. I further direct that the Commissioner report to me within 90 days on the overall accuracy of contractors' certifications.

I also direct the Director of the Office of Management and Budget, working with the Secretary of the Treasury and other agency heads, to evaluate practices of contracting officers and debarring officials in response to contractors' certifications of serious tax delinquencies and to provide me, within 90 days, recommendations on process improvements to ensure these contractors are not awarded new contracts, including a plan to make contractor certifications available in a Government-wide database, as is already being done with other information on contractors.

Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law. This memorandum 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 Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to read "Paul D. Ryan". The signature is stylized with a large initial "P" and a circular flourish.

THE WHITE HOUSE,
WASHINGTON, January 20, 2010

[FR Doc. 2010-1561
Filed 1-22-10; 11:15 am]
Billing code 3110-01-P

Reader Aids

Federal Register

Vol. 75, No. 15

Monday, January 25, 2010

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6064
Public Laws Update Service (numbers, dates, etc.)	741-6043
TTY for the deaf-and-hard-of-hearing	741-6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.gpoaccess.gov/nara/index.html>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal_register

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at <http://www.regulations.gov>.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

FEDERAL REGISTER PAGES AND DATE, JANUARY

1-218.....	4
219-736.....	5
737-884.....	6
885-1012.....	7
1013-1268.....	8
1269-1524.....	11
1525-1696.....	12
1697-2052.....	13
2053-2432.....	14
2433-2784.....	15
2785-3124.....	19
3125-3330.....	20
3331-3614.....	21
3615-3846.....	22
3847-3980.....	25

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	430.....	652
	431.....	652, 1122
	440.....	3847
Proclamations:		
8469.....	885	
8470.....	1265	
8471.....	1267	
8472.....	2051	
8473.....	3841	
8474.....	3843	
Executive Orders:		
12958 (Revoked by		
13526).....	707	
13292 (Revoked by		
13526).....	707	
13526.....	707, 1013	
13527.....	737	
13528.....	2053	
13529.....	3331	
Administrative Orders:		
Memorandums:		
Memorandum of		
December 15,		
2009.....	1015	
Memorandum of		
December 29,		
2009.....	733	
Memorandum of		
January 20, 2010.....	3979	
Orders:		
Order of December 29,		
2009.....	735	
5 CFR		
Proposed Rules:		
293.....	2821	
1631.....	2822	
6 CFR		
Proposed Rules:		
27.....	1552, 2445	
7 CFR		
305.....	1	
319.....	1	
948.....	3333	
980.....	1269	
984.....	1525	
993.....	1269	
1400.....	887	
Proposed Rules:		
205.....	1555	
930.....	1724	
1774.....	3642	
8 CFR		
328.....	2785	
329.....	2785	
9 CFR		
94.....	1697	
392.....	3847	
10 CFR		
50.....	13	
	430.....	652
	431.....	652, 1122
	440.....	3847
Proposed Rules:		
32.....	1559	
50.....	3876	
431.....	186	
11 CFR		
1.....	29	
2.....	29	
4.....	29	
5.....	29	
100.....	29	
101.....	29	
102.....	29	
104.....	29	
110.....	29	
113.....	29	
114.....	29	
201.....	29	
300.....	29	
12 CFR		
222.....	2724	
229.....	219	
925.....	678	
944.....	678	
1263.....	678	
1290.....	678	
Proposed Rules:		
327.....	2823	
360.....	934	
652.....	3647	
906.....	1289	
1207.....	1289	
13 CFR		
Proposed Rules:		
121.....	1296	
124.....	1296	
14 CFR		
25...32, 35, 37, 39, 1527, 2433,		
2434		
39.....	221, 224, 901, 904, 906,	
	910, 1017, 1527, 1529,	
	1533, 1536, 1538, 1697,	
	2055, 2057, 2060, 2062,	
	2064, 2067, 2787, 3125,	
	3127, 3141, 3144, 3147,	
	3150, 3615	
71.....	42, 43, 226	
97.....	915, 916	
120.....	3153	
121.....	739	
135.....	3153	
Proposed Rules:		
25.....	75, 81	
27.....	793, 942	
29.....	793, 942	
39...89, 91, 258, 260, 262, 264,		
801, 950, 1297, 1560, 1563,		

1731, 2826, 2829, 2831,
3418, 3420, 3656, 3658,
3660, 3662
713877, 3878, 3879, 3880
91942
121942
125942
135942

15 CFR

9044
7381028
7441699
7482435
902554, 2198, 3335

Proposed Rules:

922952

16 CFR

6402724
6982724
11153355
15003154

Proposed Rules:

3073664, 3665
3121734

17 CFR

123371
2003122
2023122
2402789
275742, 1456
2761492
2791456

Proposed Rules:

13282
33282
43282
53282
103282
1403282
1453282
1473282
1603282
1663282
2423594

19 CFR

Proposed Rules:

101266
113266
133266

20 CFR

4161271

21 CFR

5103159
5221274
5291021
5581275

23 CFR

63546

24 CFR

2571686

25 CFR

5142795

26 CFR

11704, 3159, 3160
30148

Proposed Rules:

11301, 3666
311735
30194

27 CFR

5553160

28 CFR

Proposed Rules:

5223182

29 CFR

25102068
40222437

Proposed Rules:

19103881

30 CFR

2501276

31 CFR

1743
285745

Proposed Rules:

12086
24095

32 CFR

724746

Proposed Rules:

20041566

33 CFR

271704
100748
117227, 1705, 1706, 3856
138750
165754, 1706, 1709, 2077,
2438, 3372, 3859

Proposed Rules:

1171738
147803
1652833
3343883

34 CFR

Ch. II3375

36 CFR

12803862

Proposed Rules:

2422448

37 CFR

2023863

Proposed Rules:

3833666

38 CFR

213163, 3165, 3168

39 CFR

1111540
6011541
30201280, 3383

Proposed Rules:

111282
30501301

40 CFR

5254, 56, 230, 232, 1284,
1543, 1712, 1715, 1716,
2079, 2440, 2796, 3870

553387, 3392, 3617
63522
8156, 1543, 2936
180760, 763, 767, 770
2621236
2631236
2641236
2651236
2661236
271918, 1236
700773
721773
723773
725773

Proposed Rules:

501566, 2938
5297, 283, 953, 958, 2090,
2091, 2452, 3183, 3668,
3680
553423
581566, 2938
812091
180807
320816
7211180

41 CFR

301-10790

42 CFR

Proposed Rules:

4121844
4131844
4221844
4951844

44 CFR

6460
673171
2062800

Proposed Rules:

673885

45 CFR

1702014

47 CFR

23622
153622, 3639
251285
731546, 3640, 3641, 3871
743622

Proposed Rules:

153682
542836
733693, 3694, 3695
973886

48 CFR

2093178
2253179
2373178
2523178, 3179

Proposed Rules:

2053187
2073187
2083187
2093187
2113187
2152457, 3187
2163187
2173187
2193187
225832, 1567, 3187
2283187

2323187
2342457
2363187
2373187
2422457
2442457
2463187
2503187
252832, 1567, 2457, 3187
928964
931964
932964
933964
935964
936964
937964
941964
942964
949964
950964
951964
952964
51322463
51362463
51522463

49 CFR

17163
17263
17363
17563
17863
2191547
2292598
2342598
2352598
2362598
2381180
5441548
830922

Proposed Rules:

1721302
1731302
1751302
2342466
395285, 2467

50 CFR

17235
21927, 3395
22927, 3395
2183395
2232198
300554, 3335
6652198
635250
6481021, 2820, 3180
660932
6651023, 3416
679554, 792, 1723, 3180,
3873, 3874, 3875

Proposed Rules:

17286, 310, 6061, 1567,
1568, 1574, 1741, 1744,
2102, 2270, 3190, 3424
923888
1002448
223316, 838
224316, 838
226319, 1582, 3191
3001324
6222469
6481024, 3434
6601745

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual

pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

H.R. 4314/P.L. 111-123

To permit continued financing of Government operations. (Dec. 28, 2009; 123 Stat. 3483)

H.R. 4284/P.L. 111-124

To extend the Generalized System of Preferences and

the Andean Trade Preference Act, and for other purposes. (Dec. 28, 2009; 123 Stat. 3484)

H.R. 3819/P.L. 111-125

To extend the commercial space transportation liability regime. (Dec. 28, 2009; 123 Stat. 3486)

Last List December 31, 2009

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.