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The President

Proclamation 8293

Gold Star Mother's Day, 2008

By the President of the United States of America

A Proclamation

Throughout our history, the men and women of the Armed Forces have put our Nation's security before their own, doing their duty in the face of grave danger. On Gold Star Mother's Day, we pay solemn tribute to the mothers of the patriots lost serving this great Nation.

Gold Star Mothers inspire our Nation with their deep devotion to family and country. These extraordinary women serve their communities, dedicate their time to helping members of our Armed Forces and veterans, and bring comfort and hope to families whose loved ones laid down their lives in the defense of our liberty. Nothing can compensate for their sacrifice and loss, yet Gold Star Mothers demonstrate tremendous courage and resolve while working to preserve the memory and legacy of all our fallen heroes.

On this day, we honor our country's Gold Star Mothers and remember their sons' and daughters' noble service and great sacrifice. We offer them our deepest gratitude and our most profound respect, and we ask for God's blessings to be upon them and their families.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day'' and has authorized and requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim Sunday, September 28, 2008, as Gold Star Mother's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's sympathy and respect for our Gold Star Mothers.

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

[FR Doc. E8–22945
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1150

[Docket No. AMS DA–08–0035; DA–08–02]

National Dairy Promotion and Research Program; Final Rule on Amendments to the Dairy Promotion and Research Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Dairy Promotion and Research Order (Order). The amendment modifies the composition of the National Dairy Promotion and Research Board (Dairy Board) by changing the number of members in six of the 13 geographic regions. The Dairy Board, which administers the Order, requested the amendment in order to better reflect the geographic distribution of milk production in the contiguous 48 States.

DATES: *Effective Date:* September 30, 2008.

FOR FURTHER INFORMATION CONTACT: Whitney A. Rick, Chief, Promotion and Research Branch, Dairy Programs, AMS, USDA, 1400 Independence Ave., SW., Room 2958–S, Stop 0233, Washington, DC 20250–0233. Phone: (202) 720–6909. E-mail: *Whitney.Rick@usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule is issued pursuant to the Dairy Production Stabilization Act (Act) of 1983, as amended [7 U.S.C. 4501–4514].

Executive Order 12866

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule is not intended to have a retroactive effect. This rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Dairy Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 4509 of the Dairy Act, any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or to be exempted from the Order. Such person is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Dairy Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act

The Agricultural Marketing Service (AMS) has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612).

For the purpose of the Regulatory Flexibility Act, small businesses in the dairy industry have been defined as those employing less than 500 employees. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000. In the 48 contiguous States, there are approximately 70,000 dairy farms subject to the provisions of this Order. Most of the parties subject to the Order are considered small entities.

The Order is administered by a 36-member Board representing 13 geographic regions within the contiguous 48 States. The Order provides that the Dairy Board shall review the geographic distribution of milk production throughout the United States and, if warranted, shall recommend to the Secretary a reapportionment of the regions and/or modification of the number of members from regions in order to better reflect the geographic distribution of milk production volume in the 48 contiguous States.

Based on a review of the 2007 geographic distribution of milk production, it has been determined that the number of Dairy Board members for six of the 13 geographic regions should be changed. The Dairy Board was last modified in 2003 based on 2002 milk production.

The amendment will not have a significant economic impact on persons subject to the Order. The proposed changes merely allow representation of the Dairy Board to better reflect geographic milk production in the contiguous 48 States. Finally, no relevant Federal rules have been identified that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulation [5 CFR part 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. chapter 35], the information collection requirements and recordkeeping provisions imposed by the Order have been previously approved by OMB and assigned OMB Control No. 0581–0093.

Prior Documents in This Proceeding

Proposed Rule: Issued July 24, 2008; published July 30, 2008 (73 FR 44176).

Statement of Consideration

The Order is administered by a 36-member Dairy Board. This final rule amends the Order by modifying the number of members on the Board in six of the 13 geographic regions. The amendment modifies the composition of the Board to better reflect current milk production within each of the 13 geographic regions of the contiguous 48 States.

The Order provides in section 1150.131 that the Dairy Board shall review the geographic distribution of milk production volume throughout the contiguous 48 States and, if warranted, shall recommend to the Secretary a reapportionment of the regions and/or modification of the number of members from regions in order to best reflect the geographic distribution of milk production in the contiguous 48 States. The Dairy Board is required to conduct the review at least every five years and not more than every three years. The

Dairy Board was last modified in 2003 based on 2002 milk production.

In determining the number of Dairy Board seats for each of the 13 geographic regions designated in the Order, the total milk production for the contiguous 48 states for the previous calendar year is divided by 36 to determine a factor of pounds of milk represented by each Dairy Board member. The resulting factor is then divided into the pounds of milk produced in each region to determine the number of Dairy Board members for each region. Accordingly, the following table summarizes by region the volume of milk production distribution for 2007, the percentage of total milk production, the current number of Dairy Board seats per region, and the adopted number of Dairy Board seats for each region.

Region and states	Milk production (mil lbs)	Percentage of total milk production	Current number of board seats	Proposed number of board seats
1: Oregon, Washington	7,764	4.2	2	1
2: California	40,683	21.9	7	8
3: Arizona, Colorado, Idaho, Montana, Nevada, Utah, Wyoming	21,212	11.4	3	4
4: Arkansas, Kansas, New Mexico, Oklahoma, Texas	18,200	9.8	3	4
5: Minnesota, North Dakota, South Dakota	10,741	5.8	2	2
6: Wisconsin	24,080	13.0	5	5
7: Illinois, Iowa, Missouri, Nebraska	8,948	4.8	2	2
8: Alabama, Kentucky, Louisiana, Mississippi, Tennessee	3,119	1.7	1	1
9: Indiana, Michigan, Ohio, West Virginia	16,148	8.7	3	3
10: Florida, Georgia, North Carolina, South Carolina, Virginia	6,506	3.5	1	1
11: Delaware, Maryland, New Jersey, Pennsylvania	12,008	6.5	3	2
12: New York	12,103	6.5	3	2
13: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	4,046	2.2	1	1
Total: 48 Contiguous States	185,558	100	36	36

*Based upon preliminary 2007 NASS milk production data, February 2008.

Upon the basis of its review of geographic milk production volume, the Dairy Board proposed that the number of members in six of the 13 geographic regions be changed. The current review conducted by the Dairy Board is based on 2007 data. In 2007, total milk production was 185,558 million pounds, which indicates that each of the Dairy Board members would represent 5,154 million pounds of milk. For 2002, total milk production was 169,643 million pounds of milk and each of the Board members represented 4,712 million pounds of milk.

Based on the 2007 milk production data, the Dairy Board proposed that member representation in Region 2 (California), Region 3 (Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming), and Region 4 (Arkansas, Kansas, New Mexico, Oklahoma, and Texas) each be increased by one member, and member representation in Region 1 (Oregon and Washington), Region 11 (Delaware, Maryland, New Jersey, and Pennsylvania), and Region 12 (New York) each be decreased by one member.

Milk production in Region 2 increased to 40,683 million pounds in 2007, up from 34,884 million pounds in 2002, indicating eight Dairy Board members (40,683 divided by 5,154 = 8) compared to seven Dairy Board members based on 2002 milk production data. Milk production in Region 3 increased to 21,212 million pounds in 2007, up from 16,291 million pounds in 2002, indicating four Dairy Board members (21,212 divided by 5,154 = 4) compared to three Dairy Board members based on 2002 milk production data. Milk production in Region 4 increased to 18,200 million pounds in 2007, up from 15,313 million pounds in 2002, indicating four Dairy Board members (18,200 divided by 5,154 = 4) compared to three Dairy Board members based on 2002 milk production data.

Milk production in Region 1 increased to 7,764 million pounds in 2007, up from 7,713 million pounds in 2002. The Dairy Board determined that Region 1 milk production data does not continue to support 2 seats. Based on the data, the Dairy Board recommended that one seat from Region 1 be assigned to another region, thereby reducing Region 1 Dairy Board members from two members to one member. In Region 11, milk production decreased to 12,008 million pounds in 2007 down from 12,492 million pounds in 2002, indicating two Dairy Board members for the region (12,008 divided by 5,154 = 2) compared to three members based on 2002 data. Also, in Region 12, milk production decreased to 12,103 million pounds in 2007 down from 12,217 million pounds in 2002, indicating two Dairy Board members for the region (12,103 divided by 5,154 = 2) compared to three members based on 2002 data.

Interested parties were provided an opportunity to file comments on the proposed rule. No comments were received were received by the Department.

This final rule adopts the Dairy Board's proposal that member representation in Region 2 be increased from seven members to eight members, and Region 3 and Region 4 representation each be increased from three members to four members; Region 1 representation be decreased from two members to one member and Region 11 and Region 12 representation each be decreased from three members to two members.

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because this rule should be in effect as soon as possible to appoint Board members for the 2008–2011 term.

List of Subjects in 7 CFR Part 1150

Dairy products, Milk, Promotion, Research.

■ For the reasons set forth in the preamble, 7 CFR part 1150 is amended as follows:

PART 1150—DAIRY PROMOTION PROGRAM

■ 1. The authority citation for 7 CFR part 1150 continues to read as follows:

Authority: 7 U.S.C. 4501–4514 and 7 U.S.C. 7401.

■ 2. In § 1150.131, paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(11), and (a)(12) are revised as follows:

§ 1150.131 Establishment and membership.

(a) * * *

(1) One member from region number one comprised of the following States: Washington and Oregon.

(2) Eight members from region number two comprised of the following State: California.

(3) Four members from region number three comprised of the following States: Arizona, Colorado, Idaho, Montana, Nevada, Utah and Wyoming.

(4) Four members from region number four comprised of the following States: Arkansas, Kansas, New Mexico, Oklahoma and Texas.

* * * * *

(11) Two members from region number eleven comprised of the following States: Delaware, Maryland, New Jersey and Pennsylvania.

(12) Two members from region number twelve comprised of the following State: New York.

* * * * *

Dated: September 23, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–22739 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

RIN 3150–AI44

[NRC–2008–0512]

Inflation Adjustment to the Price-Anderson Act Financial Protection Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Atomic Energy Act of 1954, as amended, (AEA) requires the NRC to adjust the maximum total and annual standard deferred premiums specified in the Price-Anderson Act for inflation at least once during each 5-year period following August 20, 2003. The NRC is amending its regulations to satisfy this requirement.

DATES: This rule is effective on October 29, 2008.

FOR FURTHER INFORMATION CONTACT: Maxwell C. Smith, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–1246, e-mail: *maxwell.smith@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Final Rule
III. Voluntary Consensus Standard
IV. Environmental Impact: Categorical Exclusion
V. Paperwork Reduction Act Statement
VI. Regulatory Analysis
VII. Regulatory Flexibility Certification
VIII. Backfit Analysis
IX. Congressional Review Act

I. Background

Section 604 of the Energy Policy Act of 2005, Public Law 109–58, amended section 170 of the AEA (''Price-Anderson Act'') to require the NRC to adjust the maximum total and annual standard deferred premiums not less than once during each 5-year period following August 20, 2003 in accordance with the aggregate percentage change in the Consumer Price Index. The NRC made the initial changes to the Price-Anderson Act amounts required by section 604 of the Energy Policy Act on October 27, 2005 (70 FR 61885). This final rule makes the required inflation adjustments to the maximum total and annual standard deferred premiums.

This rule simply incorporates mandatory statutory requirements. Accordingly, good cause exists under 5 U.S.C. section 553(d)(3) to publish this final rule without soliciting public comment because the Commission has no discretion in these matters and public comment would serve no useful purpose. The NRC is required only to perform ministerial computations. The revisions are being published as a final rule that will become effective 30 days from the date of publication in the **Federal Register**.

II. Discussion of the Final Rule

Section 170t. ''Inflation Adjustment'' of the AEA requires the NRC to ''adjust the amount of the maximum total and annual standard deferred premium under subsection b.(1) not less than once during each 5-year period following August 20, 2003 in accordance with the aggregate percentage change in the Consumer Price Index.'' The NRC's implementing regulations for the Price-Anderson Act are found in 10 CFR part 140. Accordingly, the Commission is amending 10 CFR 140.11, ''Amounts of financial protection for certain reactors'', to adjust for the increase in inflation since August 20, 2003. Specifically, as set forth in section 170t. of the AEA, the Commission is adjusting the amount of the maximum total and annual standard deferred premium.

The current maximum total deferred premium in 10 CFR 140.11(a)(4) is $95,800,000 and the maximum annual deferred premium is $15,000,000. The Consumer Price Index in August 2003 was 183.9. The most recent Consumer Price Index, April 2008, is 214.823. This represents an increase of approximately 16.82%. When this increase is applied to the maximum total and annual standard deferred premium and rounded, the new maximum total deferred premium is $111,900,000, and the maximum annual deferred premium is $17,500,000. Section 140.11(a)(4) is being changed accordingly.

III. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this rule, the NRC is revising its regulations to reflect statutory mandates contained in the Energy Policy Act of 2005. This action does not constitute the establishment of a standard that contains generally applicable requirements.

IV. Environmental Impact: Categorical Exclusion

The Commission has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

V. Paperwork Reduction Statement

This final rule does not contain information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

VI. Regulatory Analysis

A regulatory analysis has not been prepared for this regulation. This rule amends NRC regulations to be consistent with provisions of the

Atomic Energy Act of 1954, as amended. This rule does not involve an exercise of Commission discretion and, therefore, does not necessitate preparation of a regulatory analysis.

VII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this final rule would not have a significant economic impact upon a substantial number of small entities.

VIII. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, 70.76, 72.62, 76.76, does not apply to this final rule because these amendments are mandated by the Energy Policy Act of 2005.

IX. Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 140

Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 140.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 1. The authority citation for part 140 continues to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576 as amended (42 U.S.C. 2201, 2210); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Pub. L. 109–58.

■ 2. Section 140.11, paragraph (a)(4) is revised to read as follows:

§ 140.11 Amounts of financial protection for certain reactors.

(a) * * *

(4) In an amount equal to the sum of $300,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges equal to the pro rata share of the aggregate public liability claims and costs, excluding costs payment of which is not authorized by section 170o.(1)(D) of the Act, in excess of that covered by primary financial protection) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: Provided, however, that under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than $111,900,000 with respect to any nuclear incident (plus any surcharge assessed under subsection 170o.(1)(E) of the Act) and no more than $17,500,000 per incident within one calendar year shall be charged. *Except that,* where a person is authorized to operate a combination of 2 or more nuclear reactors located at a single site, each of which has a rated capacity of 100,000 or more electrical kilowatts but not more than 300,000 electrical kilowatts with a combined rated capacity of not more than 1,300,000 electrical kilowatts, each such combination of reactors shall be considered to be a single nuclear reactor for the sole purpose of assessing the applicable financial protection required under this section.

* * * * *

Dated at Rockville, Maryland, this 9th day of September, 2008.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. E8–22784 Filed 9–26–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0675; Directorate Identifier 2007–NM–192–AD; Amendment 39–15682; AD 2008–20–03]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Fokker Model F.28 Mark 0070 and 0100 airplanes. That AD currently requires a one-time inspection of the main landing gear (MLG) main fitting for cracks, and repair if necessary. The existing AD also currently requires installing a placard and revising the airplane flight manual to include procedures to prohibit the application of brakes during backward movement of the airplane. This new AD requires repetitive eddy current inspections of the MLG main fitting and rework before further flight as applicable. This AD results from reports that a final solution eliminating the cause of the crack initiation mechanism is not yet available and that repetitive inspections are necessary. We are issuing this AD to detect and correct cracks in the MLG main fitting, which could result in reduced structural integrity of the MLG main fitting.

DATES: This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 3, 2008.

On April 26, 2006 (71 FR 14363, March 22, 2006), the Director of the Federal Register approved the incorporation by reference of Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005.

ADDRESSES: For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2006–06–07, amendment 39–14516 (71 FR 14363, March 22, 2006). The existing AD applies to certain Fokker Model F.28 Mark 0070 and 0100 airplanes. That NPRM was published in the **Federal Register** on July 2, 2008 (73 FR 37903). That NPRM proposed to continue to require a one-time inspection of the main landing gear (MLG) main fitting for cracks, and repair if necessary. That NPRM also proposed to continue to require installing a placard and revising the airplane flight manual (AFM) to include procedures to prohibit the application of brakes during backward movement of the airplane. That NPRM also proposed to require repetitive eddy current inspections of the MLG main fitting and rework before further flight as applicable.

Comments

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

Conclusion

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

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (required by AD 2006–06–07).	2	$80	None	$160	11	$1,760
AFM Revision and Placard Installation (required by AD 2006–06–07).	1	80	None	80	11	880
Inspection (new required action).	6	80	$540 ($270 per fitting)	1,020	12	12,240

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14516 (71 FR 14363, March 22, 2006) and by adding the following new airworthiness directive (AD):

2008–20–03 Fokker Services B.V.: Amendment 39–15682. Docket No. FAA–2008–0675; Directorate Identifier 2007–NM–192–AD.

Effective Date

(a) This AD becomes effective November 3, 2008.

Affected ADs

(b) This AD supersedes AD 2006–06–07.

Applicability

(c) This AD applies to Fokker Model F.28 Mark 0070 and Mark 0100 airplanes, certificated in any category, equipped with Messier-Dowty main landing gears (MLGs).

Unsafe Condition

(d) This AD results from reports that a final solution eliminating the cause of the crack initiation mechanism is not yet available and that repetitive inspections are necessary. We are issuing this AD to detect and correct cracks in the MLG main fitting, which could result in reduced structural integrity of the MLG main fitting.

Compliance

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

Restatement of Requirements of AD 2006–06–07

Airplane Flight Manual (AFM) Revision and Placard Installation

(f) Within 14 days after April 26, 2006 (the effective date of AD 2006–06–07), amend the Limitations section of the Fokker F.28 AFM to prohibit application of brakes during backward movement of the airplane. This

may be done by inserting a copy of this AD in the AFM.

Note 1: When a statement to prohibit application of brakes during backward movement of the airplane has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

(g) Within 14 days after April 26, 2006, affix a placard on the pedestal, next to the parking brake handle, having the following wording: ''APPLICATION OF BRAKES DURING BACKWARD MOVEMENT IS PROHIBITED.''

Inspection and Corrective Action

(h) At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD: Do an eddy current inspection of the MLG main fittings and repair before further flight as applicable, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005, except as provided by paragraphs (i) and (j) of this AD.

(1) For airplanes on which an inspection has not been done in accordance with Messier-Dowty Service Bulletin F100–32–104, Revision 2, dated October 30, 2003: Within 3 months after April 26, 2006.

(2) For airplanes on which an inspection has been done in accordance with Messier-Dowty Service Bulletin F100–32–104, Revision 2, dated October 30, 2003: Within 2,000 flight cycles since the last inspection done in accordance with the service bulletin or within 3 months after April 26, 2006, whichever occurs later.

Exceptions to the Service Bulletin

(i) Where Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005, specifies contacting the manufacturer for repair: Before further flight, repair using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Civil Aviation Authority—The Netherlands (CAA–NL) (or its delegated agent).

(j) Although Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Parts Installation

(k) As of April 26, 2006, and until the effective date of this AD, no person may install, on any airplane, a Messier-Dowty MLG, unless it has been inspected/repaired according to paragraph (h) of this AD.

New Requirements of This AD

Inspection and Repair

(l) At the applicable times specified in paragraphs (l)(1), (l)(2), and (l)(3) of this AD: Do an eddy current inspection of the MLG main fitting for cracks, and rework the MLG main fitting if applicable, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin F100–32–111, including Appendices A through C and excluding Appendix D, dated December 20, 2005; except as provided by paragraph (m) of this AD. The rework must be done before further flight.

(1) For all MLG main fittings, except those units identified in paragraph (l)(2) of this AD: Inspect within the next 2,000 flight cycles since the last inspection required by paragraph (h) of this AD, or within 4 months after the effective date of this AD, whichever occurs later.

(2) For new MLG main fittings and MLG main fittings on which both bores have been repaired (reworked) in accordance with paragraph (h) of this AD: Inspect within 4,000 flight cycles since new (installation) or repaired (rework) in accordance with paragraph (h) of this AD, as applicable.

(3) For all MLGs: Repeat the eddy current inspection thereafter at intervals not to exceed 2,000 flight cycles.

Exception to Service Bulletin F100–32–111

(m) Although Messier-Dowty Service Bulletin F100–32–111, including Appendices A through C and excluding Appendix D, dated December 20, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Parts Installation

(n) As of the effective date of this AD, no person may install, on any airplane, a Messier-Dowty MLG, unless it has been inspected and reworked in accordance with paragraph (l) of this AD.

Alternative Methods of Compliance (AMOCs)

(o) The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(p) Dutch airworthiness directive NL–2006–003, dated February 7, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(q) You must use Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005; and Messier-Dowty Service Bulletin F100–32–111, including Appendices A through C and excluding Appendix D, dated December 20, 2005; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Messier-Dowty Service Bulletin F100–32–111, including Appendices A through C and excluding Appendix D, dated December 20, 2005, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On April 26, 2006 (71 FR 14363, March 22, 2006), the Director of the Federal Register approved the incorporation by reference of Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005.

(3) Contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands, for a copy of this service information.

(4) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Renton, Washington, on September 11, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–22210 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0636; Directorate Identifier 2007–NM–324–AD; Amendment 39–15657; AD 2008–17–19]

RIN 2120–AA64

Airworthiness Directives; ATR Model ATR42–200, –300, and –320 Airplanes

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

ACTION: Final rule.

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

One ATR 42–300 experienced a collapse of the Right (RH) Main Landing Gear (MLG) when taxiing, caused by failure of the side brace assembly. Investigations revealed a crack propagation that occurred from a corrosion pit, in a very high stressed area of the upper arm. * * *

* * * * *

The unsafe condition is cracking of the upper arms of the secondary side brace assemblies of the MLG, which could result in collapse of the MLG during

takeoff or landing, damage to the airplane, and possible injury to the flightcrew and passengers. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 3, 2008.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on June 10, 2008 (73 FR 32659). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> One ATR 42–300 experienced a collapse of the Right (RH) Main Landing Gear (MLG) when taxiing, caused by failure of the side brace assembly. Investigations revealed a crack propagation that occurred from a corrosion pit, in a very high stressed area of the upper arm. Dimensions of the corrosion pit were lower than the minimum defect size that can be detected by usual inspection means used during landing gear overhaul. The superseded EASA (European Aviation Safety Agency) Airworthiness Directive (AD) 2007–0112 was issued to require repetitive inspections on affected high stressed areas on MLG side brace assemblies for crack detection and to replace the affected side brace assembly if any defect was found.
>
> Since the issuance of [EASA] AD 2007–0112, a modification of [the] side brace upper arm has been developed as terminating action. However, production non-conformity of the inspection tool was discovered.
>
> In order to correct the discrepancy of the initial tool, new inspection tool components have been manufactured and the Service Bulletin (SB) Messier Dowty 631–32–191 has been updated to revision 2 accordingly. This directive mandates re-inspection of MLG side brace assemblies previously inspected [in accordance with] revision 1 of the Messier Dowty SB 631–32–191 and reduces the inspection interval initially proposed in [EASA] AD 2007–0112 in order to maintain the same level of confidence.
>
> * * * * *
>
> The unsafe condition is cracking of the upper arms of the secondary side brace assemblies of the MLG, which could result in collapse of the MLG during takeoff or landing, damage to the airplane, and possible injury to the flightcrew and passengers. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect about 31 products of U.S. registry. We also estimate that it will take about 35 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $86,800, or $2,800 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–17–19 ATR—Gie Avions De Transport Régional (Formerly Aerospatiale): Amendment 39–15657. Docket No. FAA–2008–0636; Directorate Identifier 2007–NM–324–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 3, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to ATR Model ATR42–200, –300, and –320 airplanes, certificated in any category; excluding airplanes on which ATR Modification 8463 has been done.

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing gear.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

One ATR 42–300 experienced a collapse of the Right (RH) Main Landing Gear (MLG) when taxiing, caused by failure of the side brace assembly. Investigations revealed a crack propagation that occurred from a corrosion pit, in a very high stressed area of the upper arm. Dimensions of the corrosion pit were lower than the minimum defect size that can be detected by usual inspection means used during landing gear overhaul. The superseded EASA (European Aviation Safety Agency) Airworthiness Directive (AD) 2007–0112 was issued to require repetitive inspections on affected high stressed areas on MLG side brace assemblies for crack detection and to replace the affected side brace assembly if any defect was found.

Since the issuance of [EASA] AD 2007–0112, a modification of [the] side brace upper arm has been developed as terminating action. However, production non-conformity of the inspection tool was discovered.

In order to correct the discrepancy of the initial tool, new inspection tool components have been manufactured and the Service Bulletin (SB) Messier Dowty 631–32–191 has been updated to revision 2 accordingly. This directive mandates re-inspection of MLG side brace assemblies previously inspected [in accordance with] revision 1 of the Messier Dowty SB 631–32–191 and reduces the inspection interval initially proposed in [EASA] AD 2007–0112 in order to maintain the same level of confidence.

* * * * *

The unsafe condition is cracking of the upper arms of the secondary side brace assemblies of the MLG, which could result in collapse of the MLG during takeoff or landing, damage to the airplane, and possible injury to the flightcrew and passengers.

Actions and Compliance

(f) For MLG side brace assemblies with part number (P/N) D22710000, without suffix ''–9'': Unless already done, do the following actions.

(1) For airplanes on which the MLG side brace assemblies have not been inspected as of the effective date of this AD, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin 631–32–191, Revision 1, dated February 26, 2007: Perform the initial eddy current inspection for cracking of the MLG side brace, in accordance with the Accomplishment Instructions of Messier-Dowty Special Inspection Service Bulletin 631–32–191, Revision 2, dated August 30, 2007, at the applicable time specified in Table 1 of this AD. Unless otherwise specified, the flight cycles and times indicated in Table 1 of this AD must be interpreted as total flight cycles since overhaul, or time since overhaul, and as total flight cycles since new or time since manufacture for side brace assemblies that have not undergone any overhaul yet.

TABLE 1—COMPLIANCE TIMES

For a MLG side brace assembly with the total flight cycles since new or total flight cycles since overhaul specified below as of the effective date of this AD—	Do the initial inspection at the time specified below—
More than 8,000 flight cycles	Within 500 flight cycles after the effective date of this AD.
5,000 or more total flight cycles, but not more than 8,000 total flight cycles.	Within 1,000 flight cycles after the effective date of this AD or before accumulating 8,500 flight cycles, whichever occurs first.
Less than 5,000 flight cycles	Within 2,000 flight cycles after the effective date of this AD or before accumulating 6,000 flight cycles, whichever occurs first.

(2) For airplanes on which the MLG side brace assemblies have been inspected as of the effective date of this AD, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin 631–32–191, Revision 1, dated February 26, 2007: Within 1,000 flight cycles after the last inspection or within 200 flight cycles after the effective date of this AD, whichever occurs later, perform an eddy current inspection for cracking of the MLG side brace, in accordance with the Accomplishment Instructions of Messier-Dowty Special Inspection Service Bulletin 631–32–191, Revision 2, dated August 30, 2007.

(3) After accomplishment of the inspection required by paragraph (f)(1) or (f)(2) of this AD, repeat the inspection at intervals not to exceed 2,600 flight cycles in accordance with the Accomplishment Instructions of Messier-Dowty Special Inspection Service Bulletin 631–32–191, Revision 2, dated August 30, 2007.

(4) If any crack is found during any inspection required by paragraphs (f)(1), (f)(2) and (f)(3) of this AD, before further flight, replace the affected side brace in accordance with the Accomplishment Instructions of Messier-Dowty Special Inspection Service Bulletin 631–32–191, Revision 2, dated August 30, 2007.

(5) At the applicable time specified in paragraph (f)(5)(i) or (f)(5)(ii) of this AD: Inspect for cracking, corrosion, and defects of the MLG side brace assemblies with P/N D22710000, without suffix ''–9'', in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin 631–32–194, dated June 6, 2007.

(i) For airplanes having side brace assemblies on which Messier-Bugatti Service Bulletin 631–32–072 has not been incorporated: Before accumulating 16,000 total flight cycles or within 8 years after the effective date of this AD, whichever occurs first.

(ii) For airplanes having side brace assemblies on which Messier-Bugatti Service Bulletin 631–32–072 has been incorporated: Before accumulating 19,000 total flight cycles or within 8 years after the effective date of this AD, whichever occurs first.

(6) If no cracking, corrosion, or defect is found during any inspection required by paragraph (f)(5) of this AD, before further flight, modify and re-identify (by adding a suffix ''–9'' to P/N D22710000) the MLG side brace assemblies in accordance with the Accomplishment Instructions of ATR Service Bulletin ATR42–32–0092, dated June 25, 2007.

(7) If any cracking, corrosion, or defect is found during any inspection required by paragraph (f)(5) of this AD, before further flight, replace the discrepant MLG side brace assembly with a modified and re-identified MLG side brace assembly in accordance with the Accomplishment Instructions of ATR Service Bulletin ATR42–32–0092, dated June 25, 2007.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: Although the MCAI or service information allows further flight if a crack is found during compliance with the required inspections,

this AD requires that you repair the crack before further flight.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2007–0263, dated October 3, 2007, and the service information specified in Table 2 of this AD, for related information.

TABLE 2—SERVICE INFORMATION

Service Bulletin	Revision	Date
ATR Service Bulletin ATR42–32–0092	Original	June 25, 2007.
ATR Technical Instruction ATR42, ATR42–07–01	Original	February 5, 2007.
Messier-Dowty Service Bulletin 631–32–194	Original	June 6, 2007.
Messier-Dowty Special Inspection Service Bulletin 631–32–191	2	August 30, 2007.

Material Incorporated by Reference

(i) You must use the service information specified in Table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 3—MATERIAL INCORPORATED BY REFERENCE

Service Bulletin	Revision	Date
ATR Service Bulletin ATR42–32–0092	Original	June 25, 2007.
Messier-Dowty Service Bulletin 631–32–194	Original	June 6, 2007.
Messier-Dowty Special Inspection Service Bulletin 631–32–191	2	August 30, 2007.

Messier-Dowty Special Inspection Service Bulletin 631–32–191, Revision 2, dated August 30, 2007, contains the following effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3, 8	2	August 30, 2007.
2, 6, 7, 9, 10	1	February 26, 2007.
4, 5	Original	December 13, 2006.

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

(2) For service information identified in this AD, contact ATR, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 12, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–19365 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0078; Directorate Identifier 2007–NE–40–AD; Amendment 39–15683; AD 2008–20–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the

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

> High pressure (HP) turbine discs recently inspected in accordance with the Engine Manual have exhibited cracks in the disc rim. The discs have failed to meet the inspection acceptance criteria and have been returned to Rolls-Royce for engineering investigation. This investigation has concluded that the cracks have resulted from scores within the cooling air holes in the disc rim that could have been introduced during new part manufacture or during overhaul of the disc. The engineering investigation has concluded that if this cracking was undetected then it could result in uncontained disc failure and a potential unsafe condition for the aircraft.

We are issuing this AD to prevent uncontained disc failure, possibly resulting in damage to the airplane.

DATES: This AD becomes effective November 3, 2008.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *ian.dargin@faa.gov;* telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on February 21, 2008 (73 FR 9502). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

> HPT discs recently inspected in accordance with the Engine Manual have exhibited cracks in the disc rim. The discs have failed to meet the inspection acceptance criteria and have been returned to Rolls-Royce for engineering investigation. This investigation has concluded that the cracks have resulted from scores within the cooling air holes in the disc rim that could have been introduced during new part manufacture or during overhaul of the disc. The engineering investigation has concluded that if this cracking was undetected then it could result in uncontained disc failure and a potential unsafe condition for the aircraft.

Comments

One commenter, Federal Express, recommends that we give previous credit for eddy current inspections (ECIs) previously performed on RB211–535 HP turbine discs per AD 2006–17–12 and Rolls-Royce plc (RR) Alert Service Bulletin (ASB) No. RB.211–72–AE651, dated November 22, 2004. The commenter states that the same ECI of the HP turbine discs is referenced in that AD, as in the proposed AD.

We agree. Initial inspections done before the effective date of this AD on RB211–535 HP turbine discs per RR ASB No. RB.211–72–AE651, dated November 22, 2004, and done on RB211–22B HP turbine discs per RR ASB RB.211–72–AE717, dated January 21, 2005, and done on RB211–524 HP discs per RR ASB RB.211–72–AE718, dated January 24, 2006, comply with the initial inspection requirements specified in this AD. We added this information to the previous credit paragraph of the AD.

Request To Exclude HP Turbine Discs From the AD

One commenter, Boeing, requests that we exclude RB211–524 HP turbine discs that have incorporated RR Service Bulletin (SB) No. RB.211–72–C109 or RR SB No. RB.211–72–C762 from the AD. The commenter states that these SBs introduced new HP turbine rotors with reduced stress levels and those rotors are not affected by this AD.

We agree. We changed the applicability to exclude RB211–524 HP turbine discs that incorporate these SBs.

Request To Remove the Revision Date

Boeing also requests that we update or remove the reference to the revision date of RR Repair Document TSD–594–J Overhaul Process 223, from the AD. The proposed AD references the revision date of May 1, 2001, but the document is now up to the revision date of March 15, 2004.

We agree. We removed the date reference from the AD.

Etching Requirement Eliminated

We eliminated the requirement to permanent etch ''NMSB 72–AE969'' onto the HP turbine disc from the AD, as it is not necessary.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

Based on the service information, we estimate that this AD will affect about 506 products of U.S. registry. We also estimate that it will take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $161,920.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–20–04 Rolls-Royce plc: Amendment 39–15683. Docket No. FAA–2007–0078; Directorate Identifier 2007–NE–40–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 3, 2008.

Affected ADs

(b) None.

(c) This AD applies to Rolls-Royce plc (RR) models RB211–535E4 series, RB211–535E4–B series, RB211–535E4–C series, RB211–535C series, and RB211–22B series turbofan engines. This AD also applies to RB211–524 series turbofan engines except for engines with high pressure (HP) turbine discs incorporating RR Service Bulletin (SB) No. RB.211–72–C109 or RR SB No. RB.211–72–C762. These engines are installed on, but not limited to, Boeing 747, 757, and 767, Lockheed L–1011, and Tupolev Tu204 airplanes.

Reason

(d) European Aviation Safety Agency AD 2006–0180, dated June 26, 2006, AD 2006–0181, dated June 26, 2006, and AD 2006–0182, dated June 28, 2006, state:

HP turbine discs recently inspected in accordance with the Engine Manual have exhibited cracks in the disc rim. The discs have failed to meet the inspection acceptance criteria and have been returned to Rolls-Royce for engineering investigation. This investigation has concluded that the cracks have resulted from scores within the cooling air holes in the disc rim that could have been introduced during new part manufacture or during overhaul of the disc. The engineering investigation has concluded that if this cracking was undetected then it could result in uncontained disc failure and a potential unsafe condition for the aircraft.

We are issuing this AD to prevent uncontained disc failure, possibly resulting in damage to the airplane.

Actions and Compliance

(e) Unless already done, perform an initial eddy current inspection (ECI) of the HP turbine disc air cooling holes. Information on ECI of HP turbine disc cooling holes can be found in RR Engine Overhaul Process Manual No. TSD594–J, Overhaul Process 223.

Initial Inspection for RB211–22B Series Turbofan Engines

(f) For RB211–22B series turbofan engines:

(1) If an installed HP turbine disc has more than 9,500 cycles-since-new (CSN) on the effective date of this AD, then ECI the HP turbine disc by whichever is the soonest of the following conditions:

(i) Within 500 cycles from the effective date of this AD; or

(ii) At the next shop visit where the HP turbine rotor is removed from the combustor outer casing.

(2) If an installed HP turbine disc has 9,500 or fewer CSN on the effective date of this AD, then ECI the HP turbine disc by whichever is the soonest of the following conditions:

(i) Before reaching 10,000 CSN; or

(ii) At the next shop visit where the HP turbine rotor is removed from the combustor outer casing and the HP turbine disc has more than 2,750 CSN.

(3) For HP turbine rotors at shop visit and already removed from the combustor outer casing on the effective date of this AD, ECI the HP turbine disc before reinstalling the HP turbine rotor in the combustor outer casing.

Initial Inspection of RB211–524 Series Turbofan Engines

(g) For RB211–524 series turbofan engines, ECI the HP turbine disc at the soonest of the following after the effective date of the AD:

(1) At the next shop visit where the HP turbine blades are removed from the HP turbine disc and when the HP turbine disc has more than 2,750 CSN.

(2) For HP turbine rotors at shop visit and the HP turbine blades are removed from the HP turbine disc and the HP turbine disc life is more than 2,750 CSN, ECI the turbine disc before reinstalling the HP turbine blades.

Initial Inspection of RB211–535C, –535E4, –535E4–B, and –535E4–C Series Turbofan Engines

(h) For RB211–535C, –535E4, –535E4–B, and –535E4–C series turbofan engines:

(1) If an installed HP turbine disc has 17,500 or fewer CSN on the effective date of this AD, then ECI the HP turbine disc by whichever is the soonest of the following conditions:

(i) Before reaching 18,000 CSN; or

(ii) At the next shop visit where the HP turbine rotor is removed from the combustor outer casing, and the HP turbine disc has 5,000 or more CSN.

(iii) For HP turbine rotors at shop visit on the effective date of this AD that are removed from the combustor outer casing, and that have HP turbine discs with 5,000 or more CSN, ECI the HP turbine disc before reinstalling the HP turbine rotor in the combustor outer casing.

(2) If an installed HP turbine disc has more than 17,500 CSN on the effective date of this AD, then ECI the HP turbine disc by whichever is the soonest of the following conditions:

(i) Within 500 cycles from the effective date of this AD; or

(ii) At the next shop visit where the HP turbine rotor is removed from the combustor outer casing.

(iii) For HP turbine rotors at shop visit on the effective date of this AD that are removed from the combustor outer casing, ECI the HP turbine disc before reinstalling the HP turbine rotor in the combustor outer casing.

Repetitive ECI Inspections

(i) Thereafter, perform repetitive ECIs at every shop visit where the HP turbine blades are removed from the HP turbine disc. Information on ECI of HP turbine disc air cooling holes can be found in RR Engine Overhaul Process Manual No. TSD594–J, Overhaul Process 223.

(j) Alternative Methods of Compliance (AMOCs): The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Previous Credit

(k) Initial inspections done before the effective date of this AD on HP turbine discs with a disc life above the minimum threshold (5,000 CSN for the RB211–535 engines and 2,750 CSN for both the RB211–524 and the RB211–22B engines) at the time of inspection, per paragraph 1.C.(2) of RR Alert Service Bulletin No. RB.211–72–AE969, comply with the initial inspection requirements specified in this AD.

(l) Initial inspections done before the effective date of this AD using the following RR Alert Service Bulletins, comply with the initial inspection requirements specified in this AD:

(1) RB211–535 HP turbine discs per RR ASB No. RB.211–72–AE651, dated November 22, 2004.

(2) RB211–22B HP turbine discs per RR ASB RB.211–72–AE717, dated January 21, 2005.

(3) RB211–524 HP discs per RR ASB RB.211–72–AE718, dated January 24, 2006.

Related Information

(m) Refer to EASA AD 2006–0180, dated June 26, 2006, AD 2006–0181, dated June 26, 2006, and AD 2006–0182, dated June 28, 2006, for related information.

(n) Contact Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *ian.dargin@faa.gov;* telephone (781) 238–7178; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(o) None.

Issued in Burlington, Massachusetts, on September 19, 2008.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E8–22521 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0676; Directorate Identifier 2007–NM–280–AD; Amendment 39–15676; AD 2008–19–09]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes

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

ACTION: Final rule.

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

Service experience has shown that heavy MLG (main landing gear) shimmy vibration can occur due to faulty/empty dampers or due to excessive free play in the T/L (torque link) apex joint. In several cases this shimmy vibration resulted in a MLG main fitting failure * * * finally resulting in a collapse of the MLG causing extensive damage to the wingtip, aileron and flaps. * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 3, 2008.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on July 2, 2008 (73 FR 37898). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Service experience has shown that heavy MLG (main landing gear) shimmy vibration can occur due to faulty/empty dampers or due to excessive free play in the T/L (torque link) apex joint. In several cases this shimmy vibration resulted in a MLG main fitting failure. In those cases where only the upper torque link attachment lug failed the damage to the aircraft was limited. In all other cases the MLG main fitting cracked, finally resulting in a collapse of the MLG causing extensive damage to the wingtip, aileron and flaps. To prevent the collapse of the MLG, Messier-Dowty has designed an upper torque link fuse pin with a static strength lower than the demonstrated strength of the MLG main fitting. In case of a heavy shimmy vibration the upper torque link fuse pin will fail before the main fitting. Therefore the installation of an upper torque link fuse pin will protect the LH and RH (left- and right-hand) MLG main fitting against extreme shimmy loads and thus against a MLG main fitting failure and a MLG collapse. Since an unsafe condition has been identified that may exist or develop on aircraft of the same type design this Airworthiness Directive requires the modification of the MLG by replacing the upper torque link pin with a new fuse pin.

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

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect about 2 products of U.S. registry. We also estimate that it will take about 15 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $2,400, or $1,200 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–19–09 Fokker Services B.V.: Amendment 39–15676. Docket No. FAA–2008–0676; Directorate Identifier 2007–NM–280–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 3, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Fokker Model F.28 Mark 0070 and F.28 Mark 0100, serial numbers 11244 thru 11585, certificated in any category, equipped with Messier-Dowty main landing gears.

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

Service experience has shown that heavy MLG (main landing gear) shimmy vibration can occur due to faulty/empty dampers or due to excessive free play in the T/L (torque link) apex joint. In several cases this shimmy vibration resulted in a MLG main fitting failure. In those cases where only the upper torque link attachment lug failed the damage to the aircraft was limited. In all other cases the MLG main fitting cracked, finally resulting in a collapse of the MLG causing extensive damage to the wingtip, aileron and flaps. To prevent the collapse of the MLG, Messier-Dowty has designed an upper torque link fuse pin with a static strength lower than the demonstrated strength of the MLG main fitting. In case of a heavy shimmy vibration the upper torque link fuse pin will fail before the main fitting. Therefore the installation of an upper torque link fuse pin will protect the LH and RH (left- and right-hand) MLG main fitting against extreme shimmy loads and thus against a MLG main fitting failure and a MLG collapse. Since an unsafe condition has been identified that may exist or develop on aircraft of the same type design this Airworthiness Directive requires the modification of the MLG by replacing the upper torque link pin with a new fuse pin.

Actions and Compliance

(f) Unless already done: Within the applicable compliance time specified in paragraphs (f)(1) and (f)(2) of this AD, do the following actions.

(1) For Messier-Dowty MLG in a pre-mod Messier-Dowty Service Bulletin F100–32–050 configuration: Within 12 months after the effective date of this AD, replace the upper torque link pin with a new fuse pin in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–148, Revision 1, dated February 26, 2007.

(2) For Messier-Dowty MLG in a post-mod Messier-Dowty Service Bulletin F100–32–050 configuration: Within 30 months after the effective date of this AD, replace the upper torque link pin with a new fuse pin in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–148, Revision 1, dated February 26, 2007.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The MCAI references the original version of the service bulletin or a later approved version. The original version of the service bulletin specifies to use an incorrect part number. This AD refers to Revision 1 of the service bulletin.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Dutch Airworthiness Directive NL–2007–001, dated February 26, 2007; and Fokker Service Bulletin SBF100–32–148, Revision 1, dated February 26, 2007; for related information.

Material Incorporated by Reference

(i) You must use Fokker Service Bulletin SBF100–32–148, Revision 1, dated February 26, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on September 11, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–22065 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0361; Directorate Identifier 2007–NM–279–AD; Amendment 39–15681; AD 2008–20–02]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes

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

ACTION: Final rule.

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

A few hydraulic system tube clamps located inside the wing fuel tanks were found damaged. Further analysis has shown that damage to multiple clamps may cause sparks inside the tanks, which in turn may lead to ignition of flammable vapors inside the fuel tanks.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 3, 2008.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenny Kaulia, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2848; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on March 28, 2008 (73 FR 16575). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

A few hydraulic system tube clamps located inside the wing fuel tanks were found damaged. Further analysis has shown that damage to multiple clamps may cause sparks inside the tanks, which in turn may lead to ignition of flammable vapors inside the fuel tanks.

The corrective action includes replacing tube attachment clamps having certain part numbers with new tube attachment clamps. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Request To Add Revised Service Information

EMBRAER states that Service Bulletin 170–29–0006 was revised to include additional airplanes in the effectivity. Therefore, EMBRAER recommends that the AD applicability refers to Service Bulletin 170–29–0006, Revision 01, dated February 22, 2008. The original issue, dated October 4, 2006, was referred to in the NPRM as the source of service information for accomplishing certain actions. EMBRAER adds that the original issue should be kept as an acceptable means of compliance.

We agree that the applicability in the NPRM should be changed. Revision 01 of the service bulletin includes a reference to ''EMBRAER 175 ( ) model aircraft,'' which is the marketing designation for a certain version of the Model ERJ 170 airplane. However, no additional airplanes have been added to the service bulletin effectivity. We have changed the service bulletin reference in paragraph (c) of this AD from the original issue to Revision 01.

In addition, we agree to change paragraph (f) of the AD to refer to Revision 01 of the referenced service bulletin. Revision 01 specifies that there is no additional action for airplanes on which the actions in the original issue of the service bulletin have been done. We have also added a new paragraph (f)(3) to this AD to give operators credit for doing the actions in the original issue of the service bulletin.

Request To Change Paragraph (e)

EMBRAER also recommends changing paragraph (e) of the NPRM to add the phrase, ''in conjunction with a lightning strike'' following the words ''multiple clamps'' as specified in that paragraph. EMBRAER did not provide a justification for this change.

We do not agree that paragraph (e) of the NPRM should be changed. Paragraph (e) of this AD quotes the requirements in the MCAI verbatim; therefore, no change to the AD is necessary in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

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

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect 88 products of U.S. registry. We also estimate that it will take 18 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $269 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $150,392, or about $1,709 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–20–02 Empresa Brasileira de Aeronautica S.A. (EMBRAER: Amendment 39–15681. Docket No. FAA–2008–0361; Directorate Identifier 2007–NM–279–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 3, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes; as identified in EMBRAER Service Bulletin 170–29–0006, Revision 01, dated February 22, 2008; and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes; as identified in EMBRAER Service Bulletin 190–29–0003, dated October 4, 2006; certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 29: Hydraulic Power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

A few hydraulic system tube clamps located inside the wing fuel tanks were found damaged. Further analysis has shown that damage to multiple clamps may cause sparks inside the tanks, which in turn may lead to ignition of flammable vapors inside the fuel tanks.

The corrective action includes replacing tube attachment clamps having certain part numbers with new tube attachment clamps.

Actions and Compliance

(f) Unless already done: Within 8,000 flight hours after the effective date of this AD, replace the clamps which attach the hydraulic tubes inside the wing fuel tanks with new clamps, as specified in paragraph (f)(1) or (f)(2) of this AD, as applicable; in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 170–29–0006, Revision 01, dated February 22, 2008; or 190–29–0003, dated October 4, 2006; as applicable.

(1) For Model ERJ 170 airplanes: Replace any clamp having part number (P/N) PE27019RF4E with a new clamp having P/N PE27019FS4E; and any clamp having P/N PE27019RF8E with a new clamp having P/N PE27019FS8E.

(2) For Model ERJ 190 airplanes: Replace any clamp having P/N PE27019RF4E with a new clamp having P/N PE27019FS4E; and any clamp having P/N PE27019RF6E with a new clamp having P/N PE27019FS6E.

(3) Actions accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 170–29–0006, dated October 4, 2006, are considered acceptable for compliance with the corresponding actions specified in paragraph (f) of this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows. No differences.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Kenny Kaulia, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2848; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Brazilian Airworthiness Directives 2007–04–01R1 and 2007–04–02R1 (including Errata, effective December 21, 2007), both effective December 21, 2007; and EMBRAER Service Bulletins 170–29–0006, Revision 01, dated February 22, 2008; and 190–29–0003, dated October 4, 2006; for related information.

Material Incorporated by Reference

(i) You must use EMBRAER Service Bulletin 170–29–0006, Revision 01, dated February 22, 2008; or EMBRAER Service Bulletin 190–29–0003, dated October 4, 2006; as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box

343—CEP 12.225, Sao Jose dos Campos—SP, Brazil.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Renton, Washington, on September 12, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–22205 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0638; Directorate Identifier 2008–NM–035–AD; Amendment 39–15680; AD 2008–20–01]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes. This AD requires revising the FAA-approved maintenance program by incorporating new airworthiness limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 requirements. This AD also requires the accomplishment of certain fuel system modifications, the initial inspections of certain repetitive fuel system limitations to phase in those inspections, and repair if necessary. This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: This AD is effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 3, 2008.

ADDRESSES: For service information identified in this AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, Airworthiness Office, Dept. 6A0M, Zone 0252, Column P–58, 86 S. Cobb Drive, Marietta, Georgia 30063.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Robert A. Bosak, Aerospace Engineer, Propulsion and Services Branch, ACE–118A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone (770) 703–6094; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to all Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes. That NPRM was published in the **Federal Register** on June 13, 2008 (73 FR 33740). That NPRM proposed to require revising the FAA-approved maintenance program by incorporating new airworthiness limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 (SFAR 88) requirements. That NPRM also proposed to require the accomplishment of certain fuel system modifications, the initial inspections of certain repetitive fuel system limitations to phase in those inspections, and repair if necessary.

Actions Since NPRM Was Issued

Since we issued the NPRM, Lockheed has issued Service Bulletin 382–28–20, Revision 5, dated June 19, 2008, to reflect changes to the required kits. In the NPRM, we referred to Revision 4 of the service bulletin, dated May 21, 2007, as an additional source of service information for installing ground fault interrupters (GFIs) and flame arrestors for protection of the fuel system. The procedures in Revision 5 of the service bulletin are essentially the same as those in Revision 4. Therefore, we have revised Table 1 of this AD to refer to Revision 5 of the service bulletin as the appropriate source of service information for installing the GFIs and flame arrestors.

Comments

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

Requests To Revise Compliance Time

Lynden Air Cargo (LAC) and Safair request that we extend the compliance time from 24 months to 36 months for doing the modification in paragraph (h) of the NPRM. As justification, the commenters state that additional time is needed to procure parts and to accomplish the modifications during a heavy maintenance visit.

We agree to revise the compliance time in paragraph (h) of this AD to 36 months. Extending the compliance time will not adversely affect safety, and it will allow operators to accomplish the modifications, initial inspections, and repairs during regularly scheduled maintenance at a base where special equipment and trained maintenance personnel will be available if necessary.

Request To Revise Paragraph (g)(1) of the NPRM

LAC requests that we revise paragraph (g)(1) of the NPRM to refer to paragraph 2.C.(3)(e) of Lockheed Service Bulletin 382–28–22, Revision 3, dated March 28, 2008, instead of paragraph 2.C.(3)(c). LAC believes that ''2.C.(3)(c)'' is a typographical error because all of the other critical design configuration control limitation (CDCCL) items referred to in paragraph (g)(1) of the NPRM address wiring practices and resistance measurements.

We agree with LAC's request and have revised paragraph (g)(1) of this AD accordingly. The CDCCLs referred to in paragraphs 2.C.(3)(e), 2.C.(3)(h), 2.C.(4)(a), 2.C.(5)(c), 2.C.(7)(h), and 2.C.(8) of Lockheed Service Bulletin 382–28–22 are all items that can be accomplished in accordance with Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.

Request To Revise the Method of Compliance in Paragraph (g)(1) of the NPRM

LAC requests that we revise paragraph (g)(1) of the NPRM as follows: ''* * * do the applicable actions in accordance with the procedures specified in Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006, or a method approved in accordance with paragraph (k) of this AD.'' Paragraph

(g)(1) of the NPRM specifies to ''* * * do the applicable actions using a method approved in accordance with the procedures specified in paragraph (k) of this AD. Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006, is one approved method.'' LAC states that the language provided in the NPRM could be interpreted to mean that an alternative method of compliance (AMOC) is always required.

We partially agree. We have revised paragraph (g)(1) of this AD to specify doing the ''* * * applicable actions in accordance with the Accomplishment Instructions of Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.'' Under the provisions of paragraph (k) of this AD, we will consider requests for approval of an AMOC, so it is not necessary to restate so in paragraph (g)(1) of this AD. We have also deleted the last sentence of paragraph (g)(1) of the NPRM, which states ''Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006, is one approved method.'' We would like to clarify that the original language in the NPRM would not have required operators to always request an AMOC because that last sentence already provided one approved method.

Request To Clarify the Intent of Paragraph (i) of the NPRM

LAC interprets paragraph (i) of the NPRM to mean that the NPRM will not be revised to incorporate revised service bulletins. LAC also interprets that paragraph to mean that approval of any revised service bulletins by the Atlanta Aircraft Certification Office (ACO) constitutes approval for including these revised service bulletins into its fuel system maintenance program.

We infer that LAC requests that we confirm whether LAC's interpretations are correct. We agree that LAC's interpretations of the language in the NPRM are correct. However, we have revised paragraph (i) of this AD by removing reference to the use of a ''later revision'' of the applicable service information to be consistent with the FAA policy and Office of the Federal Register regulations. We might consider approving the use of a later revision of the service information as an AMOC to this AD, as provided by paragraph (k) of this AD.

Request for Clarification of Compliance With Certain Regulations

LAC asks if compliance with the NPRM constitutes compliance with section 121.1113 of the Federal Aviation Regulations (14 CFR 121.1113). If so, LAC requests that the AD state so. LAC cites 14 CFR 121.1113(f), which states ''* * * any later fuel tank system revisions must be submitted to the Principal Inspector for review and approval.'' LAC interprets this regulation to mean that, even after the Atlanta ACO has approved a revised service bulletin, LAC would still be required to obtain approval from the principal inspector to incorporate the revised service bulletin into its fuel system maintenance program.

LAC also points out that the preamble of the NPRM states that the NPRM would also allow accomplishing the maintenance program revision in accordance with later revisions of Lockheed Service Bulletin 382–28–22 as an acceptable method of compliance if they are approved by the Manager, Atlanta ACO. LAC interprets the phrase ''would also allow'' to mean that LAC has the option, after ACO approval, to incorporate the revised service bulletin into its maintenance program, and that it would neither be mandatory, nor could a principal inspector require the incorporation of the revised service bulletin unless this AD was superseded to mandate the revised service bulletin.

Yes, we agree that even after ACO approval of a later revision of the service bulletin, an operator would still be required to obtain approval from the principal inspector before a later FAA-approved service bulletin could be incorporated into its maintenance program. Further, as stated previously, we have removed the reference for using later revisions of the service bulletin approved by the Atlanta ACO. Operators may request approval for the use of later revisions of the service information as an AMOC to this AD, as provided by paragraph (k) of this AD. No change to the AD is necessary in this regard.

Request To Revise Applicability

A commenter, William L. Davis, states that we might have inadvertently omitted certain U.S.-registered Model C–130 airplanes from the applicability of the NPRM. The commenter refers us to Type Certificate Data Sheets A15NM, A30NM, A31NM, A33NM, A34SO, A39CE, A5SO, and TQ3CH. The commenter asks if we intentionally excluded these airplanes from the NPRM.

Yes, we have intentionally excluded the airplanes that the commenter refers to because they are restricted category airplanes, which are not affected by this AD. This AD applies only to Model 382, 382B, 382E, 382F, and 382G series airplanes, which are transport category airplanes. We have not changed the AD in this regard.

Request To Reduce the Estimated Number of Affected Airplanes

Lockheed states that its data show that the number of U.S.-registered airplanes that would be affected by the NPRM is 14.

We infer Lockheed requests that we reduce the estimated number of affected airplanes from 21 to 14 in the Costs of Compliance section of this AD. We disagree because we have researched this issue and determined that this AD applies to 24 U.S.-registered airplanes. Of these airplanes, 14 are active and 10 are inactive. The inactive airplanes need to be included in our estimate to provide for any airplanes that might return to service in the future. Therefore, we have revised our estimate in this AD to 24 airplanes, and we have updated the Estimated Costs table of this AD accordingly.

Request To Revise the Compliance Time in Paragraph (g) of the NPRM

LAC requests that we revise the compliance date in paragraph (g) of the AD from December 16, 2008, to December 17, 2008. LAC points out that, in the Explanation of Compliance Time section of the NPRM, we specified that the compliance date is December 16, 2008, for regulations addressing fuel tank safety issues. However, LAC asserts that the actual date that operators must be in compliance with this AD is December 17, 2008. As justification, LAC cites section 14 CFR 121.1113(c), which states: ''After December 16, 2008, no certificate holder may operate an airplane * * * unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tanks systems.''

We disagree with changing the compliance date. ''After December 16, 2008'' means that operators must revise their maintenance programs to address fuel tank systems on or before December 16, 2008, in order to be in compliance after December 16, 2008. Therefore, the compliance date is December 16, 2008. We have not changed the AD in this regard.

Request To Revise the Compliance Time in Paragraph (h) of the NPRM

Lockheed points out that the compliance time in paragraph (h) of the NPRM appears to conflict with the compliance date of December 16, 2008, for complying with SFAR 88 regulations, as specified in the Explanation of Compliance Time section and in paragraph (g) of the NPRM.

We infer Lockheed requests that we revise the compliance time in paragraph

(h) of this AD to December 16, 2008. We disagree because 14 CFR 121.1113(c) requires only that operators revise their maintenance programs to include applicable inspections, procedures, and limitations for fuel tank systems on or before December 16, 2008. Further, to avoid unduly burdening operators, it is necessary to provide a 36-month grace period for accomplishing the modifications, initial inspections, and repairs specified in paragraph (h) of this AD. We have not changed the AD in this regard.

Request To Revise the Wire Separation Requirement

LAC requests that paragraph 2.C.(8)(a)*2a* of Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006, be revised to specify that ''* * * between FS 245.0 and FS 597.0 (along the wing trailing edge) where wires pass through cutouts in the structure, ½ to 2 inches in separation is permitted between wire bundles.'' The service bulletin currently states this separation allowance is between fuselage station (FS) 245.0 and FS 457.0. However, LAC states the ''FS 457.0'' appears to be an error because the wing trailing edge is at FS 597.0.

We disagree that FS 457.0 should be revised to FS 597.0. We have verified with the Lockheed that FS 457.0 is the correct location. This fuselage station corresponds to the wing root area, which is outside of the pressure vessel and where the wires pass along the wing trailing edge. Lockheed intends to revise the service bulletin to clarify the wire separation requirement and provide additional information. No change to the AD is necessary in this regard.

Request To Provide Installation Instructions for the GFIs and Flame Arrestors

LAC states that Lockheed Service Bulletin 382–28–20, Revision 4, dated May 21, 2007, is an informational and planning service bulletin. LAC also states that the service bulletin does not contain any instructions for installing the GFIs and flame arrestors, and that it instead refers to Installation Kit Drawing 3359620 for those instructions. LAC states that it cannot comment without being able to see the drawing and requests that the drawing is made available. Also, LAC asks what approved data is used for the installation of the kits and who approved it.

We acknowledge LAC's comments. The FAA approved the data for the installation kits through design analysis and testing. The installation was then conformed and tested on a Model 382 series airplane. We have coordinated with Lockheed and it has stated that the installation drawings were made available to LAC the first week of August 2008. Also, Lockheed has stated that it intends to include that information directly in a future revision of Lockheed Service Bulletin 382–28–20. If the service bulletin is revised after issuance of this AD, we may consider approving the use of a later revision of the service information as an AMOC with this AD, as provided by paragraph (k) of this AD. No change to the AD is necessary in this regard.

Request To Standardize Approval Statements

LAC requests that we use the following FAA approval statement in service bulletins: ''Approved by FAA Atlanta Certification Office.'' LAC states that the approval statements are either inconsistent or non-existent for the service bulletins referenced in the NPRM.

We acknowledge LAC's request. However, this request is best presented to the airplane manufacturer, who develops and includes the applicable approval statement in the service bulletin. No change to the AD is necessary in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD affects 24 airplanes of U.S. registry. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Maintenance program revision	1	None	$80	24	$1,920
Installation of new, improved fuel dump masts	12	$10,288	11,248	24	269,952
Dry bay zonal inspection, inspection and repair of static ground terminals, marking the wiring for the fuel quantity indicating system, initial inspection of lightning and static bonding jumpers	952	None	76,160	24	1,827,840
Installation of GFIs and flame arrestors	120	115,000	124,600	24	2,990,400
Initial inspection of GFIs and flame arrestors	8	None	640	24	15,360
Installation of lightning bonding jumpers	910	10,000	82,800	24	1,987,200
Sealant application	320	None	25,600	24	614,400

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–20–01 Lockheed: Amendment 39–15680. Docket No. FAA–2008–0638; Directorate Identifier 2008–NM–035–AD.

Effective Date

(a) This airworthiness directive (AD) is effective November 3, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes, certificated in any category.

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

Unsafe Condition

(d) This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

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

Service Bulletin Reference

(f) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Lockheed Service Bulletin 382–28–22, Revision 3, dated March 28, 2008.

Maintenance Program Revision

(g) Before December 16, 2008, revise the FAA-approved maintenance program to incorporate the fuel system limitations (FSLs) and the critical design configuration control limitations (CDCCLs) specified in the Accomplishment Instructions of the service bulletin; except as provided by paragraphs (g)(1), (g)(2), and (g)(3) of this AD, and except that the modifications and initial inspections specified in Table 1 of this AD must be done at the compliance time specified in paragraph (h) of this AD.

(1) For the CDCCLs specified in paragraphs 2.C.(3)(e), 2.C.(3)(h), 2.C.(4)(a), 2.C.(5)(c), 2.C.(7)(h), and 2.C.(8) of the service bulletin, do the applicable actions in accordance with the Accomplishment Instructions of Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.

(2) Where paragraph 2.C.(1)(c) of the service bulletin specifies to change the maintenance program to indicate that repetitive inspections of the lightning and static bonding jumpers must be done in accordance with Lockheed Service Bulletin 382–28–21, instead do the repetitive inspections in accordance with Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.

(3) Where the service bulletin specifies to inspect, this AD requires doing a general visual inspection.

Note 2: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Fuel System Modifications, Initial Inspections, and Repair if Necessary

(h) Within 36 months after the effective date of this AD, do the applicable actions specified in Table 1 of this AD, and repair any discrepancy before further flight, in accordance with the service bulletin.

TABLE 1—MODIFICATIONS AND INITIAL INSPECTIONS

Action	Additional source of service information for accomplishing the action
For airplanes having any serial number prior to 4962: Install new, improved fuel dump masts in accordance with paragraph 2.C.(1)(d) of the service bulletin.	Lockheed Service Bulletin 382–28–9, dated May 13, 1983.
Mark the fuel quantity indicating system (FQIS) wires in accordance with paragraphs 2.C.(1)(a)*2*, 2.C.(4)(b), and 2.C.(4)(c) of the service bulletin.	Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.
Do the dry bay zonal inspection and inspect the static ground terminals of the fuel system plumbing in accordance with paragraph 2.C.(1)(a) of the service bulletin.	Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.
Install ground fault interrupters (GFIs) and flame arrestors for protection of the fuel system in accordance with paragraphs 2.C.(1)(b) and 2.C.(7)(c) of the service bulletin.	Lockheed Service Bulletin 382–28–20, Revision 5, dated June 19, 2008.
Inspect the GFIs for protection of the fuel system in accordance with paragraph 2.C.(1)(b)*1* of the service bulletin.	Paragraph 2.C.(2) of the service bulletin.
Install the lightning bonding jumpers (straps) in accordance with paragraphs 2.C.(1)(c) and 2.C.(6)(a) of the service bulletin.	Lockheed Service Bulletin 382–28–21, Revision 2, dated November 20, 2006.
Inspect the lightning and static bonding jumpers (straps) in accordance with paragraphs 2.C.(1)(c) of the service bulletin.	Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006.

TABLE 1—MODIFICATIONS AND INITIAL INSPECTIONS—Continued

Action	Additional source of service information for accomplishing the action
Apply a certain sealant to the interior of the main wing fuel tanks; and apply a certain sealant to the all external fuel tank nose caps, mid sections, and tail sections; as applicable; in accordance with paragraphs 2.C.(1)(e)*1*, 2.C.(1)(e)*3*, and 2.C.(7)(i)*1* of the service bulletin.	Lockheed Service Bulletin 382–28–24, Revision 1, dated November 5, 2007, including the Errata Notice, dated January 7, 2008.

No Alternative Inspections, Inspection Intervals, or CDCCLs

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

No Reporting Requirement

(j) Although Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006, specifies to notify Lockheed of any discrepancies found during inspection, this AD does not require that action.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, ATTN: Robert A. Bosak, Aerospace Engineer, Propulsion and Services Branch, ACE–118A, FAA, Atlanta ACO, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone (770) 703–6094; fax (770) 703–6097; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

Material Incorporated by Reference

(l) You must use Lockheed Service Bulletin 382–28–19, Revision 3, dated November 30, 2006; and Lockheed Service Bulletin 382–28–22, Revision 3, dated March 28, 2008; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, Airworthiness Office, Dept. 6A0M, Zone 0252, Column P–58, 86 S. Cobb Drive, Marietta, Georgia 30063.

(3) You may review copies of the service information incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on September 11, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–22035 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0730; Directorate Identifier 2008–NM–055–AD; Amendment 39–15674; AD 2008–19–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–400, DHC–8–401, and DHC–8–402 Airplanes

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

ACTION: Final rule.

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

All DHC–8 Series 400 aircraft have had a spoiler fuselage cable disconnect sensing system installed in production. Subsequently it was discovered that, in the event of a spoiler fuselage cable disconnect, only the ROLL SPLR INBD HYD caution light will be illuminated until the aircraft speed decreases below 165 kts [knots], at which time the ROLL SPLR OUTBD HYD caution light will also be illuminated. In the event of a spoiler fuselage cable disconnect in association with the existing indications described above, the reduction in roll authority could result in increased pilot workload during approach and landing.

* * * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 3, 2008.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7305; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on July 2, 2008 (73 FR 37896). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

All DHC–8 Series 400 aircraft have had a spoiler fuselage cable disconnect sensing system installed in production. Subsequently it was discovered that, in the event of a spoiler fuselage cable disconnect, only the ROLL SPLR INBD HYD caution light will be illuminated until the aircraft speed decreases below 165 kts [knots], at which time the ROLL SPLR OUTBD HYD caution light will also be illuminated. In the event of a spoiler fuselage cable disconnect in association with the existing indications described above, the reduction in roll authority could result in increased pilot workload during approach and landing.

Modsums 4–110066 and 4–126356 (each applicable to a different batch of aircraft serial numbers) have been issued to rework the sensing circuit caution light indication to ensure that it is consistent for spoiler fuselage cable disconnects above and below 165 kts. Modsum 4–126356 has been installed in production on aircraft serial numbers 4130 and subsequent.

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

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect about 20 products of U.S. registry. We also estimate that it will take about 10 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $2,339 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $62,780, or $3,139 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–19–07 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–15674. Docket No. FAA–2008–0730; Directorate Identifier 2008–NM–055–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 3, 2008.

Affected ADs

(b) None.

Applicability

(c) Bombardier Model DHC–8–400, DHC–8–401 and DHC–8–402 airplanes, serial numbers 4003, 4004, 4006, and 4008 through 4129, certificated in any category.

Subject

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

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

All DHC–8 Series 400 aircraft have had a spoiler fuselage cable disconnect sensing system installed in production. Subsequently it was discovered that, in the event of a spoiler fuselage cable disconnect, only the ROLL SPLR INBD HYD caution light will be illuminated until the aircraft speed decreases below 165 kts [knots], at which time the ROLL SPLR OUTBD HYD caution light will also be illuminated. In the event of a spoiler fuselage cable disconnect in association with the existing indications described above, the reduction in roll authority could result in increased pilot workload during approach and landing.

Modsums 4–110066 and 4–126356 (each applicable to a different batch of aircraft serial numbers) have been issued to rework the sensing circuit caution light indication to ensure that it is consistent for spoiler fuselage cable disconnects above and below 165 kts. Modsum 4–126356 has been installed in production on aircraft serial numbers 4130 and subsequent.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) For airplanes with serial numbers 4003, 4004, 4006, and 4008 through 4094: Within 6,000 flight hours after the effective date of this AD, modify the spoiler cable disconnect sensing circuit by incorporating Modsum 4–110066 in accordance with Bombardier Service Bulletin 84–27–33, dated June 6, 2007.

(2) For airplanes with serial numbers 4095 through 4129: Within 6,000 flight hours after the effective date of this AD, modify the spoiler cable disconnect sensing circuit by incorporating Modsum 4–126356 in accordance with Bombardier Service Bulletin 84–27–28, Revision B, dated September 25, 2007.

(3) Installations of Modsum 4–126356 accomplished before the effective date of this AD according to Bombardier Service Bulletin 84–27–28, dated October 2, 2006; or Revision A, dated April 30, 2007; are considered acceptable for compliance with the corresponding action specified in this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7305; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF–2008–13, dated February 14, 2008; and Bombardier Service Bulletins 84–27–33, dated June 6, 2007; and 84–27–28, Revision B, dated September 25, 2007; for related information.

Material Incorporated by Reference

(i) You must use Bombardier Service Bulletin 84–27–33, dated June 6, 2007; or Bombardier Service Bulletin 84–27–28, Revision B, dated September 25, 2007; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on September 11, 2008.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–22061 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0836; Airspace Docket No. 08–AEA–23]

Amendment of Class E Airspace; Butler, PA; Removal of Class E Airspace; East Butler, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E Airspace at Butler, PA to merge the existing Class E Airspace listed under East Butler, PA, which will be removed. The protected airspace that was developed for an Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedure (lAP) for medical flight operations into Butler Memorial Hospital Heliport, PA was erroneously listed under East Butler, PA. This action corrects that mistake by listing all applicable airspace under the correct location of Butler, PA. Additionally, this action imparts a technical amendment by correctly listing the Butler County Airport as Butler Co./K W Scholter Field Airport.

DATES: Effective 0901 UTC, January 15, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments. Comments for inclusion in the Rules Docket must be received on or before November 13, 2008.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building, Ground Floor, Room W12 140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800 647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2008 0836; Airspace Docket No. 08–AEA–23, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. An electronic copy of this document may be downloaded from and comments may be submitted and reviewed at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov.* or the

Federal Register's Web page at *http://www.gpoaccess.gov/fr/index.html.* Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Those wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0836; Airspace Docket No. 08–AEA–23.'' The postcard will be date stamped and returned to the commenter.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 merges Class E Airspace at Butler, PA with the already existing Class E Airspace titled East Butler, PA. The controlled airspace required to support the Copter Area Navigation (RNAV) Global Positioning System (GPS) Point in Space (PinS) approach developed for the Butler Memorial Hospital Heliport was mistakenly listed under East Butler, PA. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is required for Instrument Flight Rules (IFR) operations and to encompass all Instrument Approach Procedures (lAPs) to the extent practical, therefore, the FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to rectify the Class E5 airspace at Butler, PA. The official name is also amended to Butler Co./K. W. Scholter Field Airport. Designations for Class E airspace areas extending upward from 700 feet or more above the surface of the Earth are published in FAA Order 7400.9R, signed August 15, 2007 effective September 15, 2007, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is noncontroversial and unlikely to result in adverse or negative comments. 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 amends and removes controlled airspace at Butler and East Butler, PA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, effective September 15, 2007, is amended as follows:

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

* * * * *

AEA PA E5 Butler, PA [Amended]

Butler County/K W Scholter Field Airport
(Lat. 40°46′37″ N., long. 79°56′59″ W.)
Butler Memorial Hospital Heliport
(Lat. 40°52′01″ N., long. 79°52′48″ W.)
Point in Space Coordinates
(Lat. 40°51′19″ N., long. 79°51′51″ W.)

That airspace extending upward from 700 feet above the surface of the Earth within a 6.4-mile radius of Butler County/K W Scholter Field Airport and within a 6-mile radius of the Point in Space Coordinates (lat. 40°51′19″ N., long. 79°51′51″ W.) serving the Butler Memorial Hospital Heliport.

* * * * *

AEA PA E5 East Butler, PA [Remove]

* * * * *

Issued in College Park, Georgia, on August 20, 2008.

Kathy Swann,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–22443 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0817; Airspace Docket No. 08–ANE–101]

Amendment to Class E Airspace; Windsor Locks, Bradley International Airport, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action revises the Class E Airspace at Windsor Locks, Bradley International Airport, CT (BDL) to provide for adequate controlled airspace for those aircraft using Instrument Approach Procedures to the airport. The CHUPP NDB has been decommissioned, and after evaluation of the extension to the Windsor Locks Class C airspace defined using the CHUPP NDB, the FAA determined that the Class E3 airspace should be retained and extended 1 mile to provide adequate controlled airspace for the Instrument Approach Procedures to BDL. This action will enhance the safety and airspace management around the Bradley International Airport.

DATES: Effective 0901 UTC, November 20, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments. Comments for inclusion in the Rules Docket must be received on or before November 13, 2008.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2008–0817; Airspace Docket No. 08–ANE–lOl, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305–5610, Fax 404–305–5572.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. The direct final rule is used in this case to facilitate the timing of the charting schedule and enhance the operation at the airport, while still allowing and requesting public comment on this rulemaking action. An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the **Federal Register**'s Web page at *http://www.gpoaccess.gov/fr/index.html*.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Those wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0817; Airspace Docket No. 08–ANE–101.'' The postcard will be date stamped and returned to the commenter.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 revises Class E3 Airspace at Windsor Locks, CT by redefining that extension to the Windsor Locks Class C airspace and by extending that surface Class E. The Class E extension was defined using the CHUPP NDB, which as been decommissioned. In reviewing the controlled airspace to support IFR operations at Bradley International Airport the FAA determined that the Class E3 extension should be redefined and extended to the southwest in order to provide adequate controlled airspace for aircraft executing Instrument Approach Procedures to Bradley International Airport. Designations for Class E Airspace Designated as Surface Areas are published in FAA Order 7400.9R, signed August 15, 2007 effective September 15, 2007, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. 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 United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 modifies controlled airspace at Windsor Locks, CT.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment:

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, effective September 15, 2007, is amended as follows:

Paragraph 6003 Class E Airspace Areas Designated as an Extension.

* * * * *

ANE CTA E3 Windsor Locks, CT [REVISED]

Windsor Locks, Bradley International Airport, CT,
(Lat. 41°56′20″ N., long 72°41′00″ W.)

That airspace extending upward from the surface within 3.2 miles each side of the 224 bearing from the Bradley International Airport (BDL) and extending from the 5 mile radius to 9.6 miles SW of the Bradley International Airport. The Class E airspace area is effective during specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on September 3, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–22450 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0339; Airspace Docket No. 08–ASW–5]

Amendment of Class D and Class E Airspace; Altus AFB, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; change of effective date; correction.

SUMMARY: This action changes the effective date and makes a correction to the direct final rule that amends Class D and Class E airspace at Altus AFB, OK, published in the **Federal Register** August 6, 2008 (73 FR 45605) Docket No. FAA–2008–0339. The effective date is changed to November 20, 2008, to allow additional time for charting. This action also makes a correction to the geographic coordinates of Altus AFB.

DATES: *Effective Date:* 0901 UTC, November 20, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Gary Mallett, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193–0530; telephone (817) 222–4949.

SUPPLEMENTARY INFORMATION:

History

The FAA published a direct final rule with request for comments in the **Federal Register** August 6, 2008, (73 FR 45605), Docket No. FAA–2008–0339. Subsequent to publication, the FAA found that additional time was needed for charting. The effective date is changed to November 20, 2008, to allow additional time for charting. Also, there is a minor correction to the coordinates for the latitude/longitude of Altus AFB, OK.

Correction

■ In the **Federal Register** dated August 6, 2008, in **Federal Register** Docket No. FAA–2008–0339, the geographical coordinates of Altus AFB, OK are corrected to read:

Altus AFB, OK
(Lat. 34°39′59″ N., long. 99°16′05″ W)

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

* * * * *

Issued in Fort Worth, TX, on September 9, 2008.

Donald R. Smith,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E8–21518 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0434; Airspace Docket No. 08–ASW–6]

Establishment of Class D Airspace; Victoria, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace at Victoria Regional Airport, Victoria, TX. Establishment of an air traffic control tower has made this action necessary for the safety of Instrument Flight Rule (IFR) operations at Victoria Regional Airport.

DATES: *Effective Date:* 0901 UTC, November 20, 2008. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193–0530; telephone (817) 222–5582.

SUPPLEMENTARY INFORMATION:

History

On May 19, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class D airspace at Victoria Regional Airport, Victoria, TX (73 FR 28764, Docket No. FAA–2008–0434). Interested parties were invited to participate in this

rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9R signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR Part 71.1. The Class D airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class D airspace extending upward from the surface to and including 2,600 feet MSL within a 4.7-mile radius of Victoria Regional Airport. The establishment of an airport traffic control tower has made this action necessary for the safety and management of IFR aircraft operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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 establishes controlled airspace at Victoria Regional Airport, Victoria, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 Part 71.1 of the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Victoria, TX [New]

Victoria Regional Airport, TX
(Lat. 28°51′09″ N., long. 96°55′07″ W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.7-mile radius of Victoria Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on August 28, 2008.

Roger M. Trevino,

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

[FR Doc. E8–22455 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0683; Airspace Docket No. 08–ASW–11]

Establishment of Class E Airspace; Plains, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of the direct final rule that establishes Class E5 airspace at Plains, TX, published in the **Federal Register** July 7, 2008, (73 FR 38313) Docket No. FAA–2008–0683.

DATES: *Effective Date:* 0901 UTC September 25, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193–0530; telephone (817) 222–5582.

SUPPLEMENTARY INFORMATION:

History

The FAA published a direct final rule with request for comments in the **Federal Register** July 7, 2008 (73 FR 38313), Docket No. FAA–2008–0683. The FAA uses the direct final rule procedure for non-controversial rules where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit an adverse comment, was received within the comment period, the regulation would become effective on September 25, 2008. No adverse comments were received; thus, this notice confirms that the direct final rule will become effective on this date.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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, 1959–1 963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR Part 71.1 of the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 6000 Class E Airspace.

* * * * *

ASW TX E5 Plains, TX [New]

Yoakum County Airport, Plains, TX
(Lat. 33°13′02″ N., long. 102°49′49″ W.)

That airspace extending upward from 700 feet above the surface within a 6.54-mile radius of Yoakum County Airport.

* * * * *

Issued in Fort Worth, TX, on August 28, 2008.

Roger M. Trevino,

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

[FR Doc. E8–22445 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0203; Airspace Docket No. 08–ANE–99]

Modification of Class D and E Airspace; Brunswick, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action modifies Class D and E Airspace at Brunswick, ME. The Brunswick NAS Air Traffic Control Tower operates on an other than a full time basis; therefore, the Class D Airspace and its extensions associated with the tower operations must be modified to reflect the times when the controlled airspace is effective. This action enhances the National Airspace System by relaxing the restrictions to the controlled airspace areas in the vicinity of Brunswick, ME.

DATES: Effective 0901 UTC, January 15, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments. Comments for inclusion in the Rules Docket must be received on or before November 13, 2008.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2008 0203; Airspace Docket No. 08-ANE–99, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305–5610, Fax 404–305–5572.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. The direct final rule is used in this case to facilitate the timing of the charting schedule and enhance the operation at the airport, while still allowing and requesting public comment on this rulemaking action. An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov* or the **Federal Register**'s Web page at *http://www.gpoaccess.gov/fr/index.html*.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Those wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0203; Airspace Docket No. 08–ANE–99.'' The postcard will be date stamped and returned to the commenter.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class D and E airspace at Brunswick, ME, by adding to the descriptions of the controlled airspace areas the hours of operation of the Air Traffic Control Tower (ATCT) at Brunswick NAS Airport. The ATCT at Brunswick operates on an other than full-time basis and, therefore, the Class D Airspace and its extensions associated with the tower operations must be modified to reflect the times when the controlled airspace is effective. Controlled airspace extending upward from the surface of the Earth is required to encompass the airspace necessary for instrument approaches for aircraft operating under Instrument Flight Rules (IFR). The current Class D and E airspace areas are sufficient for these approaches, so no additional controlled airspace must be defined. Effective times for the Brunswick Class D and E airspace areas will be published first by Notice to Airman, and then thereafter

published continuously in the Airport/Facility Directory. The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying the Class D and E airspace description at Brunswick NAS to reflect the effective times of the Air Traffic Control Tower's operation. Designations for Class D and E airspace areas extending upward from the surface of the Earth are published in FAA Order 7400.9R, signed August 15, 2007 effective September 15, 2007, which is incorporated by reference in 14 CFR part 71.1. The Class D and E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 modifies controlled airspace at Brunswick, ME.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANE ME D Brunswick, ME [REVISED]

Brunswick NAS Airport,
(Lat. 43°53′32″ N., long 69°56′19″ W.)

That airspace extending upward from the surface of the Earth to and including 2,600 feet MSL within a 4.3-mile radius of Brunswick NAS. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ANE ME E4 Brunswick, ME [REVISED]

Brunswick NAS Airport,
(Lat. 43°53′32″ N., long 69°56′19″ W.)

That airspace extending upward from the surface within 3 miles each side of the 169° bearing from the Brunswick NAS extending from the 4.3-mile radius of the airport to 6.5 miles south of the airport and within 2 miles each side of the 017° bearing from the Brunswick NAS extending from the 4.3-mile radius of the airport to 9.5 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on September 3, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–22452 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0881; Airspace Docket No. 08–AAL–23]

Revision of and Revocation to Compulsory Reporting Points; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the published description of three low altitude Alaskan compulsory reporting points, two high altitude reporting points, and revokes one high and low altitude reporting point in the vicinity of Bethel and Ketchikan. Specifically, the FAA is revising the description of CRACK, GARRS and MOCHA to address recent technical adjustments to their actual locations. Additionally, the FAA has determined that the FLUKE reporting point is no longer needed in the National Airspace System (NAS).

DATES: *Effective Date:* 0901 UTC, November 20, 2008. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The National Flight Data Center has identified these three compulsory reporting points requiring their published description be revised to align with their actual locations. No changes to routing or procedures are taking place. One point, FLUKE is no longer needed for air traffic control and is being revoked. Accordingly, since this is an administrative change and does not involve a change in the dimension or operating procedures of this airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary; a Notice

of Proposed Rulemaking is not required for this action.

Alaskan Low Altitude Reporting Points are listed in paragraph 7004 of FAA Order 7400.9R signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. Alaskan High Altitude Reporting Points are listed in paragraph 7005 of FAA Order 7400.9R signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Reporting Points listed in this document will be revised subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising the Low Altitude Reporting Points; CRACK, GARRS, and MOCHA; and the High Altitude Reporting Points; GARRS, and MOCHA to match the published description with their actual locations. The high and low altitude reporting point FLUKE is being revoked.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 the 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 amends Low and High Altitude Compulsory Reporting Points in Alaska.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 7004 Alaskan Low Altitude Reporting Points.

* * * * *

CRACK: [Amended]

Lat. 57°20′48″ N., long. 159°24′19″ W. (INT King Salmon, AK, LOM 226°, Port Heiden, AK, NDB 314° bearings).

GARRS: [Amended]

Lat. 58°19′06″ N., long. 161°20′32″ W. (INT King Salmon, AK, LOM 262°, Cape Newenham, AK, NDB 131° bearings).

MOCHA: [Amended]

Lat. 54°30′24″ N., long. 133°01′15″ W. (INT Nichols, AK, NDB 236°, Sandspit, BC, Canada, NDB 331° bearings).

FLUKE: [Revoked]

* * * * *

Paragraph 7005 Alaskan High Altitude Reporting Points.

* * * * *

GARRS: [Amended]

Lat. 58°19′06″ N., long. 161°20′32″ W. (INT King Salmon, AK, LOM 262°, Cape Newenham, AK, NDB 131° bearings).

MOCHA: [Amended]

Lat. 54°30′24″ N., long. 133°01′15″ W. (INT Annette Island, AK, 237°, Sandspit, BC, Canada, 331° radials).

FLUKE: [Revoked]

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Issued in Washington, DC, on September 12, 2008.

Edith V. Parish,

Manager, Airspace & Rules Group.

[FR Doc. E8–22648 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2004–P–0205] (formerly Docket No. 2004P–0464)

Food Labeling: Health Claims; Calcium and Osteoporosis, and Calcium, Vitamin D, and Osteoporosis

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its labeling regulation authorizing a health claim on the relationship between calcium and a reduced risk of osteoporosis to include vitamin D so that, in addition to the claim for calcium and osteoporosis, an additional claim can be made for calcium and vitamin D and osteoporosis; eliminate the requirement that the claim list sex, race, and age as specific risk factors for the development of osteoporosis; eliminate the requirement that the claim does not state or imply that the risk of osteoporosis is equally applicable to the general U.S. population, and that the claim identify the populations at particular risk for the development of osteoporosis; eliminate the requirement that the claim identify the mechanism by which calcium reduces the risk of osteoporosis and instead make it optional; eliminate the requirement that the claim include a statement that a total dietary intake greater than 200 percent of the recommended daily intake (2,000 milligrams (mg) of calcium) has no further benefit to bone health when the food contains 400 mg or more of calcium per reference amount customarily consumed or per total daily recommended supplement intake; and allow reference for the need of physical activity in either of the health claims to be optional rather then required. This final rule is, in part, in

response to a health claim petition submitted by The Beverage Institute for Health and Wellness, LLC.

DATES: This final rule is effective January 1, 2010.

FOR FURTHER INFORMATION CONTACT: Jillonne Kevala, Center for Food Safety and Applied Nutrition (HFS–830), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–1450.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 5, 2007 (72 FR 497), FDA published a proposed rule (the calcium and vitamin D proposed rule) to amend § 101.72 (21 CFR 101.72), which authorizes a health claim regarding the relationship between calcium and osteoporosis. The agency proposed the following five amendments: (1) Inclusion of vitamin D so that, in addition to the claim for calcium and osteoporosis, an additional claim can be made for calcium and vitamin D and osteoporosis; (2) elimination of the requirement in § 101.72(c)(2)(i)(A) that the claim list sex, race, and age as specific risk factors for the development of osteoporosis; (3) elimination of the requirement in § 101.72(c)(2)(i)(B) that the claim does not state or imply that the risk of osteoporosis is equally applicable to the general U.S. population, and that the claim identify the populations at particular risk for the development of osteoporosis; (4) elimination of the requirement in § 101.72(c)(2)(i)(C) that the claim identify the mechanism by which calcium reduces the risk of osteoporosis and instead make it optional; and (5) elimination of the requirement in § 101.72(c)(2)(i)(E) that the claim include a statement that reflects the limit of the benefits derived from dietary calcium intake, when the level of calcium in the food exceeds a set threshold level. FDA issued this proposed rule in response to a health claim petition submitted on July 12, 2004, by the Beverage Institute for Health and Wellness under section 403(r)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(4)) (Ref. 1). Section 403(r)(3)(B)(i) of the act states that the Secretary of Health and Human Services (Secretary) (and, by delegation, FDA) shall issue a regulation authorizing a health claim only if the Secretary determines, based on the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner which is consistent with generally recognized scientific procedures and principles), that there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims, that the claim is supported by such evidence (see also 21 CFR 101.14(c)). Section 403(r)(4) of the act sets out the procedures that FDA is to follow upon receiving a health claim petition. FDA filed the petition for comprehensive review in accordance with section 403(r)(4) of the act on October 20, 2004.

II. Summary of Comments and the Agency's Response

FDA solicited comments on the calcium and vitamin D proposed rule. The comment period closed on March 21, 2007. The agency received 27 responses, each containing one or more comments, to the calcium and vitamin D proposed rule. The comments were from trade associations, health-related organizations, academia, and consumers. Most of the comments supported the proposed amendments. A few comments expressed personal opinions on the use of health claims and labeling in general. These comments did not raise any issues about the calcium and vitamin D proposed rule, and therefore, we consider these to be outside the scope of this rulemaking and do not discuss them in this document. Another comment asserted that the standard of significant scientific agreement was not met and provided some citations and studies as support for its assertion. However, the studies that were submitted were not the type of studies that could resolve a question about the relationship between vitamin D and calcium, or calcium only, and osteoporosis that is the subject of the claim. The remaining comments and the agency's responses are discussed below.

(Comment 1) FDA received two comments opposing the elimination of the requirement in § 101.72(c)(2)(i)(A) that the claim list sex, race, and age as specific risk factors for the development of osteoporosis. One of these comments did not give a reason for its opposition to the elimination of this requirement. The comment also asserted that high levels of calcium will inhibit the intake of manganese, and that the primary cause of osteoporosis in the United States is manganese deficiency. The other comment stated that the ''published docket'' did not provide adequate support to eliminate references to age, sex, race, and the need for an adequate level of exercise. The comment noted that studies have linked calcium and vitamin D to bone health only in specific demographic categories.

(Response) The comment opposing the elimination of listing sex, race, and age as specific risk factors in the claim language failed to provide any explanation, data, or evidence to support its opposition to eliminating the listing of these risk factors in the claim. Without such explanation, data, or evidence, FDA has no basis upon which to revise its analysis. As such, FDA will continue to rely on the analysis as set forth in the calcium and vitamin D proposed rule (72 FR 497 at 506–507). As to the comment's concern about manganese, the agency is not aware of, nor did the comment provide, any data or evidence to substantiate the statement that high levels of calcium intake will inhibit the intake of manganese or that the primary cause of osteoporosis in the United States is manganese deficiency.

FDA disagrees with the comment that information in the docket does not provide adequate evidence to eliminate the requirement that the claim reference age, sex, and race. The information in the record of this proceeding demonstrates that benefits of adequate calcium and vitamin D in reducing the risk of osteoporosis is not confined to any particular subpopulation in the United States. The scientific evidence from both the 2004 Surgeon General's Report on Bone Health and Osteoporosis and the 2000 National Institutes of Health (NIH) Consensus Statement concludes that osteoporosis occurs in all populations and at all ages (72 FR 497 at 506). Moreover, both the 2000 NIH Consensus Statement and the 2004 Surgeon General's Report on Bone Health and Osteoporosis conclude that achieving and maintaining optimal bone health is a process that is important in both men and women throughout the lifespan and is not a specific need to any particular subpopulation in the United States (72 FR 497 at 506–507). Given that the risk of osteoporosis applies to the general U.S. population, the benefits of adequate calcium and vitamin D in terms of reducing risk of disease apply to both sexes at all ages and race categories. Accordingly, because these benefits do not apply only to specific demographic groups, the language of the health claim in question should not state or suggest otherwise. For this reason, FDA is eliminating the requirement that the calcium and osteoporosis health claim or the calcium, vitamin D, and osteoporosis health claim list sex, race, and age as specific risk factors for the development of osteoporosis.

In any discussion about osteoporosis and bone health, it is important to recognize the difference between risk of bone disease, including osteoporosis, and the prevalence of the disease in various subpopulations in the United

States. Risk measures the probability that a disease will occur whereas prevalence measures the number of cases of a disease that are documented in a given population or subpopulation. Both the 2000 NIH Consensus Statement and the 2004 Surgeon General's Report on Bone Health and Osteoporosis state that all populations in the United States are at risk of osteoporosis, although the prevalence of the disease is not equally distributed among all subpopulations. Specifically, osteoporosis is most prevalent in White postmenopausal women. However, as noted, the disease often goes unrecognized in other age and ethnic groups as well as in men (72 FR 497 at 508).

In sum, while the prevalence of osteoporosis varies in different subpopulations in the United States, all populations are at risk of osteoporosis and, in fact, the disease does occur in all populations. Thus, the benefits of calcium or calcium and vitamin D on reducing the risk of bone diseases, including osteoporosis, apply to both sexes at all ages and in all race categories (72 FR 497 at 507). For this reason, FDA is eliminating the requirement that the calcium and osteoporosis health claim or the calcium, vitamin D, and osteoporosis health claim list sex, race, and age as specific risk factors for the development of osteoporosis.

Importantly, however, although this final rule eliminates the requirement that the claim reference age, sex, and race for the development of osteoporosis, § 101.72(d)(4) allows the claim to include optional information related to the prevalence of osteoporosis. In particular, the claim could include information about the number of people in the United States, including the number of people in certain subpopulations in the United States, who have osteoporosis or low bone density. For example, under § 101.72(d)(4), a claim could include a statement that, according to the National Osteoporosis Foundation, 20 percent of non-Hispanic Caucasian and Asian women aged 50 and older are estimated to have osteoporosis.

(Comment 2) FDA received two comments opposing the elimination of the requirement in § 101.72(c)(2)(i)(C) that the calcium and osteoporosis health claim identify the mechanism by which calcium reduces the risk of osteoporosis. One comment did not give a reason for its opposition to the elimination of this requirement. The other comment noted that building a strong bone matrix relies on proper mineral balance and that science is continually evolving to elucidate the specific mechanisms involved. This comment further stated that although calcium is required to develop and sustain proper bone health and to prevent osteoporosis, the scientific community recognizes that calcium alone is not adequate, and a balance of normal minerals and hormones are also critical for bone health. Thus, this comment suggested that there is not enough scientific evidence either to eliminate or make optional the requirement in § 101.72(c)(2)(i)(C) because incomplete information is not accurate information.

(Response) The comment opposing elimination of the requirement in § 101.72(c)(2)(i)(C) failed to provide any explanation, data, or evidence to support its position. Without any explanation, data, or evidence provided in the comment, we have no basis upon which to revise our analysis or to alter our conclusion to eliminate the requirement that the health claim identify the mechanism by which calcium reduces the risk of osteoporosis; thus we will continue to use the analysis as set forth in the calcium and vitamin D proposed rule (72 FR 497 at 508–509).

FDA agrees with the comment that stated: Building a strong bone matrix relies on proper mineral balance and that science is continually evolving to elucidate specific mechanism(s) involved. Calcium is an important nutrient for achieving and maintaining good skeletal health. FDA discussed the findings that many nutrients are involved in bone health, and tentatively concluded in the proposed rule that a well-balanced diet is important for bone health throughout life (72 FR 497 at 507). Thus, the agency proposed that the claim make clear the importance of calcium intake or calcium and vitamin D intake in a healthful well-balanced diet over a lifetime. Conveying the information about calcium intake in the context of a healthful, well-balanced diet recognizes that calcium alone is not sufficient for bone health. Furthermore, results from a 1995 health claims report showed that consumers had learned elsewhere that calcium intake is related to bone health and that they thought the food label was not the right means for conveying this information (72 FR 497 at 509). This consumer awareness of calcium's ability to ''build and maintain good bone health,'' as well as the observation that the food label is not necessarily the most appropriate means to convey this information, prompted the agency to request comment in the calcium and vitamin D proposed rule on whether to make information of the mechanism by which calcium reduces the risk of osteoporosis optional in the health claim. Therefore, for the reasons set forth previously in this document, FDA is eliminating the requirement that the claims identify the mechanism by which calcium reduces the risk of osteoporosis, and instead is making such information optional. FDA is also revising the language from the proposed rule for use of the optional statement about slowing the rate of bone loss, by removing the following phrase: ''When reference is made to persons with a family history of the disease, post-menopausal women, and elderly men and women * * *'' so the language now reads: ''The claim may also state that adequate intake of calcium, or when appropriate, adequate intake of calcium and vitamin D, is linked to reduced risk of osteoporosis through the mechanism of slowing the rate of bone loss for persons with a family history of the disease, post-menopausal women, and elderly men and women.'' This change makes the use of the optional language related to the mechanism of slowing the rate of bone loss consistent with the final rule to remove reference to specific targeted populations as to risk of osteoporosis, but allows reference to family history of the disease, post-menopausal women, and elderly men and women in the context of the mechanism of slowing the rate of bone loss.

(Comment 3) Several comments opposed the elimination of the conditional requirement in § 101.72(c)(2)(i)(E) that the calcium and osteoporosis health claim include a statement that a total dietary intake greater than 200 percent of the recommended daily intake (2,000 mg of calcium) has no further known benefit to bone health. Some of the comments were concerned that eliminating this requirement could potentially mislead consumers because there will be nothing on the label to remind them that ''more is not always better when it comes to nutrients, especially in the form of supplements or fortification.'' One comment stated that withholding this information could encourage consumers to over consume calcium products while other comments were concerned that withholding this information could be potentially harmful for those individuals who may be taking high doses of supplemental calcium, along with high amounts of vitamin D. One comment highlighted its concern regarding the elimination of this conditional requirement by pointing out that the Institute of Medicine (IOM) of the National Academy of Sciences (NAS) has found that the toxic effects of excess calcium

increased the risk of kidney stone formation and that this condition affected 12 percent of individuals in the United States, as well as renal insufficiency and decreased absorption of other essential minerals (iron, zinc, magnesium and phosphorus) (72 FR 497 at 502). Another comment questioned how FDA could be assured that cumulative vitamin D intake from all dietary sources would remain 'at non-toxic levels' (e.g., less than the Tolerable Upper Intake Level (UL) for vitamin D) when supplementation is encouraged in a variety of foods, including staples such as milk, cereal, and bread.

(Response) FDA's decision to eliminate the conditional requirement was made, in part, in response to the IOM's 1997 report on ''Dietary Reference Intakes (DRIs) for Calcium, Phosphorus, Magnesium, Vitamin D and Fluoride,'' which was not available at the time the calcium and osteoporosis health claim was authorized in 1993 (72 FR 497 at 510). IOM conducted a major review of bone-related nutrients to determine the level of nutrient intake for normal, healthy individuals that would prevent the development of a chronic condition (e.g., osteoporosis) associated with calcium (Ref. 2). IOM set the UL for calcium at 2,500 mg per day for all individuals ages 1 and above. The UL, as defined by IOM, is the highest level of nutrient intake that is likely to pose no risks of adverse effects to all individuals in the general population. When IOM set the UL for calcium it divided the lowest- observed-adverse-effect level (LOAEL) of calcium by an uncertainty factor of two to take into account the relatively high prevalence of kidney (renal) stones in the U. S. population, which is 12 percent, and the potential increased risk of hypercalciuria and depletion of other minerals among susceptible individuals (72 FR 497 at 502). An increased risk of kidney stone formation from toxic effects of excess calcium, as noted in one of the comments, was addressed when IOM established the UL for calcium.

Furthermore, inclusion of the conditional requirement was based, in part, on a concept that calcium was a threshold nutrient, which means that there is a level of calcium intake below which bone health is jeopardized and above which no further benefit to bone health occurs (72 FR 497 at 510). Neither IOM in its 1997 report, the 2000 NIH Consensus Statement, nor the 2004 Surgeon General's Report on Bone Health and Osteoporosis discusses a threshold level of calcium beyond which no further bone benefit occurs; instead these reports discuss scientific evidence that is useful for establishing a desirable level of intake for calcium as well as intake levels of calcium that pose no risk of adverse health effects (72 FR 497 at 510).

Moreover, contrary to concerns expressed by some of the comments, the lack of calcium in the American diet is more of a concern than the potential over consumption of the nutrient. For example, the 2005 Dietary Guidelines for Americans identified calcium as a ''nutrient of concern'' due to low calcium consumption in the U.S. population (Ref. 3).

FDA also notes that a ''high'' level of calcium and vitamin D is at least 20 percent of the Reference Daily Intake (RDI) of calcium and vitamin D per reference amount customarily consumed (RACC). Since the RDI for calcium is 1,000 mg per day and the RDI for vitamin D is 400 IU (10 micrograms per day (µg per day)), 20 percent of the RDI for calcium (200 mg per day) is well below the UL of 2,500 mg per day intake level of calcium that poses no risk of adverse health effects and 20 percent of the RDI for vitamin D (80 IU (2 µg per day) is well below the 2,000 IU (50 µg per day) intake level of vitamin D that poses no risk of adverse health effects.

To evaluate potential maximum intake levels of calcium and vitamin D in the United States, FDA examined the most recent nationally representative data available from the National Health and Nutrition Examination Survey on median intake values for calcium and vitamin D and common dietary supplement products that contain calcium, or calcium and vitamin D in the calcium and vitamin D proposed rule (72 FR 497 at 500 to 502). Results from this evaluation suggested that consumers who choose foods that bear the calcium, or the calcium and vitamin D, and osteoporosis health claim would be able to incorporate such foods into the diet in a manner that would likely keep their total intake of calcium well below the UL of 2,500 mg per day and their total intake of vitamin D below the UL of 2,000 IU per day (72 FR 497 at 502). Further, FDA determined that consumers who choose conventional foods that bear the calcium or the additional calcium and vitamin D claim and that consume up to 1,500 mg of calcium per day from supplements (the maximum daily intake of calcium suggested in commonly found supplements) and that consume up to 400 IU of vitamin D per day from supplements (the most common daily intake of vitamin D suggested in supplements) would also likely keep their total intake of calcium and vitamin D below the ULs of calcium and vitamin D (id.). None of the comments questioned these findings. Finally, the agency is not aware of any basis for why the elimination of the conditional requirement would be misleading or encourage over-consumption of calcium products.

For these reasons, FDA is eliminating the conditional requirement in § 101.72(c)(2)(i)(E), as proposed.

(Comment 4) One comment noted that retaining in § 101.72(e) and (f) physical activity as part of the calcium and osteoporosis health claim as well as the calcium, vitamin D and osteoporosis health claim, might have the unintended consequence of leading consumers to believe that the benefits to bone health (or reduced risk of osteoporosis) of consuming adequate amounts of calcium or calcium and vitamin D can only be achieved by regularly engaging in physical activity.

(Response) FDA agrees with this comment. The agency's tentative decision to retain physical activity as part of the calcium and osteoporosis claim as well as the calcium, vitamin D and osteoporosis health claim was based primarily on the 2000 NIH Consensus Statement and the 2004 Surgeon's General Report (72 FR 497 at 507), which indicate that physical activity is beneficial to bone health and can have an additive effect on increasing bone mineral density (BMD) in conjunction with adequate intake of calcium and vitamin D. On the other hand, several studies show that consuming adequate levels of calcium and vitamin D supports bone health and reduces the risk of osteoporosis in the absence of physical activity (Refs. 4 to 12). Since consumption of adequate amounts of calcium and vitamin D reduces the risk of osteoporosis without physical activity, FDA will not require physical activity to remain as part of the claim language for the calcium and osteoporosis or the calcium, vitamin D and osteoporosis health claim. However, since the importance of physical activity to bone health is well established, FDA will allow optional reference to physical activity in the health claim.

Given the information discussed in the preamble to the calcium and vitamin D proposed rule and the absence of contrary information in the comments, FDA is adopting the following amendments to § 101.72: (1) Inclusion of vitamin D so that, in addition to the claim for calcium and osteoporosis, a claim can be made for calcium and vitamin D and osteoporosis; (2) elimination of the requirement in § 101.72(c)(2)(i)(A) that the claim list sex, race, and age as specific risk factors for the development of osteoporosis; (3)

elimination of the requirement in § 101.72(c)(2)(i)(B) that the claim does not state or imply that the risk of osteoporosis is equally applicable to the general U.S. population, and that the claim identify the populations at particular risk for the development of osteoporosis; (4) elimination of the requirement in § 101.72(c)(2)(i)(C) that the claim identify the mechanism by which calcium reduces the risk of osteoporosis, and instead make it optional; (5) elimination of the conditional requirement in § 101.72(c)(2)(i)(E) that the claim include a statement that a total dietary intake greater than 200 percent of the recommended daily intake (2,000 milligrams (mg) of calcium) has no further benefit to bone health, when the level of calcium in the food exceeds a set threshold level; and (6) elimination of the provision in § 101.72(c)(2)(i)(A) about physical activity, and instead make it optional. Therefore, FDA is not including the term ''physical activity'' in some of the model health claims as proposed. Moreover, FDA is revising § 101.72(e) and (f) by removing the term ''regular exercise'' in the model health claims.

III. Analysis of Economic Impacts

A. Final Regulatory Impact Analysis

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is not a significant regulatory action as defined by the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant economic impact of a rule on small entities. The final rule amends the current calcium and osteoporosis health claim language and will require changes to the claim language on products currently bearing the health claim. Thus, the only mandatory costs of this final rule will be the costs to update the current wording of the calcium and osteoporosis health claim on those products that currently bear the claim. Based on FDA's 2001 Food Label and Package Survey (FLAPS) (see discussion in section III.A.2 ''Background'' of this document), very few products bear the calcium and osteoporosis health claim. Therefore, because of the limited use of the current calcium and osteoporosis health claim, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $130 million, using the most current (2007) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount and has determined that this final rule does not constitute a significant rule under the Unfunded Mandates Reform Act.

1. Need for This Regulation

Current regulations do not permit food producers to claim health benefits for products by linking the intake of vitamin D, when combined with the intake of calcium, with a reduced risk of osteoporosis. However, current regulations do permit food producers to claim health benefits for products by linking calcium intake with a reduced risk of osteoporosis only if they also list the specific risk factors and at-risk subpopulations for osteoporosis, the mechanism by which calcium reduces the risk of osteoporosis, and the limit of the benefits of dietary calcium at certain levels.

Health claims can inform consumers about diet-disease relationships and encourage producers to produce more healthful foods. This final rule will allow producers to make more nutrition information related to osteoporosis available to consumers (linking the intake of calcium and vitamin D to the risk of osteoporosis), while eliminating other information currently required to be given to consumers when claiming health benefits relating to the relationship between calcium intake and the risk of osteoporosis.

2. Background

Osteoporosis represents a major public health problem in the United States. This disease affects more than 10 million individuals and causes approximately 1.5 million fractures annually. Every year, these lead to more than 2.6 million physician office visits, over 800,000 emergency room visits, and more than 500,000 hospitalizations, and the placement of nearly 180,000 people into nursing homes. The direct care expenditures for osteoporotic fractures alone range from 12 to 18 billion dollars each year (measured in 2002 dollars) (Ref. 13). The indirect health costs of osteoporosis, such as pain, suffering, and lost mobility, are also large. Average calcium and vitamin D intakes are below recommended levels for many consumers (Refs. 13, 14 and 15). Even though many consumers are not achieving recommended intakes of calcium, producers have rarely placed the calcium and osteoporosis health claim on products that qualify for the claim. FDA's 2001 FLAPS (the most recently available data) showed only 1 out of the 87 shelf-stable juice products surveyed, a fortified orange juice, bearing the calcium and osteoporosis health claim. None of the 10 milk products surveyed bore the claim (Ref. 16).

3. Regulatory Options

FDA identified four regulatory options for this final rule: (1) Take no new regulatory action; (2) reduce the required language in the existing calcium and osteoporosis health claim; (3) expand the existing calcium and osteoporosis health claim to include vitamin D; or (4) reduce the required language in the existing calcium and osteoporosis health claim and include vitamin D as an option to the claim, as described in this final rule.

4. Changes in Market Behavior in Response to Options

This final rule will require that any food manufacturers wishing their products' labels to make the calcium, or calcium and vitamin D, and osteoporosis health claim be redesigned. Labels must be redesigned in order for a food to carry the health claim since information on populations at particular risk for osteoporosis would no longer be required or allowed for the claim (see § 101.72(c)(2)(A) and (c)(2)(B)).

Manufacturers that wish to continue making a calcium and osteoporosis health claim on their products will not need to reformulate their products under the final rule. The nature of the food eligible to make a calcium and osteoporosis health claim remains food that meets or exceeds a ''high'' level of calcium (as defined in 21 CFR 101.54(b)). Manufacturers wishing to take advantage of the expanded calcium, vitamin D, and osteoporosis health

claim may voluntarily choose to reformulate their products. If some producers choose to reformulate their products to take advantage of the calcium, vitamin D, and osteoporosis health claim, they reveal that they expect the private benefit that the claims give them to exceed the expense of making the claims. If this is not the case, no producer will voluntarily choose to use the claims. Likewise, consumers who choose to purchase the products with the amended health claims reveal that they value the products more highly than other alternatives, including not purchasing the products.

We considered five potential effects in estimating the relative public health benefits of the options: (1) The extent to which the option encourages producers to use the health claims on their food labels; (2) the extent to which the option encourages producers to reformulate their products to make the health claims; (3) the extent to which the option provides information to consumers; (4) potential risk-risk tradeoffs (where the action taken to reduce the risk posed by one hazard causes an increase in the risk posed by another hazard) with each option; and (5) the availability of information on the relationship between osteoporosis and calcium and vitamin D to consumers who do not consume dairy products.

a. *Producer responses.* There are four likely responses to this final rule from producers: (1) Make no changes (i.e., continue not making the calcium or calcium and vitamin D health claim; (2) create new product labels to continue making the calcium and osteoporosis health claim (for products already making the existing claim); (3) add the health claims to their products that qualify for the health claims (increase usage of the claim due to the new wording requirements); and (4) reformulate their products (by fortifying with calcium or vitamin D, for example) to qualify for the health claims.

Several factors affect whether producers choose to use health claims, including the flexibility of the health claims and how appealing the health claims are to consumers. Revising the existing calcium and osteoporosis health claim language to make it shorter will make it more appealing to put the health claims on labels. Package space is limited, so more flexible and shorter claims are easier to use. Also, Wansink, et al. (2004) found that shorter health claims on the front of the package led to more favorable beliefs about the product and a more positive image of the product among consumers (Ref. 17).

Approving a calcium, vitamin D, and osteoporosis health claim should encourage the manufacturers of foods that are eligible for fortification with vitamin D to do so because they will be able to publicize the relationship between calcium, vitamin D, and osteoporosis on their labels. If producers fortify more products with vitamin D, consumers can get more vitamin D in their diet without making changes in their dietary choices.

b. *Consumer responses.* Providing information about the relationship between calcium, vitamin D, and osteoporosis on food packages provides a number of benefits to consumers, including: (1) Informing them about the nutrient-disease relationship; (2) helping them identify products that are high in calcium and vitamin D; and (3) helping them make dietary choices that reduce their risk of osteoporosis. The extent to which consumers realize these benefits will depend on the consumer's knowledge of the relationship between calcium, vitamin D, and bone health; how many products bear the calcium or calcium and vitamin D health claims; how many consumers read the health claims; and how much they change their behavior to include such products in their diets. There is evidence that consumers who read nutrition information on packages eat healthier diets (Refs. 18 and 19). However, there is a great deal of uncertainty about how much consumers change their behavior in response to label information.

c. *Risk-risk tradeoffs.* A potential concern is that allowing these osteoporosis health claims on juice drinks will result in consumers switching away from milk to juice drinks, which are higher in calories, for dietary sources of calcium and vitamin D. Table 1 of this document presents the caloric and nutrient profile of non-fat and low-fat milk products and an orange juice drink product as reported in the U.S. Department of Agriculture (USDA) National Nutrient Database for Standard Reference. Orange juice drinks are higher in calories and contain less of some important nutrients than either non-fat or low-fat milk (table 1 of this document).

TABLE 1—PROFILES OF SELECTED NUTRIENTS IN NON-FAT AND LOW-FAT MILK AND ORANGE JUICE DRINK (PER 8-OUNCE SERVING)

Nutrient	(1) Orange Juice Drink	(2) Non-fat Milk (Skim), With Added Vitamin A	(3) Low-fat Milk (1%), With Added Vitamin A
Energy, kilocalorie (kcal)	134	83	102
Protein, gram (g)	0.5	8.25	8.22
Total Fat, g	0	0.2	2.37
Saturated Fat, g	0	0.286	1.545
Carbohydrate, g	33.36	12.14	12.18
Total Dietary Fiber, g	0.5	0	0
Total Sugars, g	23.29	12.46	12.69
Calcium, mg	5	306	290
Iron, mg	0.27	0.07	0.07
Magnesium, mg	7	27	27
Phosphorus, mg	10	247	232

TABLE 1—PROFILES OF SELECTED NUTRIENTS IN NON-FAT AND LOW-FAT MILK AND ORANGE JUICE DRINK (PER 8-OUNCE SERVING)—Continued

Nutrient	(1) Orange Juice Drink	(2) Non-fat Milk (Skim), With Added Vitamin A	(3) Low-fat Milk (1%), With Added Vitamin A
Potassium, mg	104	382	366
Sodium, mg	5	103	107
Zinc, mg	0.05	1.03	1.02
Copper, mg	0.045	0.032	0.024
Manganese, mg	0.017	0.007	0.007
Selenium, µg	0	7.6	8.1
Vitamin C, mg	37.3	0	0
Thiamin, mg	0.945	0.11	0.049
Riboflavin, mg	1.07	0.446	0.451
Niacin, mg	12.44	0.23	0.227
Pantothenic acid, mg	0.149	0.874	0.881
Vitamin B–6, mg	1.244	0.091	0.09
Folate, µg	10	12	12
Vitamin B–12, µg	0	1.3	1.07
Vitamin A, IU	109	499	478
Vitamin D, IU	0	101.46	126.77
Cholesterol, mg	0	5	12

The likelihood of consumers switching from non-fat or low-fat milk or to higher caloric juice drinks because of this rule is expected to be small because non-fat and low-fat milk and juice drinks that are eligible can already make the existing calcium and osteoporosis health claim. Permitting the same set of products to make the final, simpler calcium and osteoporosis health claim should not change the relative appeal of the claim to producers of one type of beverage over another. The allowance of the new calcium, vitamin D, and osteoporosis health claim could expand the set of products making an osteoporosis health claim; however, the relative appeal of the new claim (calcium and vitamin D) to producers of non-fat and low-fat milk and juice drinks should be similar to the appeal of the existing calcium and osteoporosis health claim.

There is little evidence to support that consumers would switch from non-fat or low-fat milk to juice drinks as a result of this final rule. As stated in the Surgeon General's Report on Bone Health and Osteoporosis, consuming adequate levels of calcium and vitamin D throughout life are critically important to an individual's bone health. However, the report's review of national surveys suggests that the average calcium intake of individuals is far below the levels recommended for optimal bone health. One reason cited by the report for these low levels of calcium intake relates to current lifestyle and food preferences, which have resulted in reduced intake of dairy products and other naturally occurring calcium-rich foods. The report also posits that for some individuals lactose intolerance[1] may also play a role in not consuming adequate levels of calcium. Given this information on the current preference and tolerance for dairy products, expanding the calcium and osteoporosis health claim to include vitamin D as a result of this final rule should only lead to an increase in the overall consumption of these essential, under consumed nutrients.

[1]Lactose intolerance is a condition in which individuals cannot metabolize lactose, the main sugar found in milk and other calcium-rich dairy products. Information in the Surgeon General's 2004 Report on Bone Health and Osteoporosis indicates that an estimated 30 to 50 million Americans are affected by lactose intolerance, although to varying degrees.

In addition, according to the American Beverage Association, U.S. sales of calcium-fortified orange juice have grown dramatically over recent years, reaching nearly $1 billion in 2003 (Ref. 20), while overall sales of juice have not grown. Therefore, FDA expects that the nutritional profile of diets would most likely improve as a consequence of changes in consumption resulting from this final rule. Switching from unfortified to fortified juices would increase needed consumption of calcium and vitamin D.

5. Benefits and Costs of Regulatory Options

The simplification of the current health claim for calcium and osteoporosis, along with the additional health claim for calcium, vitamin D, and osteoporosis should increase and expand the current usage of the health claim and therefore improve the U.S. population's intake of these two important nutrients. Therefore, all the options considered below would improve public health relative to the baseline of taking no new regulatory action. In our analysis of the benefits and costs of the options, we compare

the benefits and costs of each option with each other option based on their relative effects on consumer and producer behavior.

Option 1: Take no new regulatory action.

This option would result in no change to the current situation. This is the baseline for comparison of options and entails no costs or benefits.

Option 2: Reduce the required language in the existing calcium and osteoporosis health claim.

Compared with Option 1, this option would increase the appeal of the claim for producers, increase the use of the claim on products, and thereby provide consumers with more information on the calcium and osteoporosis diet-disease relationship. It could encourage more reformulation of products to fortify with calcium than has occurred with the existing claim. Like Option 1, this option provides consumers with no information about the relationship of vitamin D to osteoporosis.

With this option, manufacturers of some products making the current calcium and osteoporosis health claim may have to re-label their products to reflect the updated wording provided by the claim. The potential costs associated with a required label change will vary depending on when the new effective compliance date is established. Table 2 of this document shows the possible range of costs by product type of having to re-label to be in compliance with the revised calcium and osteoporosis health claim. The product re-labeling costs were estimated using the FDA Labeling Cost Model (Ref. 21). The costs of re-labeling included are administrative, graphic, prepress, engraving, and inventory costs. Re-labeling costs are shown for both a 12-month and 24-month compliance period.

TABLE 2.—COST OF LABEL CHANGES FOR OPTION 2

NAICS Codes	Product	12 Months to Comply, Cost Per Label SKU			24 Months to Comply, Cost Per Label SKU		
		Low Cost	Med Cost	High Cost	Low Cost	Med Cost	High Cost
311421 311411	Fruit Juices	$7,478	$10,186	$15,282	$5,455	$7,595	$11,897
311514 311511	Non-fat and Low-fat Milk, fluid, dry, powered, condensed, flavored	$11,216	$14,086	$20,437	$7,127	$9,236	$14,327
311513	Low-fat Cheese, multiple types	$6,611	$8,759	$13,758	$5,106	$6,999	$11,489
311511	Yogurt-like products	$4,554	$6,490	$10,857	$4,140	$5,900	$9,880
325412	Dietary Supplements	$9,728	$13,345	$22,834	$8,540	$11,739	$20,266
Average cost of label change regardless of product type		$7,917	$10,573	$16,633	$6,074	$8,294	$13,572

Option 3: Expand the existing calcium and osteoporosis health claim to include vitamin D.

Failing to shorten the existing calcium and osteoporosis health claim will not make the health claim as appealing to producers and consumers as Option 2, leading to less claim use and reformulation and less information provided to consumers than Option 2. This option would provide consumers with more information on vitamin D than Option 2, should producers decide to voluntarily re-label and/or reformulate their products to make use of the added vitamin D language.

Option 4: Reduce the required language in the existing calcium and osteoporosis health claim and include vitamin D as an option to the claim, as described in this final rule.

Like Option 2, this option would increase the appeal of the calcium and osteoporosis health claim for producers and thereby provide consumers with more information on the calcium and osteoporosis diet-disease relationship. Also like Option 2, producers of products with existing calcium and osteoporosis health claim labeling will have to revise their labeling in order to comply with the revised claim language. Like Option 3, this option would provide consumers with more information on vitamin D than Option 2 because the new, simplified calcium and osteoporosis health claim can now contain information about vitamin D as well. It could also encourage more reformulation of products to fortify with vitamin D than would Option 2 and as many products to fortify with calcium as Option 2.

Summary

FDA is unable to quantify the benefits of this final rule due to uncertainty about the degrees of changes in consumer and producer behavior. However according to information compiled in the Surgeon General's 2004 Report on Bone Health and Osteoporosis, there are about 1.5 million osteoporotic fractures in the United States each year that carry annual direct care expenditures of 12 to 18 billion dollars per year (2002 dollars). These fractures cause more than half a million hospitalizations, over 800,000 emergency room encounters, more than 2.6 million physician office visits, and the placement of nearly 180,000 individuals into nursing homes annually (Ref. 13). The direct costs of other complications from osteoporosis, and the indirect costs of these fractures and other osteoporotic ailments (e.g., the value of functional disability to the patient, the value of the pain and suffering to the patient, the costs experienced by the care giver) if calculated, would add substantially to the annual costs of this disease. Any increase in calcium and vitamin D intake by consumers insufficient in these nutrients as a result of this final rule could possibly lower the incidence of osteoporosis and therefore the annual costs associated with the disease.

Table 3 of this document provides a summary of the effects of the rule, and which options create the smallest and largest behavior changes for consumers and producers. All options should produce positive net benefits, with the largest net benefit arising from Option 4, the final rule. With Option 4, the largest number of products and labels would

change, leading to the largest reduction in the risk of osteoporosis.

TABLE 3.—SUMMARY OF EFFECTS OF OPTIONS

Effect	Largest Effect	Smallest Effect
Encouraging producer use of the claims	Option 4	Option 1
Encouraging fortification	Option 4	Option 1
Informing consumers	Option 4	Option 1
Informing consumers who do not buy dairy products about alternative food sources for vitamin D	Option 4	Option 1

B. Small Entity Analysis (or Initial Regulatory Flexibility Analysis)

FDA has examined the economic implications of this final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic effect of the rule on small entities consistent with statutory objectives. FDA does not believe that this final rule will have a significant economic impact on a substantial number of small entities because the only mandatory costs of this rule are the costs to update the current wording of the calcium and osteoporosis health claim for manufacturers of products that currently make the claim and wish to continue doing so. Also previously mentioned, FDA's 2001 Food Label and Package Survey showed only 1 out of 87 shelf-stable juice products surveyed bore the current calcium and osteoporosis health claim while none of the 10 milk products surveyed bore the claim. This implies that not many products eligible to bear the current claim would need to be re-labeled as a result of this final rule.

In addition, FDA establishes uniform compliance dates for final food labeling regulations in 2-year intervals. Therefore, companies whose products currently make the calcium and osteoporosis health claim and wish to continue doing so will have between 1 and 2 years to use existing label inventory and expense the costs of designing revised labeling. FDA estimates that on average, the cost to re-label a product according to the revised health claim language will be $7,900 to $16,600 per product if the compliance period is 12 months; and $6,100 to $13,600 per product if the compliance period is 24 months. In the calcium and vitamin D proposed rule, FDA requested comments on whether the rule would have a significant impact on a substantial number of small entities. FDA received no comments on the issue of significant impacts on any size business. Manufacturers that wish to begin using the revised calcium and osteoporosis health claim or the new calcium, vitamin D, and osteoporosis health claim will only do so if the benefits of labeling their products to inform consumers of the claim outweigh the costs of doing so.

IV. Environmental Impact

FDA has determined under 21 CFR 25.32(p) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act

FDA concludes that the labeling provisions of this final rule are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Rather, the food labeling health claims on the association between calcium and osteoporosis or calcium, vitamin D, and osteoporosis is a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public.'' (5 CFR 1320.3(c)(2)).

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule will have a preemptive effect on State law. Section 4(a) of the Executive Order requires agencies to ''construe * * * a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.'' Section 403A of the act (21 U.S.C. 343–1) is an express preemption provision. Section 403A(a)(5) of the act (21 U.S.C. 343–1(a)(5)) provides that: ''* * * no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce—* * * (5) any requirement respecting any claim of the type described in section 403(r)(1) made in the label or labeling of food that is not identical to the requirement of section 403(r) * * *.''

This final rule amends the existing food labeling regulations on health claims for calcium and osteoporosis. Although this rule has a preemptive effect in that it precludes States from issuing any health claim labeling requirements for calcium and osteoporosis or calcium, vitamin D, and osteoporosis that are not identical to those required by this final rule, this preemptive effect is consistent with what Congress set forth in section 403A of the act. Section 403A(a)(5) of the act displaces both State legislative requirements and State common law duties. *Riegel* v. *Medtronic*, 128 S. Ct. 999 (2008).

FDA believes that the preemptive effect of the final rule is consistent with Executive Order 13132. Section 4(e) of the Executive order provides that ''when an agency proposes to act through adjudication or rulemaking to preempt State law, the agency shall provide all affected State and local officials notice and an opportunity for appropriate participation in the proceedings.''' On February 17, 2006, FDA's Division of Federal and State Relations provided notice by fax and e-mail transmission to State health commissioners, State agriculture commissioners, food program directors, and drug program directors as well as FDA field personnel, of FDA's intended amendments to the calcium and osteoporosis health claim (21 CFR 101.72). FDA received no comments in response to this notice.

In addition, the agency sought input from all stakeholders through publication of the proposed rule in the **Federal Register** on January 5, 2007 (72 FR 497). FDA received no comments from any States on the proposed rulemaking.

In conclusion, the agency believes that it has complied with all of the applicable requirements under the Executive order and has determined that the preemptive effects of this rule are consistent with Executive Order 13132.

VII. References

The following references have been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

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List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended to read as follows:

PART 101—FOOD LABELING

■ 1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371; 42 U.S.C. 243, 264, 271.

■ 2. Section 101.72 is revised to read as follows:

§ 101.72 Health claims: calcium, vitamin D, and osteoporosis.

(a) *Relationship between calcium, vitamin D, and osteoporosis.* An inadequate intake of calcium or calcium and vitamin D contributes to low peak bone mass, which has been identified as one of many risk factors in the development of osteoporosis. Peak bone mass is the total quantity of bone present at maturity, and experts believe that it has the greatest bearing on whether a person will be at risk of developing osteoporosis and related bone fractures later in life. Another factor that influences total bone mass and susceptibility to osteoporosis is the rate of bone loss after skeletal maturity. Vitamin D is required for normal absorption of calcium and to prevent the occurrence of high serum parathyroid hormone (PTH) concentration, which stimulates mobilization of calcium from the skeleton and can lower bone mass. Calcium, along with vitamin D and several other nutrients, is required for normal bone mineralization. While vitamin D is required for optimal bone mineralization, it is more effective when calcium intake is adequate. An adequate intake of calcium and vitamin D is thought to exert a positive effect during adolescence and early adulthood in optimizing the amount of bone that is laid down. However, the upper limit of peak bone mass is genetically determined. The mechanism through which adequate intakes of calcium and vitamin D and optimal peak bone mass reduce the risk of osteoporosis is thought to be as follows. All persons lose bone with age. Hence, those with higher bone mass at maturity take longer to reach the critically reduced mass at which bones can fracture easily. The rate of bone loss after skeletal maturity also influences the amount of bone present at old age and can influence an individual's risk of developing osteoporosis. Maintenance of adequate intakes of calcium and vitamin D later in life is thought to be important in reducing the rate of bone loss particularly in the elderly and in women during the first decade following menopause, but a significant protective effect is also seen among men and younger women.

(b) *Significance of calcium or calcium and vitamin D.* Adequate calcium intake, or adequate calcium and vitamin D intake, is not the only recognized risk factor in the development of osteoporosis, which is a multifactorial bone disease. Maintenance of adequate calcium and vitamin D intakes throughout life is necessary to achieve optimal peak bone mass and to reduce the risk of osteoporosis in later life. However, vitamin D is most effective in this regard when calcium intake is adequate. Increasing intake of calcium has been shown to have beneficial effects on bone health independent of dietary vitamin D.

(c) *Requirements.* (1) All requirements set forth in § 101.14 shall be met.

(2) *Specific requirements*—(i) *Nature of the claim.* A health claim associating calcium or, when appropriate, calcium and vitamin D with a reduced risk of osteoporosis may be made on the label or labeling of a food described in paragraphs (c)(2)(ii) and (d)(1) of this section, provided that:

(A) The claim makes clear the importance of adequate calcium intake, or when appropriate, adequate calcium and vitamin D intake, throughout life, in a healthful diet, are essential to reduce osteoporosis risk. The claim does not imply that adequate calcium intake, or when appropriate, adequate calcium and vitamin D intake, is the only recognized risk factor for the development of osteoporosis;

(B) The claim does not attribute any degree of reduction in risk of osteoporosis to maintaining an adequate dietary calcium intake, or when appropriate, an adequate dietary calcium and vitamin D intake, throughout life.

(ii) *Nature of the food.* (A) The food shall meet or exceed the requirements for a ''high'' level of calcium as defined in § 101.54(b);

(B) The calcium content of the product shall be assimilable;

(C) Dietary supplements shall meet the United States Pharmacopeia (USP) standards for disintegration and dissolution applicable to their component calcium salts, except that dietary supplements for which no USP standards exist shall exhibit appropriate assimilability under the conditions of use stated on the product label;

(D) A food or total daily recommended supplement intake shall not contain more phosphorus than calcium on a weight per weight basis.

(d) *Optional information.* (1) The claim may include the term ''vitamin D'' if the food meets or exceeds the requirements for a ''high'' level of vitamin D as defined in § 101.54(b);

(2) The claim may include information from paragraphs (a) and (b) of this section.

(3) The claim may make reference to physical activity.

(4) The claim may include information on the number of people in the United States, including the number of people in certain subpopulations in the United States, who have osteoporosis or low bone density. The sources of this information must be identified, and it must be current information from the National Center for Health Statistics, the National Institutes of Health, or the National Osteoporosis Foundation.

(5) The claim may state that the role of adequate calcium intake, or when appropriate, the role of adequate calcium and vitamin D intake, throughout life is linked to reduced risk of osteoporosis through the mechanism of optimizing peak bone mass during adolescence and early adulthood. The phrase ''build and maintain good bone health'' may be used to convey the concept of optimizing peak bone mass. The claim may also state that adequate intake of calcium, or when appropriate, adequate intake of calcium and vitamin D, is linked to reduced risk of osteoporosis through the mechanism of slowing the rate of bone loss for persons with a family history of the disease, post-menopausal women, and elderly men and women.

(e) *Model health claims.* The following model health claims may be used in food labeling to describe the relationship between calcium and osteoporosis:

Adequate calcium throughout life, as part of a well-balanced diet, may reduce the risk of osteoporosis.

Adequate calcium as part of a healthful diet, along with physical activity, may reduce the risk of osteoporosis in later life.

(f) *Model additional health claims for calcium and vitamin D.* The following model health claims may be used in food labeling to describe the relationship between calcium, vitamin D, and osteoporosis:

Adequate calcium and vitamin D throughout life, as part of a well-balanced diet, may reduce the risk of osteoporosis.

Adequate calcium and vitamin D as part of a healthful diet, along with physical activity, may reduce the risk of osteoporosis in later life.

Dated: September 11, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22730 Filed 9–26–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. FDA–2008–N–0341]

Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to require that the holder of a new drug application (NDA) submit certain information regarding authorized generic drugs in an annual report. We are taking this action as part of our implementation of the Food and Drug Administration Amendments Act of 2007 (FDAAA). FDAAA requires that FDA publish a list of all authorized generic drugs included in an annual report since 1999, and that the agency update the list quarterly. We are using direct final rulemaking for this action because the agency expects that there will be no significant adverse comment on the rule. In the proposed rule section of this issue of the **Federal Register**, we are concurrently proposing and soliciting comments on this rule. If significant adverse comments are received, we will withdraw this final rule and address the comments in a subsequent final rule. FDA will not provide additional opportunity for comment.

DATES: This direct final rule is effective February 11, 2009. Submit written or electronic comments on or before December 15, 2008. If we receive no timely significant adverse comments, we will publish a notice in the **Federal Register** before January 12, 2009, confirming the effective date of the direct final rule. If we receive any timely significant adverse comments, we will publish a notice of significant adverse comment in the **Federal Register** withdrawing this direct final rule before February 11, 2009.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2008–N–0341, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal, as described previously, in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Michelle D.D. Bernstein, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, rm. 6223, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2007, the President signed into law FDAAA (Public Law 110–85, 121 Stat. 823). Section 920 of FDAAA adds new section 505(t) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(t)) and requires that FDA take the following actions:

- Publish on its Internet site a complete list of all authorized generic drugs included in an annual report submitted to the agency after January 1, 1999, consisting of the drug trade name, the brand company manufacturer, and the date the authorized generic drug entered the market;
- Update the list quarterly; and
- Notify relevant Federal agencies, including the Centers for Medicare and Medicaid Services and the Federal Trade Commission, that the list has been published and will be updated quarterly.

For purposes of publishing the list, section 505(t)(3) of the act defines the term ''authorized generic drug'' as a ''listed drug (as that term is used in [section 505(j) of the act]) that has been approved [under section 505(c) of the act] and is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.''

Currently, there is no requirement that an NDA holder specifically report that it is marketing an ''authorized generic drug.'' NDA holders are required to include information about distribution or certain changes to manufacturing or labeling in annual reports, which may indicate that an authorized generic is being marketed. However, annual reports may not include all the information necessary for FDA to publish the list required by FDAAA. For example, sponsors rarely include the date the authorized generic entered the market.

To allow FDA to accurately report a complete list of all authorized generic drugs included in annual reports and to update the list in a timely fashion, we are adding a requirement that annual reports specifically and clearly include the information we are required to report. In addition, we are requiring that the NDA holder report the date the authorized generic drug ceased being distributed to ensure that the list is as accurate and up-to-date as possible. The first annual report submitted after implementation of this regulation must provide information regarding any authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999.

There are currently 15 divisions in FDA that receive annual reports for over 2,200 active NDAs. When information is included in an annual report about an authorized generic drug, we are requiring that a copy of that portion of the annual report be sent to a central office in the agency that will compile the list and update it quarterly.

II. Direct Final Rulemaking

We have determined that the subject of this rulemaking is suitable for a direct final rule. FDA expects this amendment to be noncontroversial, and the agency does not anticipate receiving any significant adverse comments on this rule. We have determined that publishing a direct final rule is the most appropriate method to meet the requirement, under section 505(t) of the act, that the agency publish a list of all authorized generic drugs.

If we receive no significant adverse comment, we will publish a document in the **Federal Register** confirming the effective date of the direct final rule. A significant adverse comment is one that explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment recommending a rule change in addition to this rule will not be considered a significant adverse comment unless the comment states why this rule would be ineffective without the additional change. If timely significant adverse comments are received, we will publish a notice of significant adverse comment in the **Federal Register** withdrawing this direct final rule within 30 days after the comment period ends.

Elsewhere in this issue of the **Federal Register**, we are publishing a companion proposed rule, identical in substance to this direct final rule, that provides a procedural framework from which to proceed with standard notice-and-comment rulemaking in the event the direct final rule is withdrawn because of significant adverse comment. The comment period for the direct final rule runs concurrently with that of the companion proposed rule. Any comments received under the companion proposed rule will be treated as comments regarding the direct final rule. Likewise, significant adverse comments submitted to the direct final rule will be considered as comments to the companion proposed rule, and we will consider those comments in developing a final rule. We will not provide additional opportunity for comment on the companion proposed rule.

If a significant adverse comment applies to part of this rule and that part may be severed from the remainder of the rule, we may adopt as final those parts of the rule that are not the subject of a significant adverse comment. A full description of our policy on direct final

rule procedures may be found in a guidance document published in the **Federal Register** of November 21, 1997 (62 FR 62466).

III. Description of the Direct Final Rule

We are defining the term ''authorized generic drug'' as a listed drug (as defined in § 314.3 (21 CFR 314.3)) that has been approved under section 505(c) of the act and is marketed, sold, or distributed directly or indirectly to retail class of trade with either labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark that differs from that of the listed drug.

We are amending our regulations in § 314.81 (21 CFR 314.81) to require that an NDA holder specifically report that it has marketed an authorized generic drug during the applicable time period. Section 314.81(b)(2) requires that an NDA holder submit an annual report within 60 days of the anniversary date of approval of an NDA for every NDA it holds. We are amending § 314.81 by redesignating paragraph (b)(2)(ii) regarding distribution data, as paragraph (b)(2)(ii)(*a*), and adding a new paragraph (b)(2)(ii)(*b*) regarding marketing of authorized generic drugs. This new paragraph states that, if an authorized generic drug was marketed under an NDA, or ceased to be marketed, during the reporting year, the annual report must list the date each authorized generic drug entered the market, the date each authorized generic drug ceased being distributed, and the corresponding trade or brand name. Each dosage form and/or strength is a different authorized generic drug and should be listed separately. The first annual report submitted after implementation of this regulation must include the required marketing information for any authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999.

If information is included in the annual report with respect to any authorized generic drug, a copy of the portion of the annual report with that information must be sent to the Food and Drug Administration, Center for Drug Evaluation and Research, Office of Pharmaceutical Science, 10903 New Hampshire Ave., Bldg. 51, rm. 4183, Silver Spring, MD 20993–0002, and marked ''Authorized Generic Submission.'' This final rule assumes that the copy of the relevant portion of the annual report may currently be submitted in any number of formats (e.g., a paper copy, a PDF document on a computer disc). Current capabilities do not permit direct electronic submission through a Web-based system. However, FDA is committed to adapting its business practices to evolving technology, including using the significant advancements in Web-based, electronic systems. We anticipate that, in future rulemakings, Web-based submission of annual reports will eventually be required. In anticipation of that future change, this final rule provides that once an electronic submission format is adopted for annual reports, the submission to the agency of the information required under this regulation will also be required in that electronic format. We anticipate that when such a change is implemented, future guidance will address any technical questions related to such submissions.

IV. Legal Authority

The Federal Food, Drug, and Cosmetic Act (the act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA), provides authority for FDA to issue this direct final rule. Section 505(t) of the act (21 U.S.C. 355(t); FDAAA section 920) requires that FDA publish a complete list of all authorized generic drugs included in an annual report submitted to the agency after January 1, 1999, and to update that list quarterly. In addition, section 701(a) of the act (21 U.S.C. 371(a)) provides general authority for FDA to issue regulations for the efficient enforcement of the act. This direct final rule would amend FDA's existing regulations regarding annual reports in order to ensure that the information necessary for the agency to fulfill its obligation under section 505(t) is clearly reported.

V. Environmental Impact

We have carefully considered, under 21 CFR part 25, the potential environmental effects of this action. We have concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required.

VI. Analysis of Impacts

FDA has examined the impacts of the direct final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this direct final rule is not a significant regulatory action as defined by the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this direct final rule imposes only minimal regulatory obligations, the agency certifies that the direct rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $130 million, using the most current (2007) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this direct final rule to result in any 1-year expenditure that would meet or exceed this amount.

The only costs of this direct final rule are associated with the Paperwork Reduction Act burden, described in section VII of this document. If we assume an average hourly wage plus benefits of $56 for the reporting personnel, the annual cost is about $29,000 ($56 per hour x 520 hours).

VII. The Paperwork Reduction Act of 1995

This direct final rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown with an estimate of the annual reporting and recordkeeping burden in Table 1 of this document. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

Title: Applications for FDA Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs.

Description: This rulemaking requires the holder of an NDA to notify the

agency if an authorized generic drug is marketed by clearly including this information in annual reports in an easily accessible place and by sending a copy of the relevant portion of the annual reports to a central office. We are taking this action as part of our implementation of FDAAA, which requires that FDA publish a list of all authorized generic drugs included in an annual report after January 1, 1999, and that the agency update the list quarterly. We plan to publish this list on the Internet and to notify relevant Federal agencies that the list has been published and will be updated.

Description of Respondents: Current holders of an NDA under which an authorized generic drug was marketed during the time period covered by an annual report submitted after January 1, 1999.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR 314.81(b)(2)(ii)(*b*)	Number of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Authorized generic drug information in the first annual report submitted after the implementation of § 314.81(b)(2)(ii)(*b*)	60	6.7	400	1 hour	400
Authorized generic drug information submitted in each subsequent annual report	60	6.7	400	15 minutes	100
The submission of a copy of that portion of each annual report containing authorized generic drug information	60	6.7	400	3 minutes	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

During the past several years, FDA has reviewed a small sample of annual reports it has received under § 314.81(b)(2) to discern whether an authorized generic drug is being marketed by the NDA holder. Based on information learned from this review and based on the number of annual reports the agency currently receives under § 314.81(b)(2),[1] we estimate that, after the implementation of § 314.81(b)(2)(ii)(*b*), we will receive approximately 400 annual reports containing the information required under § 314.81(b)(2)(ii)(*b*) for authorized generic drugs that were marketed during the time period covered by an annual report submitted after January 1, 1999. Based on the number of sponsors that currently submit all annual reports, we estimate that approximately 60 sponsors will submit these 400 annual reports with authorized generics. As indicated in Table 1 of this document, we are estimating that the same number of annual reports will be submitted each subsequent year from the same number of sponsors containing the information required under § 314.81(b)(2)(ii)(*b*), and that the same number of copies of that portion of each annual report containing the authorized generic drug information will be submitted from the same number of sponsors. Concerning the hours per response, based on our estimate of 40 hours to prepare each annual report currently submitted under § 314.81(b)(2),[2] we estimate that sponsors will need approximately 1 hour to prepare the information required under § 314.81(b)(2)(ii)(*b*) for each authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999; approximately 15 minutes to prepare the information required under § 314.81(b)(2)(ii)(*b*) for each subsequent annual report; and approximately 3 minutes to submit to FDA a copy of that portion of each annual report containing the authorized generic drug information.

[1] During fiscal year 2006, the Center for Drug Evaluation and Research received 2,569 annual reports under § 314.81(b)(2) from 374 sponsors.

[2] See the **Federal Register** of January 4, 2008 (73 FR 865).

VIII. Federalism

FDA has analyzed this direct final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

IX. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations.gov*.

List of Subjects in 21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 314 is amended as follows:

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

■ 1. The authority citation for 21 CFR part 314 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 356a, 356b, 356c, 371, 374, 379e.

■ 2. Section 314.3 is amended in paragraph (b) by adding the following definition for *authorized generic drug* in alphabetical order:

§ 314.3 Definitions.

* * * * *

(b) * * *

Authorized generic drug means a listed drug, as defined in this section, that has been approved under section 505(c) of the act and is marketed, sold, or distributed directly or indirectly to retail class of trade with labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark that differs from that of the listed drug.

* * * * *

■ 3. Section 314.81 is amended by redesignating paragraph (b)(2)(ii) as paragraph (b)(2)(ii)(*a*) and by adding new paragraph (b)(2)(ii)(*b*) as follows:

§ 314.81 Other postmarketing reports.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(*b*) *Authorized generic drugs.* If applicable, the date each authorized generic drug (as defined in § 314.3) entered the market, the date each authorized generic drug ceased being distributed, and the corresponding trade or brand name. Each dosage form and/or strength is a different authorized generic drug and should be listed separately. The first annual report submitted on or after February 11, 2009, must include the information listed in this paragraph for any authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999. If information is included in the annual report with respect to any authorized generic drug, a copy of that portion of the annual report must be sent to the Food and Drug Administration, Center for Drug Evaluation and Research, Office of Pharmaceutical Science, 10903 New Hampshire Ave., Bldg. 51, rm. 4183, Silver Spring, MD 20993–0002 and marked ''Authorized Generic Submission'' or, if FDA has required that annual reports be submitted in an electronic format, the information required by this section must also be submitted in the electronic format.

* * * * *

Dated: September 16, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22833 Filed 9–26–08; 8:45 am]

BILLING CODE 4160–01–S

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Parts 2200 and 2203

Rules of Procedure; Regulations Implementing the Government in the Sunshine Act; Corrections and Technical Amendments

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule; corrections and technical amendments.

SUMMARY: The Occupational Safety and Health Review Commission (OSHRC) is making corrections and technical amendments to its rules and regulations, which include revisions to its address and regularly scheduled meeting time, as well as corrections of erroneous cross-references and a typographical error.

DATES: Effective on September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Ron Bailey, Attorney-Advisor, Office of the General Counsel, by telephone at (202) 606–5410, by e-mail at *rbailey@oshrc.gov*, or by mail at: 1120—20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

SUPPLEMENTARY INFORMATION:

I. Background

OSHRC is making several corrections and technical amendments to its Rules of Procedure found at 29 CFR part 2200, and its Regulations Implementing the Government in Sunshine Act found at 29 CFR part 2203.

As to 29 CFR part 2200, OSHRC is correcting a typographical error in § 2200.63(b) by removing ''zequestenȼ'' and adding in its place ''requested.'' Also, in §§ 2200.57(a) and 2200.96, OSHRC is amending the reference to its nine-digit ZIP code, which has been changed from 20036–3419 to 20036–3457. Finally, OSHRC is correcting cross-references that should have been amended when OSHRC revised its Rules of Procedure on July 3, 1997 (62 FR 35961). In that revision, OSHRC reduced the period specified in § 2200.90(b)(2) for transmitting a judge's decision to the Executive Secretary from 20 days to 10 days. This 20-day period was previously cross-referenced in §§ 2200.91(c) and 2200.209(g), but was inadvertently left unchanged. Therefore, § 2200.91(c), which refers to ''the 20 days provided by § 2200.90(b),'' is corrected to read ''the 10 days provided by § 2200.90(b)''; and § 2200.209(g), which refers to the ''21 day period provided for in rule § 2200.90(b)(2),'' is corrected to read the ''11-day period provided for in rule § 2200.90(b)(2).''

As to 29 CFR part 2203, OSHRC is amending the time of its regularly-scheduled meetings. Sections 2203.2 (definition of ''Regularly-scheduled meetings'') and 2203.4(c) presently state that such meetings are held at 10 a.m. every Thursday, except for legal holidays. In both sections, this meeting time is being amended to ''10:30 a.m.'' every Thursday, except for legal holidays. Also, in §§ 2203.4(c) and 2203.7(b), OSHRC is amending the reference to its nine-digit ZIP code from 20036–3419 to 20036–3457.

II. Statutory and Executive Order Reviews

Waiver of Proposed Rulemaking: For good cause, OSHRC finds that prior notice and opportunity for comment on these changes are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B), because the amendments and corrections to the affected sections are merely technical in nature and propose no substantive changes on which public comment could be solicited.

Waiver of 30-Day Delayed Effective Date Requirement: OSHRC finds that good cause exists for the final rule to be exempt from the 30-day delayed effective date requirement of 5 U.S.C. 553(d) because a delay in clarifying these rules would be contrary to the public interest.

Executive Orders 12866 and 13132, and the Unfunded Mandates Reform Act of 1995: OSHRC is an independent regulatory agency, and, as such, is not subject to the requirements of E.O. 12866, E.O. 13132, or the Unfunded Mandates Reform Act, 2 U.S.C. 1501 *et seq.*

Regulatory Flexibility Act: OSHRC has determined that this rulemaking is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 604(a), because, as noted, a general notice of proposed rulemaking is not required under 5 U.S.C. 553(b).

Paperwork Reduction Act of 1995: OSHRC has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* is not applicable here because this final rule contains no information collection requirements that require the approval of OMB.

Congressional Notification: OSHRC has determined that the Congressional Review Act, 5 U.S.C. 801, is not

applicable here because, pursuant to 5 U.S.C. 804(3)(C), this final rule ''does not substantially affect the rights or obligations of non-agency parties.''

List of Subjects

29 CFR Part 2200

Administrative practice and procedure.

29 CFR Part 2203

Sunshine Act.

Signed at Washington, DC, on the 23rd day of September, 2008.

Horace A. Thompson III,

Chairman.

Thomasina V. Rogers,

Commissioner.

■ Accordingly, 29 CFR parts 2200 and 2203 are corrected by making the following amendments:

PART 2200—RULES OF PROCEDURE

■ 1. The authority citation for part 2200 continues to read as follows:

Authority: 29 U.S.C. 661(g), unless otherwise noted. Section 2200.96 is also issued under 28 U.S.C. 2112(a).

■ 2. In § 2200.57, paragraph (a), in the third sentence, remove the ZIP code suffix ''3419'' and add, in its place, ''3457''.

■ 3. In § 2200.63, paragraph (b), correct ''zequesten¢'' to read ''requested''.

■ 4. In § 2200.91, paragraph (c), in the fourth sentence, remove the number ''20'' and add, in its place, ''10''.

■ 5. In § 2200.96, in the first sentence, remove the ZIP code suffix ''3419'' and add, in its place, ''3457''.

■ 6. In § 2200.209, paragraph (g), in the last sentence, remove the phrase ''21 day'' and add, in its place, ''11-day''.

PART 2203—REGULATIONS IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

■ 7. The authority citation for part 2203 continues to read as follows:

Authority: 29 U.S.C. 661(g); 5 U.S.C. 552b(d)(4); 5 U.S.C. 552b(g).

■ 8. In § 2203.2, in the definition of ''Regularly-scheduled meetings,'' remove the time ''10:00 a.m.'' and add, in its place, ''10:30 a.m.''

■ 9. In § 2203.4, paragraph (c), in the first sentence, remove the time ''10:00 a.m.'' and add, in its place, ''10:30 a.m.''

■ 10. In § 2203.4, paragraph (c), in the first sentence, remove the ZIP code suffix ''3419'' and add, in its place, ''3457''.

■ 11. In § 2203.7, paragraph (b), in the third sentence, remove the ZIP code suffix ''3419'' and add, in its place, ''3457''.

[FR Doc. E8–22783 Filed 9–26–08; 8:45 am]

BILLING CODE 7600–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 151

[Docket No. USCG–2004–19621]

RIN 1625–AA89

Dry Cargo Residue Discharges in the Great Lakes

AGENCY: Coast Guard, DHS

ACTION: Interim rule; request for comments.

SUMMARY: The Coast Guard is amending its regulations to allow the discharge of bulk dry cargo residue (DCR) in limited areas of the Great Lakes by self-propelled vessels and by any barge that is part of an integrated tug and barge unit. DCR is the residue of non-toxic and non-hazardous bulk dry cargo like limestone, iron ore, and coal. These regulations also add new recordkeeping and reporting requirements and encourage carriers to adopt voluntary control measures for reducing discharges. Discharges are now prohibited in certain protected and sensitive areas where, previously, they were allowed. The Coast Guard also requests public comments on the need for and feasibility of additional conditions that might be imposed on discharges in the future, such as mandatory use of control measures, or further adjustments to the areas where discharges are allowed or prohibited.

DATES: This interim rule takes effect September 29, 2008. Initial reports under amended 33 CFR 151.66(c)(4) are due January 15, 2009. Comments and related material submitted in response to the request for comments must reach the Docket Management Facility on or before January 15, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2004–19621 and are 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. You may also find this docket on the Internet at *http://www.regulations.gov*.

We encourage you to submit comments identified by Coast Guard docket number USCG–2004–19621 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov*.

(2) *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.

(3) *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.

(4) *Fax:* 202–493–2251.

Anyone can 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 a Privacy Act system of records notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: If you have questions on this interim rule, call LT Heather St. Pierre, U.S. Coast Guard, telephone 202–372–1432 or e-mail *Heather.J.St.Pierre@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Acronyms

APA Administrative Procedure Act
DCR Dry Cargo Residue

DEIS Draft Environmental Impact Statement
FEIS Final Environmental Impact Statement
IEP Interim Enforcement Policy
NPRM Notice of Proposed Rulemaking
ROD Record of Decision

II. Regulatory History and Good Cause for Immediate Effectiveness

In the **Federal Register** on May 23, 2008, we published a notice of proposed rulemaking (NPRM) and a notice of availability for the accompanying Draft Environmental Impact Statement (DEIS) (73 FR 30014). We received written comments on the proposed rule from 55 sources, and heard from 3 commenters at public meetings. The public meetings were announced in the **Federal Register** on June 6, 2008 (73 FR 32273) and held in Duluth, MN, and Cleveland, OH, on July 15 and 17, 2008, respectively. Availability of the Final Environmental Impact Statement (FEIS) was announced on August 22, 2008, by the Environmental Protection Agency (73 FR 49667) and by the Coast Guard (73 FR 49694), and the Record of Decision (ROD) adopting the findings of the FEIS was signed on [DATE].

This interim rule takes effect immediately upon its publication in the **Federal Register**. Under the Administrative Procedure Act (APA), 5 U.S.C. 553(d), a substantive rule such as this must be published not less than 30 days before its effective date, unless the agency finds good cause for an earlier effective date and publishes that finding with the rule. As we subsequently discuss in more detail, this rule generally allows the continuation of existing practices in the Great Lakes. Those practices have been sanctioned by Congress and, although they have minor indirect adverse impacts on the Great Lakes environment, their discontinuation could impose a substantial economic burden on Great Lakes maritime commerce. Congressional sanction for the existing practices expires on September 30, 2008, and it was Congress's intent that the Coast Guard review existing practices and issue new regulations governing those practices by that date. If the APA's 30-day provision were given effect, then there would be a period of up to a month during which existing practices would be prohibited, and the resulting burden on Great Lakes maritime commerce would be significant in relation to the duration of the prohibition and the potential environmental benefits of such a short prohibition. The Coast Guard has concluded the APA's 30-day provision is unnecessary and contrary to the public interest due to the disruption entailed by so short a period of prohibition. Therefore, the Coast Guard finds good cause for this interim rule to take effect upon publication in the **Federal Register**.

III. Background, Purpose, and Discussion of Rule

This interim rule adopts the regulatory text proposed in our May 2008 NPRM, with only minor changes. For a fuller discussion of the background and purpose of this rulemaking, please consult the NPRM.

A substantial portion of Great Lakes shipping involves ''bulk dry cargos:'' principally limestone, iron ore, and coal, but also lesser quantities of other substances like cement and salt. During ship loading or unloading operations, small portions of these cargos often fall on ship decks or within ship unloading tunnels. This fallen dry cargo residue (DCR) can contaminate other cargos or cause crew members to slip or otherwise injure themselves on a ship's deck. Traditionally, Great Lakes carriers have managed DCR by periodically washing both the deck and cargo unloading tunnels with water in a practice commonly known as ''cargo sweeping.'' In order to reduce costs and minimize in-port time, ships typically conduct this cargo sweeping underway while transiting between ports.

Prior to the adoption of this interim rule, Coast Guard regulations that implement the Act to Prevent Pollution from Ships (APPS), 33 U.S.C. 1901 *et seq.*, have treated DCR as an operational waste, which constitutes garbage. The discharge of any garbage, anywhere on the navigable waters of the United States, was prohibited. Strict enforcement of this regulatory scheme on the Great Lakes would have put an end to the practice of cargo sweeping. However, in recognition of the special characteristics of Great Lakes dry cargo shipping, an ''interim enforcement policy'' (IEP) allowed ''incidental discharges'' of non-toxic and non-hazardous DCR on the Great Lakes from 1993 until 2008. The IEP was originally adopted by the Coast Guard's Ninth District, and then mandated by Congress in 1998, 2000, and 2004 (Pub. L. 105–383, sec. 415; Pub. L. 106–554, sec. 1117; Pub. L. 108–293, sec. 623). The IEP allowed cargo sweeping only in defined waters, most of which are relatively deep and far from shore. Additionally, it prohibited or restricted discharges in special areas that are considered environmentally sensitive. The congressionally mandated enforcement of the IEP expires September 30, 2008, or upon the promulgation of new regulations, whichever date comes first.

The 2004 legislation gave the Coast Guard authority to regulate the discharge of DCR on the Great Lakes, notwithstanding any other law (Pub. L. 108–293, sec. 623(b)). The Coast Guard interprets this authority to allow regulation on the Great Lakes, on water or on shore, of any operation related to the loading, transfer, or unloading of dry bulk cargo, or to cargo sweeping or other discharge of dry bulk cargo residue. All of these operations relate to and are part and parcel of the discharge of dry bulk cargo, as contemplated by Congress in the 2004 legislation. House Report 108–617, the conference report prepared in support of the 2004 legislation, states:

> It is expected that the [IEP] will be made permanent or replaced with an alternative regime that appropriately balances the needs of maritime commerce and environmental protection.

This interim rule amends Coast Guard regulations so that DCR discharges may continue in the U.S. waters of the Great Lakes, so long as those discharges are in compliance with regulatory conditions that derive, with modifications, from the IEP. One modification is non-substantive: We are clarifying the current policy but not changing it, to exclude non-self propelled barges that are not part of an integrated tug and barge unit. Integrated tugs and barges remain included because they are designed and operated similarly to self propelled vessels of the same size and service. We are substantively modifying the IEP to add new recordkeeping and reporting requirements for dry cargo carriers. We are adding, to the list of locations in the Great Lakes where DCR discharges will not be allowed, additional areas that the Final Environmental Impact Study designates as protected and sensitive. Finally, we are strongly encouraging carriers to voluntarily adopt control measures for reducing the amount of DCR that accumulates on or within vessels and that would ultimately be discharged into the Great Lakes.

Based on our Final Environmental Impact Statement, we have concluded that continued discharges of DCR will have only a minor indirect impact on most areas within the Great Lakes environment. The FEIS indicated that unconstrained discharges could have a direct significant adverse impact on protected and sensitive areas. We will mitigate that impact by prohibiting most discharges in those areas, and within three miles of land-based protected and sensitive areas. Only discharges under certain conditions and in specified areas

will be allowed in the Western Basin of Lake Erie, in order to avoid the adverse economic impact that the FEIS indicates could accompany the complete prohibition of discharges in that area. Vessels operating exclusively in the Western Basin will be allowed to discharge limestone, clean stone, coal, iron ore, and salt in dredged navigation channels between Toledo Harbor Light and Detroit River Light, where environmental conditions are already disturbed frequently due to dredging.

IV. Discussion of Comments

We received 55 comments during the public comment period on our May 2008 NPRM, as well as comments from 3 individuals at our two public meetings. Few, if any, commenters distinguished between the DEIS and NPRM in their comment, and therefore all comments were considered for both documents. We have addressed the comments in detail in the FEIS, which was made available to the public on August 22, 2008. In response to public comments, we are extending the areas where DCR discharges are prohibited to include waters within three miles of shore at the following sites: Indiana Dunes and Sleeping Bear National Lakeshores on Lake Michigan and Grand Portage National Monument and Apostle Islands and Pictured Rocks National Lakeshores on Lake Superior. Otherwise, we are adopting the regulatory text we proposed in the NPRM without substantive change.

A table presenting the substance of each comment received, and the Coast Guard's response, appears in the FEIS which can be found in the docket at *http://www.regulations.gov*. The comments, and our responses, are summarized in the following discussion. During the drafting of this interim rule, we received late comments which did not raise new substantive issues and did not affect the following discussion.

Comments in favor of prohibiting continued DCR discharges. Forty-six commenters favored prohibiting continued DCR discharges in the Great Lakes. We agree with these commenters that our environmental analysis shows that prohibition could minimize the potential for adverse environmental impacts, but disagree that DCR discharges should be completely prohibited. In giving the Coast Guard permanent regulatory authority over Great Lakes DCR discharges, Congress expected us to strike an appropriate balance between maritime commercial and environmental protection needs. By balancing the adverse environmental impact of continued DCR discharges in the Great Lakes against the potentially substantial economic cost of prohibiting discharges anywhere in the Great Lakes, we believe this interim rule best achieves Congress' intent.

Comments on the toxicity of DCR. Fifteen commenters expressed concern regarding toxic chemicals in DCR and their effects on humans, animals, and plants. As recounted in detail in the FEIS, we have carefully evaluated the toxic potential of DCR. In general, we found that any toxic components of DCR deposits in the Great Lakes do not exist in concentrations known to be toxic to organisms. In those few instances where a cargo's residue concentration can be found near or above potentially harmful levels, natural sedimentation lowers the concentration to well below potentially harmful levels. There is little or no potential for any fish with toxic concentrations in their tissues to enter the food chain. Moreover, the inclusion of mandatory recordkeeping in our interim rule will enable us to track future DCR discharges, and should environmental conditions change significantly in the future, we retain the regulatory authority needed to address those changed conditions.

Comments on the impact of DCR on invasive mussels and the aquatic environment. Eight commenters expressed concern regarding invasive mussels and the aquatic environment. The FEIS contains detailed information about how we evaluated the impact of DCR on the aquatic environment, especially with respect to invasive mussels. We found minor adverse effects on sediment physical structure, the benthic community, and invasive species. Except in portions of Lakes Michigan and Huron where the potential impact is minor, the discharge of DCR will not change the distribution or density of mussels in most of the Great Lakes, either because mussels are already ubiquitous (e.g., in Lakes Erie and Ontario) or because water depth, temperature, and calcium levels limit mussel distribution and density (e.g., in Lake Superior). Once again, we believe our interim rule best achieves the legislative intention behind our regulatory authority by balancing the minor adverse impact of continued DCR discharges on sediment physical structure, the benthic community, and invasive species against the potential economic cost of prohibiting those discharges.

Comments on the legality of the Coast Guard's proposal. Thirty-six commenters objected to the continued allowance of DCR discharge on the grounds that it is already illegal under U.S. or international laws, treaties, or agreements. Among the authorities listed by these commenters are the International Convention for the Prevention of Pollution from Ships (MARPOL), APPS, the Great Lakes Water Quality Agreement (GLWQA), and State laws in Michigan, Minnesota, and Pennsylvania. We discuss the possible interplay between this interim rule and State law more fully in ''Federalism,'' Part V.E. of this preamble.

This interim rule replaces the IEP with new regulations. We initially adopted the IEP in response to concerns that strict enforcement of existing authorities such as APPS would prohibit continued DCR discharge in the Great Lakes. Congress subsequently addressed that same concern by passing legislation in 1998, 2000, and 2004 that required the Coast Guard to implement and enforce the IEP on the Great Lakes. In 2004, Congress also gave the Coast Guard authority ''notwithstanding any other law'' to regulate the discharge of DCR in the Great Lakes. The legislative history of the 2004 legislation shows that Congress expected the Coast Guard to make the IEP permanent or replace the IEP with an alternative regime that appropriately balances maritime commercial and environmental protection needs. The 2004 legislation is the latest expression of Congress's intentions with respect to regulating Great Lakes DCR discharge, and the basis for the Coast Guard's rulemaking.

Comments relating to recordkeeping and reporting. Seventeen commenters either opposed mandatory recordkeeping and reporting as unnecessary, or asked for modifications in the record form or in the frequency of reporting. We agree that some minor modifications to the reporting form are appropriate which will be reflected in Form CG–33. However, we disagree that the quarterly reporting schedule requires excessively frequent reporting. We have found through the numerous rules and programs we administer that recordkeeping is an integral and important part of ensuring regulatory compliance. The Coast Guard is not requiring the recording or reporting of any data that constitutes trade secrets or privileged and confidential commercial or financial information. We consider the economic cost of our new recordkeeping and reporting requirements to be reasonable, especially considering the value of comprehensive DCR practice data and its potential relationship with natural resources. Data reported to the Coast Guard will be useful as we evaluate the costs and benefits of DCR control measures. Quarterly reporting ensures

that data is assembled quickly. Once our data collection needs are satisfied, we will likely retain the recordkeeping requirement, but may modify or eliminate the reporting requirement.

We have removed the facsimile of Form CG–33 from the regulation, but included information on how to obtain the form itself in the regulatory text.

V. Request for Additional Comments

In our May 2008 NPRM, we promised to open a new rulemaking to begin a new phase of DCR study, simultaneously with publication of the final rule for the present rulemaking. The new phase would consider what additional conditions, if any, should be imposed on DCR discharges in order to offset any long term impacts they might have.

We have decided to conduct this new phase as part of the present rulemaking rather than as a separate project. Therefore, in this interim rule we announce the opening of the new phase, and strongly encourage you to submit public comments to assist us. We want to determine if, in the long term, the optimal balancing of commercial and environmental interests requires the mandatory use of DCR control measures, the adjustment of the geographical boundaries within which discharges are currently allowed, or other regulatory changes.

The outcome of this new phase is not predetermined. We might find a clear case for imposing new DCR control measure requirements and altering geographical boundaries. Alternatively, we might find that the costs of any new regulatory measures outweigh the environmental benefits the new measures would provide, and leave our regulations unchanged. In determining the regulatory outcome, we intend to be guided by data on DCR discharges and on DCR control measures that are already in voluntary use, and by careful consideration of public comments. The DCR control measures we have identified for analysis are listed in the Table below.

TABLE—POTENTIAL DRY CARGO RESIDUE CONTROL MEASURES

Shipboard measures:
Enclosed conveyor.
Troughed conveyor.
Conveyor skirts.
Belt scrapers.
Water mist for dust control.
Conveyor capacity indicators.
Deck remote controls for conveyors.
Stop conveyor while ship or belt is repositioned.
Delay loading/unloading during high wind.
Radio communication between deck and loader.
Crew training on procedures to reduce DCR.
Limit vertical angle of conveyor boom.
Broom & shovel.
Tarps to collect DCR.
Cargo hold vibrator.
Watertight gate seal.
Cargo hold lining.
Minimize hatch removal during poor weather.
Careful cargo hold gate operation.
Shoreside measures:
Enclosed conveyor.
Troughed conveyor.
Conveyor skirts.
Belt scrapers.
Water mist for dust control.
Conveyor capacity indicators.
Deck remote controls for conveyors.
Stop conveyor while ship or belt is repositioned.
Delay loading/unloading during high wind.
Radio communication between deck and loader.
Crew training on procedures to reduce DCR.
Limit vertical angle of conveyor boom.
Flow feeder.
Loading chute, including telescoping or conveyors.
Chemical surfactants.
Suction pumped cargo, slurry transport, pneumatic or screw conveyors.

To better focus our efforts, we invite you to respond to the following questions:

1. Is there a control measure, other than those listed in the Table, that we should study?

2. Do you have data on the cost of installing, operating and maintaining control measures or their effectiveness in reducing the volume of DCR discharged? Can you identify a data source we should consult?

3. If control measures were to be required, are you in favor of a phase-in, and if so, how might the phase-in be structured?

4. Are you in favor of limiting the areas in which control measures should be required, and if so, what are the areas where those requirements should apply?

5. Are there other changes the Coast Guard should make in order to regulate the long term discharge of DCR in the Great Lakes in a way that is both economically and environmentally sustainable?

Please see the **ADDRESSES** section of this document for information on how you can share your responses to these questions with us.

VI. Regulatory Evaluation

A. Executive Order 12866

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.

Public comments on the NPRM are summarized in Part IV of this preamble. We received no public comments that would alter our assessment of impacts in the NPRM. We have adopted the assessment in the NPRM as final. See the ''Regulatory Evaluation'' section of the NPRM for the complete analysis. A summary of the assessment follows.

The recordkeeping provisions in this rule require owners and operators of self propelled vessels to maintain records and report information on dry cargo operations. This rule does not require the use of control measures to reduce the amount of residue swept into the Great Lakes.

There are minimal costs involved in requiring owners and operators of vessels to keep records of their bulk dry cargo residue sweeping operations and to make those records available to the Coast Guard. Moreover, many vessel operators already record this information voluntarily. We identified 55 U.S., 33 Canadian, and 186 non-Canadian foreign vessels operating on the Great Lakes affected by the recordkeeping and reporting requirements of this rule.

We estimate the annual recurring cost of this rule to industry, both U.S. and foreign, to be $88,828 (non-discounted). The total combined U.S. and foreign 10-year (2009–2018) present value cost of this rule is $623,891 discounted at 7 percent and $757,721 discounted at 3 percent.

We estimate the annual recurring cost of this rule to U.S. industry to be $60,077 (non-discounted). The total U.S. 10-year (2009–2018) present value cost of this rule is $421,956 discounted at 7 percent and $512,469 discounted at 3 percent. See the ''Regulatory Evaluation'' section of the NPRM for additional details of the population and cost estimates.

This rule will increase the Coast Guard's ability to understand the practice of dry cargo sweeping, monitor the practice, and, if necessary, subject the practice of dry cargo sweeping to further controls in the future.

B. 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.

In the NPRM, we certified under 5 U.S.C. 605(b) that the proposed rule would not have a significant economic impact on a substantial number of small entities and we requested public comments on this certification. We received no comments on this certification and adopt it as final.

In the NPRM, we identified 13 small entities affected by this rule involving inland water freight transportation, marine cargo handling, packaging and labeling services, and other navigation related industries. We estimated the per vessel annual cost impact of this rulemaking on small entities to be about $1,092. We determined that the cost of the recordkeeping and reporting requirements would not significantly impact the annual operating revenues of the affected small entities. See the ''Small Entities'' section of the NPRM for more details.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this interim rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Business

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), 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. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult Lt St. Pierre (see **FOR FURTHER INFORMATION CONTACT**).

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.

D. Collection of Information

This rule calls for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. A summary of the title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. This information has not changed from the NPRM. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection. See the ''Collection of Information'' section of the NPRM for additional details.

Title: Dry Cargo Residue Sweepings in the Great Lakes.

Summary of the Collection of Information: These DCR recordkeeping provisions will require vessel operators to maintain a DCR log to document what dry cargos are loaded, unloaded, and swept, when they are swept, how they are swept, how much is swept, what control measures, if any, are in place, and where, when, and how fast the vessel is traveling when the sweepings take place.

Need for Information: By making DCR recordkeeping mandatory, we will greatly increase our ability to understand the practice of dry cargo sweeping, monitor the practice, and if necessary, subject the practice of DCR sweeping to further controls in the future.

Proposed Use of Information: The DCR recordkeeping and reporting requirements will provide additional data to support Coast Guard analysis of policies to reduce DCR discharges over the long term, beyond the next 6 to 10 years.

Description of the Respondents: The respondents are owners and operators of U.S., Canadian, and foreign flag vessels carrying dry-bulk cargos operated on the Great Lakes. The respondents will conduct DCR recordkeeping and handle the submissions.

Number of Respondents: Based on estimates from the NPRM, the total number of vessels that handle Great Lakes dry bulk cargo shipments is 274 (= 55 U.S. vessels + 33 Canadian vessels

+ 186 non-Canadian foreign vessels). We estimate the number of respondents equal the number of vessels since there will be crew on each vessel recording the information.

Frequency of Response: Based on estimates from the NPRM, the annual frequency of response is 10,615 for U.S. vessels and 5,153 for foreign vessels.

Burden of Response: Based on estimates from the NPRM, the total annual burden hours for this rule are 886 hours for U.S. vessel operators and 448 hours for foreign vessel operators. We estimate the annual costs of this burden to be $60,077 (non-discounted) for U.S. operators and $28,751 for foreign operators.

During public hearings, one commenter questioned the usefulness of collecting man hour data stating that recording man hours can vary greatly by interpretation and that the data will be unusable. The Coast Guard disagrees with the commenter. The man hour data provided by vessel masters will enable the Coast Guard to better estimate the burden of implementing DCR control measures. The information will provide a benchmark for measuring DCR-related man hours for the different alternatives under consideration. We have provided instructions and guidance for recording man hours. As discussed in the NPRM, we found many vessel operators already record this information voluntarily.

As required by 44 U.S.C. 3507(d), we submitted a copy of the proposed rule to the Office of Management and Budget for its review of the collection of information. OMB approved the collection for 33 CFR part 151 and Form CG–33 on September 4, 2008, and the corresponding approval number from OMB is OMB Control Number 1625–0072, which expires on September 11, 2011.

E. 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. The Coast Guard received 10 comments in response to our NPRM regarding the possible interplay between Coast Guard regulations and State laws that may relate to DCR discharges. We understand that at least some States in the Great Lakes region already have legislation that may prohibit certain solid waste discharges in their Great Lakes waters, and that certain of those States take the position that DCR may be or at least may contain solid waste. However, we do not agree with the commenters that the Federal regulation either expressly preempts or necessarily conflicts with those laws. Rather, and to clarify our Federalism statement in accordance with the responsibilities and the principles contained in EO 13132 regarding Federalism, the Coast Guard states that this regulation does not expressly preempt those State laws. Nor does the Coast Guard by promulgating this regulation take the position that such State laws facially frustrate an over-riding federal purpose. However, the ultimate question regarding preemption of State laws is a legal question that is subject to court interpretation and decision based on the application of particular facts to those individual laws. Because no court has ruled on the questions raised, the Coast Guard cautions carriers that they must comply with all applicable Federal and State laws regulating DCR discharges. We will work with States and carriers to make sure carriers are informed of any State laws that could impose more restrictions on DCR discharges than we have proposed.

F. 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. This rule will not result in such expenditure.

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. 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 will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will 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.

K. 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.

L. 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.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Final Environmental Impact Statement and Record of Decision appear in the docket.

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 151 as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

■ 1. The authority citation for part 151 is revised to read as follows:

Authority: 33 U.S.C. 1321, 1902, 1903, 1908; 46 U.S.C. 6101; Pub. L. 104–227 (110 Stat. 3034); Pub. L. 108–293 (118 Stat. 1063), § 623; E.O. 12777, 3 CFR, 1991 Comp. p. 351; DHS Delegation No. 0170.1, sec. 2(77).

Subpart A—Implementation of MARPOL 73/78 and the Protocol on Environmental Protection to the Antarctic Treaty as it pertains to Pollution From Ships

■ 2. Revise § 151.66 to read as follows:

§ 151.66 Operating requirements: Discharge of garbage in the Great Lakes and other navigable waters.

(a) Except as otherwise provided in this section, no person on board any ship may discharge garbage into the navigable waters of the United States.

(b) On the United States' waters of the Great Lakes, commercial ships, excluding non-self propelled barges that are not part of an integrated tug and barge unit, may discharge bulk dry cargo residues in accordance with this paragraph and paragraph (c) of this section. Owners and operators of ships to which these paragraphs apply are encouraged to minimize the volume of dry cargo residues discharged through the use of suitable residue control measures onboard and by loading and unloading cargo at facilities that use suitable shoreside residue control measures. As used in this paragraph and paragraph (c) of this section:

Apostle Islands National Lakeshore means the site on or near Lake Superior administered by the National Park Service, less Madeline Island, and including the Wisconsin shoreline of Bayfield Peninsula from the point of land at 46°57′19.7″ N, 90°52′51.0″ W southwest along the shoreline to a point of land at 46°52′56.4″ N, 91°3′3.1″ W.

Bulk dry cargo residues means non-hazardous and non-toxic residues of dry cargo carried in bulk, including limestone and other clean stone, iron ore, coal, salt, and cement. It does not include residues of any substance known to be toxic or hazardous, such as, nickel, copper, zinc, lead, or materials classified as hazardous in provisions of law or treaty;

Caribou Island and Southwest Bank Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

47°30.0′ N	85°50.0′ W
47°24.2′ N	85°38.5′ W
47°04.0′ N	85°49.0′ W
47°05.7′ N	85°59.0′ W
47°18.1′ N	86°05.0′ W

Detroit River International Wildlife Refuge means the U.S. waters of the Detroit River bound by the area extending from the Michigan shore at the southern outlet of the Rouge River to 41°54′ N, 083°06′ W along the U.S.-Canada boundary southward and clockwise connecting points:

42°02′ N	083°08′ W
41°54′ N	083°06′ W
41°50′ N	083°10′ W
41°44.52 N	083°22′ W
41°44.19 N	083°27′ W

Grand Portage National Monument means the site on or near Lake Superior, administered by the National Park Service, from a southwest corner of the monument point of land, 47°57.521′ 89°41.245′, to the northeast corner of the monument point of land, 47°57.888′ 89°40.725′.

Indiana Dunes National Lakeshore means the site on or near Lake Michigan, administered by the National Park Service, from a point of land near Gary, Indiana at 41°42′59.4″ N 086°54′59.9″ W eastward along the shoreline to 41°37′08.8″ N 087°17′18.8″ W near Michigan City, Indiana.

Integrated tug and barge unit means any tug barge combination which, through the use of special design features or a specially designed connection system, has increased seakeeping capabilities relative to a tug and barge in the conventional pushing mode;

Isle Royale National Park means the site on or near Lake Superior, administered by the National Park Service, where the boundary includes any submerged lands within the territorial jurisdiction of the United States within four and one-half miles of the shoreline of Isle Royale and the surrounding islands, including Passage Island and Gull Island.

Mile means a statute mile, and refers to the distance from the nearest land or island;

Milwaukee Mid-Lake Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

43°27.0′ N	87°14.0′ W
43°21.2′ N	87°02.3′ W
43°03.3′ N	87°04.8′ W
42°57.5′ N	87°21.0′ W
43°16.0′ N	87°39.8′ W

Northern Refuge means the area enclosed by rhumb lines connecting the coordinates, beginning on the northernmost point and proceeding clockwise:

45°45′ N	86°00′ W,

western shore of High Island, southern shore of Beaver Island:

45°30′ N	85°30′ W
45°30′ N	85°15′ W
45°25′ N	85°15′ W
45°25′ N	85°20′ W
45°20′ N	85°20′ W
45°20′ N	85°40′ W
45°15′ N	85°40′ W
45°15′ N	85°50′ W
45°10′ N	85°50′ W
45°10′ N	86°00′ W

Pictured Rocks National Lakeshore means the site on or near Lake Superior, administered by the National Park Service, from a point of land at 46°26′21.3″ N 086°36′43.2″ W eastward along the Michigan shoreline to 46°40′22.2″ N 085°59′58.1″ W.

Six Fathom Scarp Mid-Lake Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

44°55′ N	82°33′ W
44°47′ N	82°18′ W
44°39′ N	82°13′ W
44°27′ N	82°13′ W
44°27′ N	82°20′ W
44°17′ N	82°25′ W
44°17′ N	82°30′ W
44°28′ N	82°40′ W
44°51′ N	82°44′ W
44°53′ N	82°44′ W
44°54′ N	82°40′ W

Sleeping Bear Dunes National Lakeshore means the site on or near Lake Michigan, administered by the National Park Service, that includes North Manitou Island, South Manitou Island and the Michigan shoreline from a point of land at 44°42′45.1″ N 086°12′18.1″ W north and eastward along the shoreline to 44°57′12.0″ N 085°48′12.8″ W.

Stannard Rock Protection Area means the area within a 6 mile radius from Stannard Rock Light, at 47°10′57″ N 87°13′34″ W;

Superior Shoal Protection Area means the area within a 6 mile radius from the center of Superior Shoal, at 48°03.2′ N 87°06.3′ W;

Thunder Bay National Marine Sanctuary means the site on or near Lake Huron designated by the National Oceanic and Atmospheric Administration as the boundary that forms an approximately rectangular area by extending along the ordinary high water mark between the northern and southern boundaries of Alpena County, cutting across the mouths of rivers and streams, and lakeward from those points along latitude lines to longitude 83 degrees west. The coordinates of the boundary are:

45°12′25.5″ N	83°23′18.6″ W
45°12′25.5″ N	83°00′00″ W
44°51′30.5″ N	83°00′00″ W
44°51′30.5″ N	83°19′17.3″ W

Waukegan Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

42°24.3′ N	87°29.3′ W
42°13.0′ N	87°25.1′ W
42°12.2′ N	87°29.1′ W
42°18.1′ N	87°33.1′ W
42°24.1′ N	87°32.0′ W; and

Western Basin means that portion of Lake Erie west of a line due south from Point Pelee.

TABLE 151.66(b)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES

Location	Cargo	Discharge allowed except as noted
Tributaries, their connecting rivers, and St. Lawrence River.	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
	All other cargos	Prohibited.
Lake Ontario	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
	Iron ore	Prohibited within 6 miles from shore.
	All other cargos	Prohibited within 13.8 miles from shore.
Lake Erie	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel operating exclusively within Western Basin may discharge limestone or clean stone cargo residues over the dredged navigation channels between Toledo Harbor Light and Detroit River Light.
	Iron ore	Prohibited within 6 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel may discharge residue over the dredged navigation channels between Toledo Harbor Light and Detroit River Light if it unloads in Toledo or Detroit and immediately thereafter loads new cargo in Toledo, Detroit, or Windsor.
	Coal, salt	Prohibited within 13.8 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel may discharge residue over the dredged navigation channels between Toledo Harbor Light and Detroit River Light if it unloads in Toledo or Detroit and immediately thereafter loads new cargo in Toledo, Detroit, or Windsor.
	All other cargos	Prohibited within 13.8 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin.
Lake St. Clair	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
	All other cargos	Prohibited.
Lake Huron except Six Fathom Scarp Mid-Lake Special Protection Area.	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; prohibited in the Thunder Bay National Marine Sanctuary.
	Iron ore	Prohibited within 6 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary; prohibited for vessels up bound along the Michigan thumb as follows: (1) Between 5.8 miles northeast of entrance buoys 11 and 12 to the track line turn abeam of Harbor Beach, prohibited within 3 miles from shore; and (2) For vessels bound for Saginaw Bay only, between the track line turn abeam of Harbor Beach and 4 nautical miles northeast of Point Aux Barques Light, prohibited within 4 miles from shore and not less than 10 fathoms of depth.
	Coal, salt	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary; prohibited for vessels up bound from Alpena into ports along the Michigan shore south of Forty Mile Point within 4 miles from shore and not less than 10 fathoms of depth.
	All other cargos	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary.
Lake Michigan	Limestone and other clean stone ..	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas; prohibited within the Northern Refuge; prohibited within 3 miles of the shore of the Indiana Dunes and Sleeping Bear National Lakeshores; prohibited within Green Bay.

TABLE 151.66(b)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES—Continued

Location	Cargo	Discharge allowed except as noted
	Iron ore	Prohibited in the Northern Refuge; north of 45° N, prohibited within 12 miles from shore and in Green Bay; south of 45° N, prohibited within 6 miles from shore, and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores; except that discharges are allowed at: (1) 4.75 miles off Big Sable Point Betsie, along established Lake Carriers Association (LCA) track lines; and (2) Along 056.25° LCA track line between due east of Poverty Island to a point due south of Port Inland Light.
	Coal	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores; except that discharges are allowed: (1) Along 013.5° LCA track line between 45° N and Boulder Reef, and along 022.5° LCA track running 23.25 miles between Boulder Reef and the charted position of Red Buoy #2; (2) Along 037° LCA track line between 45°20′ N and 45°42′ N; (3) Along 056.25° LCA track line between points due east of Poverty Island to a point due south of Port Inland Light; and (4) At 3 miles from shore for coal carried between Manistee and Ludington along customary routes.
	Salt	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores, and in Green Bay.
	All other cargos	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores.
Lake Superior	Limestone and other clean stone	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; and prohibited within Isle Royal National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	Iron ore	Prohibited within 6 miles from shore (within 3 miles off northwestern shore between Duluth and Grand Marais); and prohibited within Isle Royal National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	Coal, salt	Prohibited within 13.8 miles from shore (within 3 miles off northwestern shore between Duluth and Grand Marais); and prohibited within Isle Royal National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	Cement	Prohibited within 13.8 miles from shore (within 3 miles offshore west of a line due north from Bark Point); and prohibited within Isle Royal National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	All other cargos	Prohibited within 13.8 miles from shore; and prohibited within Isle Royal National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.

(c)(1) The master, owner, operator, or person in charge of any commercial ship loading, unloading, or discharging bulk dry cargo in the United States' waters of the Great Lakes and the master, owner, operator, or person in charge of a U.S. commercial ship transporting bulk dry cargo and operating anywhere on the Great Lakes, excluding non-self

propelled barges that are not part of an integrated tug and barge unit, must ensure that a written record is maintained on the ship that fully and accurately records information on:

(i) Each loading or unloading operation on the United States' waters of the Great Lakes, or in the case of U.S. commercial ships on any waters of the Great Lakes, involving bulk dry cargo; and

(ii) Each discharge of bulk dry cargo residue that takes place in United States' waters of the Great Lakes, or in the case of U.S. commercial ships on any waters of the Great Lakes.

(2) For each loading or unloading operation, the record must describe:

(i) The date of the operation;

(ii) Whether the operation involved loading or unloading;

(iii) The name of the loading or unloading facility;

(iv) The type of bulk dry cargo loaded or unloaded;

(v) The method or methods used to control the amount of bulk dry cargo residue, either onboard the ship or at the facility;

(vi) The time spent to implement methods for controlling the amount of bulk dry cargo residue; and

(vii) The estimated volume of bulk dry cargo residue created by the loading or unloading operation that is to be discharged.

(3) For each discharge, the record must describe:

(i) The date and time the discharge started, and the date and time the discharge ended;

(ii) The ship's position, in latitude and longitude, when the discharge started and when the discharge ended; and

(iii) The ship's speed during the discharge.

(iv) Records must be kept on Coast Guard Form CG–33, which can be found at *http://www.uscg.mil/hq/cg5/cg522/cg5224/dry_cargo.asp.* The records must be certified by the master, owner, operator, or person in charge and kept in written form onboard the ship for at least two years. Copies of the records must be forwarded to the Coast Guard at least once each quarter, no later than the 15th day of January, April, July, and October. The record copies must be provided to the Coast Guard using only one of the following means:

(A) E-mail to *DCRRecordkeeping@USCG.mil*;

(B) Fax to (202) 372–1926, ATTN: DCR RECORDKEEPING; or

(C) Mail to U.S. Coast Guard: Commandant (CG–522), ATTN: DCR RECORDKEEPING, CGHQ Room 1210, 2100 Second Street, SW, Washington, DC 20593–0001.

Dated: September 23, 2008.

J.G. Lantz,

Acting Assistant Commandant for Marine Safety, Security and Stewardship, United States Coast Guard.

[FR Doc. E8–22670 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–15–P

POSTAL SERVICE

39 CFR Part 111

Postage Payment for Bound Printed Matter Limited to Permit Imprint

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: In this final rule, the Postal Service is revising mailing standards for all Bound Printed Matter (BPM). In March we filed a notice with the Postal Regulatory Commission for a classification change requiring all mailings of Bound Printed Matter be paid by permit only. The Commission agreed, and we are moving forward with the change.

Postage payment for BPM mailings: carrier route, presorted, and nonpresorted (single-piece) flats and parcels, regardless of volume, are limited to permit imprint. Mailers can no longer affix postage by adhesive stamps, postage meter, or PC Postage®. BPM will not be accepted at retail counters, in collection boxes, or by carriers and must be deposited and accepted at the Post Office™ facility that issued the permit. Merchandise Return Service (MRS) permit holders may continue to pay nonpresorted BPM prices on eligible items returned with a MRS label.

DATES: This rule is effective September 29, 2008, and is applicable beginning September 11, 2008.

FOR FURTHER INFORMATION CONTACT: Carol A. Lunkins at 202–268–7262.

SUPPLEMENTARY INFORMATION: Mailers who are presently authorized to pay postage via permit imprint may use their existing permit to mail BPM at the Post Office™ where the permit is held. Mailers who wish to obtain a new authorization to pay postage via permit imprint must complete an application and pay a one-time application fee at each office of mailing to mail BPM on or after September 11, 2008. Authorization is obtained by submitting PS Form 3615, *Mailing Permit Application and Customer Profile,* and the applicable fee to the Post Office where mailings are to be deposited. As long as a permit remains active, there is no additional fee for use of a permit imprint indicia, but other fees (e.g., an annual destination entry mailing fee) may be due depending on where the mail is deposited.

Payment for postage must be made for each mailing through an advance deposit account before the mailing can be released for processing. Funds to pay postage must be deposited as directed by the USPS®.

Nonpresorted BPM mailings, except discount mailings (e.g., barcode discounts), will be exempt from the general minimum volume requirement for a permit imprint mailing of at least 200 pieces or 50 pounds of mail and will not have a minimum volume requirement. However, the current requirements for all other commercial nonpresorted and presorted minimum volumes will remain (e.g., nonpresorted barcoded—50 pieces and presorted—300 pieces).

As a reminder, prices for BPM pieces vary by weight and zone of destination. Supporting documentation of postage is required for all nonidentical-weight pieces and for identical-weight pieces that are not separated by price and zone.

This requirement, which limits the payment of postage for all BPM to permit imprint, is effective September 11, 2008.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), which is incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

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

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

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

* * * * *

300 Commercial Flats

* * * * *

360 Bound Printed Matter

363 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

1.1 Nonpresorted Bound Printed Matter

* * * * *

[*Delete 1.1.7 in its entirety.*]

* * * * *

[*Revise the title of 363.1.2, as follows:*]

1.2 Commercial Bound Printed Matter

* * * * *

[*Delete 1.2.8 in its entirety and renumber current 1.2.9 as new 1.2.8.*]

* * * * *

4.0 Price Eligibility for Bound Printed Matter Flats

* * * * *

4.2 Nonidentical Weight Pieces

[*Revise the text of 4.2 to eliminate affixed postage payment, as follows:*]

Mailings may contain nonidentical-weight pieces only if Business Mailer Support (BMS) has authorized payment of postage by permit imprint under 705.2.0, *Manifest Mailing System*, 705.3.0, *Optional Procedure,* or 705.4.0, *Alternate Mailing System*.

* * * * *

364 Postage Payment and Documentation

1.0 Basic Standards for Postage Payment

1.1 Nonpresorted Bound Printed Matter

1.1.1 Payment Method

[*Revise the text of 1.1.1 to eliminate postage payment methods other than permit imprint, as follows:*]

The mailer is responsible for proper postage payment. Subject to the corresponding standards, postage and fees for Bound Printed Matter must be paid by permit imprint, as defined in 604.5.0. Permit imprint may be used for mailings that contain nonidentical-weight pieces only when authorized by Business Mailer Support. Identical-weight pieces must be separated at acceptance into groups that contain pieces all subject to the same zone and same combination of prices (e.g., all are zone 4), unless mailed under 705.2.0 through 705.4.0 in *Advanced Preparation and Special Postage Payment Systems.*

[*Delete current 1.1.2 in its entirety and renumber current 1.1.3 as new 1.1.2.*]

1.1.2 Postage Paid With Permit Imprint

The following standards apply for postage paid with permit imprint:

* * * * *

[*Revise renumbered 1.1.2b, as follows:*]

b. Minimum Quantity. Nonpresorted, non-discounted mailings are not subject to a minimum volume requirement.

[*Revise the title of 364.1.2, as follows:*]

1.2 Commercial Bound Printed Matter

1.2.1 Postage Payment Options

[*Revise the text of 1.2.1, as follows:*]

The mailer is responsible for proper postage payment. Subject to the corresponding standards, postage for Bound Printed Matter may be paid by permit imprint only (see 604.5.0). Permit imprint may be used for mailings that contain nonidentical-weight pieces only when authorized by Business Mailer Support. Identical-weight pieces must be separated at acceptance into groups that contain pieces all subject to the same zone and same combination of prices (e.g., all are zone 4), unless mailed under 705.2.0 through 705.4.0, in *Advanced Preparation and Special Postage Payment Systems.*

2.0 Mailing Documentation

2.1 Completing Postage Statements

[*Revise the text of 2.1, as follows:*]

All mailings must be accompanied by a completed postage statement signed by the mailer (in duplicate if the mailer wants a receipted copy). A change made to any postage statement requires the mailer to correct the postage statement accordingly and document the correction.

2.2 Basic Documentation Standards

[*Revise the text of 2.2, as follows:*]

Generally, documentation is required from a mailer when a mailing is presented to the USPS, and supporting documentation of postage is required.

Documentation describes the preparation, price levels, content of the mailing and it details the volume and postage data. By comparison with the actual mailing, it describes and supports the claims contained on the postage statement, which accompanies the mailing. It allows the USPS to validate the accuracy of the mailing. Documentation must be submitted when specified for the price claimed.

2.3 Documentation for Mail Claiming the Barcode Discount

[*Revise the text of 2.3, as follows:*]

A complete postage statement must accompany each mailing, and it must be supported by documentation produced by PAVE-certified or MAC-certified software or standardized documentation. Mailers may use a single postage statement and a single documentation report for all price levels in a mailing. Documentation of postage is not required if each piece is of identical weight and the pieces are separated by zone and price when presented for acceptance.

* * * * *

365 Mail Preparation

* * * * *

5.0 Preparing Presorted Flats

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5.3 Sacking

* * * * *

5.3.2 Separation by Zone

[*Revise the text of 5.3.2 by deleting 5.3.2a in its entirety and combining 5.3.2b with the paragraph, as follows:*]

Pieces for each zone must be sacked separately. When presented for verification, sacks must be separated by zone. *Exception:* Pieces for different zones may be sacked together, and the sacks do not have to be separated by zone for verification if the mailing is prepared under 705.2.0, *Manifest Mailing System,* 705.3.0, *Optional Procedure,* 705.4.0, *Alternate Mailing System,* or 5.3.3, *Commingling Zones.*

5.3.3 Commingling Zones

[*Revise the introductory paragraph of 5.3.3, as follows:*]

Subject to this section, when zoned BPM is presented as individual pieces, the mailing must be separated by zone. Nonidentical-weight pieces may not be commingled unless authorized by the Business Mailer Support manager. The mail must be prepared and documented:

* * * * *

6.0 Preparing Carrier Route Flats

* * * * *

6.3 Sacking

* * * * *

6.3.2 Separation by Zone

[*Revise the text of 6.3.2 by deleting 6.3.2a in its entirety and combining 6.3.2b with the paragraph, as follows:*]

Pieces for each zone must be sacked separately. When presented for verification, sacks must be separated by zone. *Exception:* Pieces for different zones may be sacked together, and the sacks do not have to be separated by zone for verification if the mailing is prepared under 705.2.0, *Manifest Mailing System,* 705.3.0, *Optional*

Procedure, 705.4.0, *Alternate Mailing System,* or 5.3.3, *Commingling Zones.*

6.3.3 Commingling Zones

[*Revise the introductory paragraph of 6.3.3, as follows:*]

Subject to this section, when zoned BPM is presented as individual pieces, the mailing must be separated by zone. Nonidentical-weight pieces may not be commingled unless authorized by the Business Mailer Support manager. The mail must be prepared and documented:

* * * * *

366 Enter and Deposit

1.0 Deposit of Nonpresorted Bound Printed Matter

[*Revise the title of 366.1.1, as follows:*]

1.1 Nonpresorted Mailings

[*Revise the text of 1.1 as follows:*]

Nonpresorted Bound Printed Matter postage must be paid via permit imprint and be deposited and accepted at the Post Office that issued the permit, at a time and place designated by the postmaster, except as otherwise provided for plant-verified drop shipments under 604.5.0.

2.0 Presenting a Mailing

2.1 Verification and Entry—Presorted, Carrier Route, Destination Entry, and Barcoded Mailings

[*Revise the first sentence to delete ''or license'' and delete the last sentence of 2.1 in its entirety as follows:*]

All presorted, carrier route, destination entry, and barcoded commercial mailings must be presented for verification and acceptance at the Post Office where the permit is held.

* * *

2.2 Verification and Entry—Nonpresorted Mailings

[*Revise the text of 2.2, as follows:*]

Nonpresorted Bound Printed Matter is not accepted at retail counters, in collection boxes, or by carriers. Mailers must deposit nonpresorted Bound Printed Matter only at the Post Office where the permit is held at the time and place specified by the postmaster at the office of mailing (see 604.5.0).

* * * * *

2.5 BMC Acceptance

A mailer may present Bound Printed Matter at a BMC for acceptance if:

[*Revise the text of 2.5a, as follows:*]

a. Permit imprint postage is paid through an advance deposit account at the BMC parent Post Office or another Post Office in the BMC service area, unless otherwise permitted by standard.

* * * * *

400 Commercial Parcels

* * * * *

460 Bound Printed Matter

463 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

* * * * *

[*Delete 1.1.6 in its entirety.*]

[*Revise the title of 463.1.2, as follows:*]

1.2 Commercial Bound Printed Matter

* * * * *

[*Delete current 1.2.6 in its entirety and renumber current 1.2.7 as new 1.2.6.*]

* * * * *

4.0 Price Eligibility for Bound Printed Matter Parcels

* * * * *

4.2 Nonidentical Weight Pieces

[*Revise the text of 4.2. to eliminate affixed postage payment, as follows:*]

Mailings may contain nonidentical-weight pieces only if Business Mailer Support (BMS) has authorized payment of postage by permit imprint under 705.2.0, *Manifest Mailing System,* 705.3.0, *Optional Procedure,* or 705.4.0, *Alternate Mailing System.*

* * * * *

464 Postage Payment and Documentation

1.0 Basic Standards for Postage Payment

1.1 Nonpresorted Bound Printed Matter

1.1.1 Payment Method

[*Revise the text of 1.1.1 to eliminate postage payment methods other than permit imprint, as follows:*]

The mailer is responsible for proper postage payment. Subject to the corresponding standards, postage and fees for Bound Printed Matter must be paid by permit imprint, as defined in 604.5.0. Identical and nonidentical-weight permit imprint mailings may be mailed under 705, *Advanced Preparation and Special Postage Payment Systems.* Permit imprint may be used for mailings that contain nonidentical-weight pieces only when authorized by Business Mailer Support. Identical-weight pieces must be separated at acceptance into groups that contain pieces all subject to the same zone and same combination of prices (e.g., all are zone 4), unless mailed under 705.2.0 through 705.4.0, in Advanced Preparation and Special Postage Payment Systems.

[*Delete current 1.1.2 in its entirety and renumber current 1.1.3 as new 1.1.2.*]

1.1.2 Postage Paid With Permit Imprint

The following standards apply for postage paid with permit imprint:

* * * * *

[*Revise renumbered 1.1.2.b, as follows:*]

b. Minimum Quantity. Nonpresorted, non-discounted mailings are not subject to a minimum volume requirement.

1.2 Commercial Bound Printed Matter

1.2.1 Postage Payment Options

[*Revise the text of 1.2.1, as follows:*]

The mailer is responsible for proper postage payment. Subject to the corresponding standards, postage for Bound Printed Matter must be paid by permit imprint only (see 604.5.0). Permit imprint may be used for mailings that contain nonidentical-weight pieces only when authorized by Business Mailer Support. Identical-weight pieces must be separated at acceptance into groups that contain pieces all subject to the same zone and same combination of prices (e.g., all are zone 4, with a BMC entry discount and a barcoded discount), unless mailed under 705.2.0 through 705.4.0.

2.0 Mailing Documentation

2.1 Completing Postage Statements

[*Revise the text of 2.1, as follows:*]

All mailings must be accompanied by a completed postage statement signed by the mailer (in duplicate if the mailer wants a receipted copy). A change made to any postage statement requires the mailer to correct the postage statement accordingly and document the correction.

2.2 Basic Documentation Standards

[*Revise the text of 2.2, as follows:*]

Documentation is required from a mailer when a mailing is presented to the USPS, and supporting documentation of postage is also required. Documentation describes the preparation, price levels, content of the mailing, and it details the volume and postage data. By comparison with the actual mailing, it describes and supports the claims contained on the postage statement that accompanies the mailing. It allows the USPS to validate the accuracy of the mailing. When specified, documentation must be submitted for the price claimed.

* * * * *

465 Mail Preparation

* * * * *

5.0 Preparing Presorted Parcels

5.1 Basic Standards

* * * * *

5.1.2 Separation

[*Revise the text of 5.1.2 by deleting 5.1.2a in its entirety and combining 5.1.2b with the paragraph, as follows:*]

Pieces for each zone must be sacked separately. When presented for verification, sacks must be separated by zone. Exception: Pieces for different zones may be sacked together, and the sacks do not have to be separated by zone for verification if the mailing is prepared under *705.2.0, Manifest Mailing System,* 705.3.0, *Optional Procedure,* 705.4.0, *Alternate Mailing System,* or 5.1.3, *Commingling Zones.*

5.1.3 Commingling Zones

[*Revise the introductory paragraph of 5.1.3, as follows:*]

Subject to this section, when zoned BPM is presented as individual pieces, the mailing must be separated by zone. Nonidentical-weight pieces may not be commingled unless authorized by the BMS manager. The mail must be prepared and documented:

* * * * *

6.0 Preparing Carrier Route Parcels

6.1 Basic Standards

* * * * *

6.1.2 Separation

[*Revise the text of 6.1.2 by deleting 6.1.2a in its entirety and combining 6.1.2b with the paragraph, as follows:*]

Pieces for each zone must be sacked separately. When presented for verification, sacks must be separated by zone. Exception: Pieces for different zones may be sacked together, and the sacks do not have to be separated by zone for verification if the mailing is prepared under 705.2.0, *Manifest Mailing System,* 705.3.0, *Optional Procedure,* 705.4.0, *Alternate Mailing System,* or 6.1.3, *Commingling Zones.*

6.1.3 Commingling Zones

[*Revise the introductory paragraph of 6.1.3, as follows:*]

Subject to this section, when zoned BPM is presented as individual pieces, the mailing must be separated by zone. Nonidentical-weight pieces may not be commingled unless authorized by the BMS manager. The mail must be prepared and documented:

* * * * *

466 Enter and Deposit

1.0 Deposit of Nonpresorted Bound Printed Matter

[*Revise the title of 466.1.1, as follows:*]

1.1 Nonpresorted Mailings

[*Revise the text of 1.1 as follows:*]

Nonpresorted Bound Printed Matter postage must be paid via permit imprint and be deposited and accepted at the Post Office that issued the permit, at a time and place designated by the postmaster, except as otherwise provided for plant-verified drop shipments under 604.5.0.

2.0 Presenting a Mailing

2.1 Verification and Entry—Presorted, Carrier Route, Destination Entry, and Barcoded Mailings

[*Revise the text of 2.1 as follows:*]

All presorted, carrier route, destination entry, and barcoded commercial mailings must be presented for verification and acceptance at the Post Office where the permit is held. All such mailings must be deposited at locations and times specified by the postmaster or designee at the office that verifies and accepts the mailing. Plant-verified drop shipment (PVDS) mailings must be presented for verification, acceptance, and entry under 705.15.0. Plant-loaded mailings must be presented as specified by the applicable standards and the plant-load agreement.

2.2 Verification and Entry—Nonpresorted Mailings

[*Revise the text of 2.2, as follows:*]

Nonpresorted Bound Printed Matter is not accepted at retail counters, in collection boxes, or by carriers. Mailers must deposit nonpresorted Bound Printed Matter only at the Post Office where the permit is held at the time and place specified by the postmaster at the office of mailing (see 604.5.0).

* * * * *

2.5 BMC Acceptance

A mailer may present Bound Printed Matter at a BMC for acceptance if:

[*Revise the text of 2.5a, as follows:*]

a. Permit imprint postage is paid through an advance deposit account at the BMC parent Post Office or another Post Office in the BMC service area, unless otherwise permitted by standard.

* * * * *

3.0 Destination Entry

* * * * *

3.3 Postage Payment

Postage payment for Bound Printed Matter destination price mailings is subject to the same standards that apply generally to Bound Printed Matter and to the following:

[*Revise the text of 3.3a, as follows:*]

a. Mailers must pay postage and correct mailing fees at each Post Office where they are authorized to present mailings for verification unless using the Electronic Verification System (eVS) under 705.2.9. Except for plant-verified drop shipments (see 705.15.0) and eVS shipments (see 705.2.9); mailers must have a permit imprint authorization at the parent Post Office for mailings deposited for entry at a DBMC, ASF, DSCF, or DDU. Correct mailing fees must be paid for the current 12-month period at the USPS facility where postage is paid for the mailing.

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

604 Postage Payment Methods

* * * * *

4.0 Postage Meters and PC Postage Products (''Postage Evidencing Systems'')

4.1 Basic Information

* * * * *

4.1.5 Authorized Classes of Mail

[*Revise the text of 4.1.5 to add ''Bound Printed Matter'', as follows:*]

Mailers may use postage evidencing systems to affix or imprint indicia on any class of mail except Periodicals and Bound Printed Matter.

* * * * *

5.0 Permit Imprint (Indicia)

5.1 General Standards

* * * * *

5.1.2 Minimum Volume

[*Revise the text of the introductory paragraph, and add new 5.1.2e, as follows:*]

Permit imprint mailings must contain at least 200 pieces or 50 pounds of mail, except:

* * * * *

e. Bound Printed Matter nonpresorted, non-discounted mailings.

* * * * *

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E8–22832 Filed 9–26–08; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 1, 10, 12, 13, 14, 15, 28, 31, 71, 91, 107, 150, 176, 401 and 402

[USCG–2008–0906]

RIN 1625–ZA20

Shipping; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive changes throughout Title 46 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard shipping regulations. This rule will have no substantive effect on the regulated public. These changes are provided to coincide with the annual recodification of Title 46 on October 1.

DATES: This final rule is effective September 29, 2008.

ADDRESSES: Comments and material received from the public as well as documents mentioned in this preamble as being available in the docket, are part of USCG–2008–0906 and are 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. You may also find this docket on the Internet at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call LCDR Reed Kohberger, CG–5232, Coast Guard, telephone 202–372–1471. If you have questions on viewing the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds this rule is exempt from notice and comment rulemaking requirements because these changes involve agency organization and practices, and good cause exists for not publishing an NPRM for all revisions in the rule because they are all non-substantive changes. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

II. Background and Purpose

Each year the printed edition of Title 46 of the Code of Federal Regulations is updated on October 1. This rule, which becomes effective September 29, 2008, makes technical and editorial corrections throughout Title 46. This rule does not create any substantive requirements.

III. Discussion of Rule

This rule updates the address and contact information for the National Maritime Center (NMC) in 10 sections: the Marine Index Bureau in 1 section; the National Cargo Bureau in 1 section; and the International Cargo Bureau in 8 sections. We updated internal Coast Guard office designators in nine sections, and typographical errors were corrected in §§ 10.219, 28.50, 28.275(a)(2), 28.390(c), and 176.816. Further, certain sections of Title 46 previously included a list of Regional Examination locations; however, as a result of other rulemakings, these sections currently state that the list of Regional Examination locations is available through the Coast Guard Web site at *http://www.uscg.mil*. We updated cross-references to these sections in §§ 12.02–23(e), 12.02–27(a)(2), 13.107(f), 10.105 and 13.109(c) to ensure the public may easily locate the list of Regional Examination locations.

Additional amendments to parts 10, 14, 15, 28, 71, 91, 401, and 402 are:

46 CFR 10.464. We amended § 10.464(f)(3) for clarity and to make it consistent with § 10.464(f)(2).

46 CFR Part 14. We updated the address for the NMC throughout Title 46 to reflect their move to West Virginia. In addition to updating the address, we removed the outdated facsimile number in § 14.103(b), and replaced it with NMC's public contact e-mail address. The facsimile number listed is no longer valid, and the NMC is now accepting communications via electronic mail. We also added paragraph (c) to § 14.103 to provide the NMC's World Wide Web address.

46 CFR 15.610. We removed § 15.610(c) because it expired on May 21, 2006. We re-designated § 15.610(d) as § 15.610(c) due to the removal of paragraph (c).

46 CFR 28.575. We amended 46 CFR 28.575 to correct two typographical errors. The first typographical error appears in the formula in paragraph (b). Specifically, the figure two in the formula should be a superscripted figure two. The correct formula, with the superscripted figure, was added to the CFR in 1991 (56 FR 40413). The typographical error appeared in the CFR in 1997. The Coast Guard amended § 28.575 twice between 1991 and 1997 (56 FR 47679 and 60 FR 50461); however neither amendment affected the superscripted figure, and as such the cause for the error is unknown. Further, we have contacted members of the public that may have been impacted by the typographical error; and they have indicated that, in completing the calculation, they have relied on the original formula published in 1991 rather than the formula published since 1997. This amendment will merely restore the formula to that which was published in 1991. The second typographical error appears in Figure 28.575, which is the graphical representation for § 28.575. Figure 28.575 shows a heel angle of 40 degrees while the text of the rule in paragraph (e)(3) states a heel angle of 50 degrees. Thus, we corrected Figure 28.575 to accurately reflect the rule text.

46 CFR Parts 71 and 91. 73 FR 35959 amended § 31.10–16 by adding the National Cargo Bureau, Inc., as a recognized inspection organization. Previously this section only listed the International Cargo Gear Bureau, Inc., as a recognized inspection organization. Sections 71.65–1 and 91.55–1 referenced § 31.10–16 to identify the International Cargo Gear Bureau, Inc., as the cargo gear organization authorized to approve cargo gear plans and specifications. The International Cargo Gear Bureau, Inc., remains the only authorized organization, other than recognized classification societies authorized to perform the approval of plans as described in §§ 71.65–1 and 91.55–1. We amended §§ 71.65–1 and

91.55–1 to eliminate confusion, and ensure that mariners continue to be directed to appropriate cargo gear plans and specifications approval organizations.

46 CFR Part 401. In §§ 401.200 and 401.211, we removed a provision requiring pilots to submit fingerprint charts with registration applications. We removed these provisions because they duplicate the same requirement found in § 401.210(a)(1). In § 401.450, we amended a reference to a pilot change point located in Canada. Previously, the Canadians identified Lock No. 7, Welland Canal, as an appropriate pilot change point. The Canadians have relocated the pilot change point and it is now located at Port Colburne. Both Welland Canal and Port Colburn are under Canadian jurisdiction—rather than U.S. jurisdiction—and as such this amendment imposes no, U.S. based, substantive burden on the regulated public. This amendment merely conveys Canadian operating procedures to mariners that may traverse Canadian waters. Pilots traversing Canadian waters have been complying with this change for many years. Lastly, we amended § 401.720 to reflect the re-codification of 46 U.S.C. 216b(e). Public Law 109–304 (An Act to complete the codification of title 46, United States Code, ''Shipping'', as positive law) re-codified 46 U.S.C. 216b(e) as 46 U.S.C. 9304.

46 Part 402. We revised the authorities section by removing a reference to a Department of Transportation regulation that no longer applies to the Coast Guard. We 2104(a) amended § 402.220 by removing a reference to a memorandum of agreement between Canada and the United States, dated 1961, regarding Great Lakes pilotage, and replaced it with a more current version of that agreement dated 1977. There were no substantive changes between the two agreements impacting the public. Lastly, we revised § 402.320 to reflect the most current ''working rules'' on file with the Coast Guard. These working rules are compiled by voluntary U.S. registered pilot associations authorized to establish pilotage pools. This amendment provides the public with information regarding the current working rules compiled by those organizations.

IV. Regulatory Analyses

A. Executive Order 12866

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 Analysis is unnecessary. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.

B. 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. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. However, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

C. 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).

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 at OMB has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

K. 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.

L. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.1D, 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 that under the Instruction there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraphs (34)(a) and (b), of the Instruction from further environmental documentation because this rule involves editorial, procedural, and internal agency functions. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 10

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 13

Cargo vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 14

Oceanographic research vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 28

Alaska, Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 176

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 402

Great Lakes, Navigation (water), Seamen.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR Parts 1, 10, 12, 13, 14, 15, 28, 31, 71, 91, 107, 150, 176, 401 and 402 as set forth below: Title 46—Shipping

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

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

Authority: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 46 U.S.C. Chapter 93; Pub. L. 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1; § 1.01–35 also issued under the authority of 44 U.S.C. 3507.

§ 1.01–15 [Amended]

■ 2. In § 1.01–15(e), remove the sentence ''Applicants may contact the National Maritime Center at 4200 Wilson Boulevard, Suite 630, Arlington, Virginia 22203–1804, or by telephone at 202–493–1002.'' and add, in its place, the sentence ''Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, West Virginia 25404, or by telephone at 1–888–I–ASK–NMC (1–888–427–5662).''

§ 1.03–15 [Amended]

■ 3. Amend § 1.03–15(h) as follows:
■ a. In paragraph (h)(1), remove the office designator ''(G–MOC)'', and add, in its place, the office designator ''(CG–543)'';
■ b. In paragraph (h)(2), remove the office designator ''(G–MS)'', and add, in its place, the office designator ''(CG–52)'';
■ c. In paragraph (h)(3), in the first sentence, remove the office designator ''(CG–3PC)'' and add, in its place, the office designator ''(CG–54)'';
■ d. In paragraph (h)(3), in the second sentence, remove the office designator ''CG–3PC(d)'', and add, in its place, the office designator ''(CG–54d)'';
■ e. In paragraph (h)(4), remove the office designator ''(G–PSE)'', and add, in its place, the office designator ''(CG–521)''; and
■ f. In paragraph (h)(5), remove the office designator ''(G–M)'', and add, in its place, the office designator ''(CG–5)''.

§ 1.03–40 [Amended]

■ 4. In § 1.03–40, remove, in both sentences, the phrase ''Director of Inspection and Compliance, Commandant (G–PC)'', and add, in its place, the phrase ''Director of Prevention Policy, Commandant (CG–54)''.

§ 1.03–45 [Amended]

■ 5. In § 1.03–45, remove, in both sentences, the phrase ''Director of Inspection and Compliance, Commandant (G–3PC)'' and add, in its place, the phrase ''Director of Prevention Policy, Commandant (CG–54)''.

§ 1.03–50 [Amended]

■ 6. In § 1.03–50, remove the office designator ''(G–M)'' and add, in its place, the office designator ''(CG–5)''.

PART 10—LICENSING OF MARITIME PERSONNEL

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

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, and 8906; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

§ 10.105 [Amended]

■ 8. In § 10.105 paragraph (a), remove the phrase ''National Maritime Center,

at 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1804 or by telephone at 202–493–1002'', and add, in its place, the phrase ''National Maritime Center, 100 Forbes Drive, Martinsburg WV 25404 or by telephone at 1–888–I–ASK–NMC (1–888–427–5662)''.

§ 10.112 [Amended]

■ 9. In § 10.112 paragraph (b), remove the phrase ''Commanding Officer, U.S. Coast Guard National Maritime Center, 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1804'', and add, in its place, the phrase ''Commandant (CG–5434), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593''.

§ 10.213 [Amended]

■ 10. In § 10.213 paragraph (e), remove the word ''Commandant'', and add, in its place, the phrase ''National Maritime Center''.

§ 10.219 [Amended]

■ 11. In § 10.219 paragraph (a), remove the phrase ''any OCMI'', and add, in its place, the phrase ''the Coast Guard''.

§ 10.302 [Amended]

■ 12–13. In § 10.302 paragraph (a), remove the phrase ''Commanding Officer, National Maritime Center, NMC–4B, 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1804'', and add, in its place, the phrase ''Commanding Officer, National Maritime Center, NMC–42, 100 Forbes Drive, Martinsburg WV 25404''.

§ 10.303 [Amended]

■ 14. In § 10.303 paragraph (e), remove the office designator ''(NMC–4B)'' and add, in its place, the office designator''NMC–42''.

§ 10.304 [Amended]

■ 15. In § 10.304 paragraph (a), remove the office designator '', NMC–2''.

§ 10.307 [Amended]

■ 16. In § 10.307

■ a. Remove the phrase ''Commanding Officer, National Maritime Center, NMC–2, 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1804'' and add, in its place, the phrase ''Commanding Officer, National Maritime Center, NMC–42, 100 Forbes Drive, Martinsburg WV 25404''; and

■ b. Remove the Web site ''*www.uscg.mil/nmc*'' and add, in its place, the Web site ''*http://www.uscg.mil/STCW//*''.

§ 10.309 [Amended]

■ 17. In § 10.309 paragraph (a)(11), remove the phrase ''Commanding Officer, National Maritime Center, NMC–2, 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1804'', and add, in its place, the phrase ''Commanding Officer, National Maritime Center, NMC–42,100 Forbes Drive, Martinsburg WV 25404''.

§ 10.464 [Amended]

■ 18. In § 10.464 paragraph (f) (3), remove the phrase ''complete a TOAR.'' and add, in its place, the phrase ''complete an approved training course.''

PART 12—CERTIFICATION OF SEAMEN

■ 19. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701, and 70105; Department of Homeland Security Delegation No. 0170.1.

§ 12.01–7 [Amended]

■ 20. In § 12.01–7, remove the sentence ''Applicants may contact the National Maritime Center at 4200 Wilson Boulevard, Suite 630, Arlington, Virginia 22203–1804, or by telephone at 202–493–1002.'' and add, in its place, the sentence ''Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, West Virginia 25404, or by telephone at 1–888–I–ASK–NMC (1–888–427–5662).''

§ 12.02–23 [Amended]

■ 21. In § 12.02–23(c), remove the word ''listed'' and add, in its place, the word ''referenced''.

§ 12.02–27 [Amended]

■ 22. In § 12.02–27(a)(2), remove the word ''listed'' and add, in its place, the word ''referenced''.

§ 12.03–1 [Amended]

■ 23. In § 12.03–1(a)(11), remove the phrase ''Commanding Officer, National Maritime Center, NMC–4B, 4200 Wilson Boulevard, Suite 630, Arlington, Virginia 22203–1804'' and add, in its place, the phrase ''Commanding Officer, National Maritime Center, NMC–2, 100 Forbes Drive, Martinsburg, West Virginia 25404''.

PART 13—CERTIFICATION OF TANKERMEN

■ 24. The authority citation for part 13 continues to read as follows:

Authority: 46 U.S.C. 3703, 7317, 8105, 8703, 9102; Department of Homeland Security Delegation No. 0170.1.

§ 13.107 [Amended]

■ 25. In § 13.107(f), remove the word ''listed'' and add, in its place, the word ''referenced''.

§ 13.109 [Amended]

■ 26. In § 13.109(c), remove the word ''listed'' and add, in its place, the word ''referenced''.

PART 14—SHIPMENT AND DISCHARGE OF MERCHANT MARINERS

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

Authority: 5 U.S.C. 552; 46 U.S.C. Chapters 103 and 104.

■ 28. Revise § 14.103 to read as follows:

§ 14.103 Addresses of Coast Guard.

(a) U.S. postal mail: U.S. Coast Guard National Maritime Center (NMC–42), 100 Forbes Drive, Martinsburg, West Virginia 25404.

(b) Electronic mail: *IASKNMC@uscg.mil.*

(c) World wide web: *http://www.uscg.mil/nmc.*

PART 15—MANNING REQUIREMENTS

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

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906, 9102, and 8103; and Department of Homeland Security Delegation No. 0170.1.

§ 15.610 [Amended]

■ 30. Amend § 15.610 as follows:

■ a. Remove paragraph (c);

■ b. Redesignate paragraph (d) as paragraph (c); and

■ c. In newly designated paragraph (c), remove the phrase ''paragraph (d)(1) or paragraph (d)(2)'' and add in its place the phrase ''paragraph (c)(1) or paragraph (c)(2)''.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

■ 31. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 10603; Department of Homeland Security Delegation No. 0170.1.

§ 28.50 [Amended]

■ 32. Amend § 28.50 as follows:

■ a. In the definition of ''Accepted organization'' remove the reference

''§ 28.073'', and add, in its place, the reference ''§ 28.73''.

■ b. In the definition of ''Coast Guard Representative'' remove the phrase ''Office of Compliance, Fishing Vessels Safety Division, Commandant (G–MOC–3)'' and add, in its place, the phrase ''Office of Vessel Activities, Fishing Vessels Safety Division, Commandant (CG–5433)''.

§ 28.80 [Amended]

■ 33. In § 28.80(d)(1), remove the sentence ''Marine Index Bureau, Inc., 67 Scotch Road, Ewing, NJ, 08628–2504'', and add, in its place, the sentence ''Marine Index Bureau (a division of ISO Claim Search), Floor 22–8, 545 Washington Boulevard, Jersey City, NJ, 07310–1686.''

§ 28.275 [Amended]

■ 34. In § 28.275(a)(2), remove the reference ''64 CFR 28.270(a)'', and add, in its place, the reference ''46 CFR 28.270(a)''.

§ 28.390 [Amended]

■ 35. In § 28.390(c), add the word ''and'' after the word ''light''.

§ 28.575 [Amended]

■ 36. Amend § 28.575 as follows

■ a. In paragraph(b) remove the formula ''$KE_n(V_n\ 2A_nZ_n)/W$'' and add in its place the formula ''$KE_n(V_n^2A_nZ_n)/W$''.

■ b. Revise Figure 28.575 to read as follows:

§ 28.575 Severe wind and roll.

* * * * *

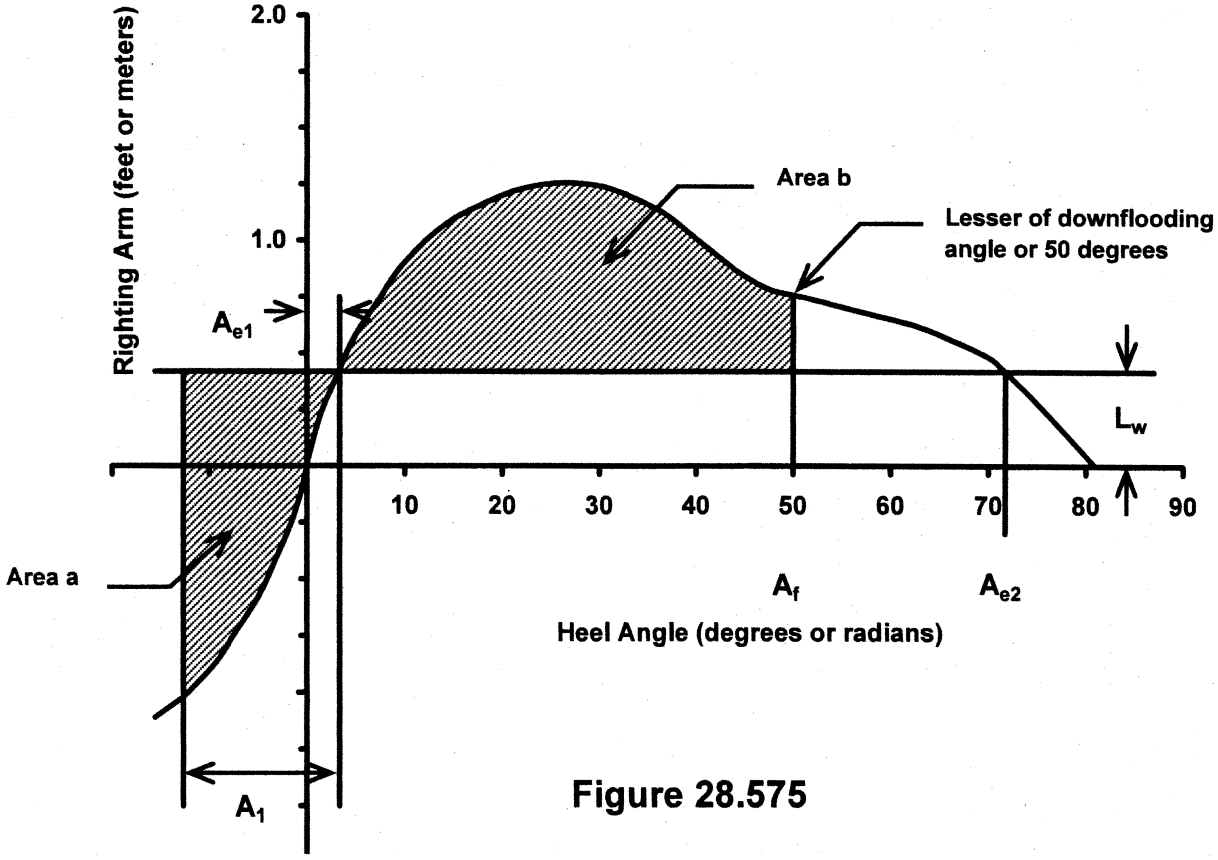

Figure 28.575

PART 31—INSPECTION AND CERTIFICATION

■ 37. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

■ 38. Amend § 31.10–5 by revising paragraph (a)(1) to read as follows:

§ 31.10–5 Inspection of new tank vessels—TB/ALL.

(a) * * *

(1) The plans and specifications shall include the arrangement of the cargo gear. Prior to submission to the Officer in Charge, Marine Inspection, plans and specifications for cargo gear shall be approved by either a recognized classification society or the International Cargo Gear Bureau, Inc., whose home office is located at 321 West 44th Street, New York, NY 10036, on the Internet at *http://www.icgb.com.*

* * * * *

■ 39. Amend § 31.10–16 by revising paragraphs (e)(1) and (2) to read as follows:

§ 31.10–16 Inspection and certification of cargo gear—TB/ALL.

* * * * *

(e) * * *

(1) National Cargo Bureau, Inc., with home offices at 17 Battery Place, Suite 1232, New York, NY 10004; on the Internet at *http://www.natcargo.org.*

(2) The International Cargo Gear Bureau, Inc., with home office at 321 West 44th Street, New York, NY 10036; on the Internet at *http://www.icgb.com.*

PART 71—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

■ 41. Amend § 71.65–1 by revising paragraph (c) to read as follows:

§ 71.65–1 General.

* * * * *

(c) Plans and specifications for cargo gear shall be approved by either a recognized classification society or the International Cargo Gear Bureau, Inc., whose home office is located at 321 West 44th Street, New York, NY 10036; on the Internet at *http://www.icgb.com*.

PART 91—INSPECTION AND CERTIFICATION

■ 42. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; 46 U.S.C. Chapter 701; Executive Order 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; Executive Order 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

■ 43. Amend § 91.55–1 by revising paragraph (c) to read as follows:

§ 91.55–1 General.

* * * * *

(c) Plans and specifications for cargo gear shall be approved by either a recognized classification society or the International Cargo Gear Bureau, Inc., whose home office is located at 321 West 44th Street, New York, NY 10036, on the Internet at *http://www.icgb.com*.

PART 107—INSPECTION AND CERTIFICATION

■ 44. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307; 46 U.S.C. 3316; Department of Homeland Security Delegation No. 0170.1; § 107.05 also issued under the authority of 44 U.S.C. 3507.

■ 45. Amend § 107.115 by revising paragraph (b)(4) to read as follows:

§ 107.115 Incorporation by reference.

* * * * *

(b) * * *

(4) International Cargo Gear Bureau, Inc., 321 West 44th Street, New York, New York 10036, on the Internet at *http://www.icgb.com*.

* * * * *

■ 46. Amend § 107.258 by revising paragraph (a)(2) to read as follows:

§ 107.258 Crane certification.

(a) * * *

(2) International Cargo Gear Bureau, Inc., 321 West 44th Street, New York, NY 10036, on the Internet at *http://www.icgb.com*.

* * * * *

■ 47. Amend § 107.309 by revising the note following paragraph (a)(4) to read as follows:

§ 107.309 Crane plans and information.

* * * * *

(a) * * *

(4) * * *

Note to § 107.309(a)(4): These plans must be submitted to the Coast Guard, if the crane is not certified. If the crane is to be certified, four copies must be sent to the American Bureau of Shipping or the International Cargo Gear Bureau, Inc.

* * * * *

■ 48. Amend § 107.317 by revising paragraph (d) to read as follows:

§ 107.317 Addresses for submittal of plans, specifications, and calculations.

* * * * *

(d) International Cargo Gear Bureau, Inc., 321 West 44th Street, New York, NY 10036, on the internet at *http://www.icgb.com*.

PART 150—COMPATIBILITY OF CARGOES

■ 49. The authority citation for part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1. Section 150.105 issued under 44 U.S.C. 3507; Department of Homeland Security Delegation No. 0170.1.

Table I to Part 150 [Amended]

■ 50. Amend Table I to part 150 by revising the entry for ''Oleylamine'' and adding the entry for ''Styrene monomer'' to read as follows:

TABLE I TO PART 150—ALPHABETICAL LIST OF CARGOES

Chemical name	Group No.	Footnote	CHRIS code	Related CHRIS codes
* * * *	*		*	*
Oleylamine	7		OLY.	
* * * *	*		*	*
Styrene monomer	30		STY	STX
* * * *	*		*	*

Table II to part 150—Grouping of Cargoes [Amended]

■ 51. Amend Table II to part 150 by adding the word ''monomer'' after the word ''Styrene'' in Group 30.

PART 176—INSPECTION AND CERTIFICATION

■ 52. The authority citation for part 176 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 743; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.

§ 176.816 [Amended]

■ 53. In the heading of the section remove the word ''MIscellaneous'' and add, in its place the word, ''Miscellaneous''.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 54. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1; 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

§ 401.110 [Amended]

■ 55. Amend § 401.110(a)(9) by removing the office designator

''Commandant (G–MWP–2)'' and adding, in its place, the office designator ''Commandant (CG–54122)''.

■ 56. Amend § 401.200 by revising paragraph (a) to read as follows:

§ 401.200 Application for registration.

(a) An application for registration as a U.S. Registered Pilot shall be made on Form CG–4509, which shall be submitted with two full-face photographs, 1½ inches by 2 inches, signed on the face. These forms may be obtained from the Director.

* * * * *

■ 57. Amend § 401.211 by revising paragraph (d) to read as follows:

§ 401.211 Requirements for training of Applicant Pilots.

* * * * *

(d) Persons desiring to be considered as an Applicant Pilot shall file with the Director a completed Application Form, CG–4509, with two full-face photographs, 1½ inches by 2 inches, signed on the face.

* * * * *

■ 58. Amend § 401.450 by revising paragraph (d) to read as follows:

§ 401.450 Pilot Change Points.

* * * * *

(d) Port Colborne;

* * * * *

§ 401.720 [Amended]

■ 59. In § 401.720 paragraph (b) remove the citation ''46 U.S.C. 216b(e)'' and add, in its place the citation ''46 U.S.C. 9304''.

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

■ 60. The authority citation for part 402 is revised to read as follows:

Authority: 46 U.S.C. 2104(a), 8105, 9303, 9304.

§ 402.220 [Amended]

■ 61. In § 402.220 paragraph (b)(8) remove the reference ''Memorandum of Arrangements, Great Lakes Pilotage, between the Secretary of Commerce of the United States and the Minister of Transport, Canada on May 1, 1961'' and add, in its place, the reference ''Memorandum of Arrangements Great Lakes Pilotage Between the Minister of Transport of Canada and the Secretary of Transportation of the United States of America, January 18, 1977.''

■ 62. Revise § 402.320 to read as follows:

§ 402.320 Working rules.

(a) Sections 401.320(d)(2) and (6) of this chapter require that voluntary associations of U.S. Registered Pilots authorized to establish pilotage pools agree to submit Working Rules for approval of the Director and that they will coordinate their pool operations with Canada on a reciprocal basis. The following approved Working Rules are on file in the office of the Director and are available for public inspection by any person properly and directly concerned:

(1) The Working Rules and Dispatching Procedures for the designated waters of District No. 1 adopted by the St. Lawrence Seaway Pilots' Association, Inc., Cape Vincent, N.Y., dated May 1, 1980, amended to March 24, 1999.

(2) The Working Rules and Dispatch Procedures for the undesignated waters of District No. 1 adopted by the St. Lawrence Seaway Pilots' Association, Inc., Cape Vincent, N.Y., dated July 27, 1982.

(3) The Working Rules, Dispatching Procedures, and General Rules of District No. 2 adopted by the Lakes Pilots Association, Inc., Port Huron, MI., dated March 30, 1999.

(4) The Working Rules for District No. 3, adopted by the Western Great Lakes Pilots Association, LLP, Superior, WI., dated February 24, 2001 amended to February 28, 2007.

(b) [Reserved]

Dated: September 15, 2008.

Stefan G. Venckus,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E8–21884 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033–7033–01]

RIN 0648–XK77

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch for vessels participating in the Bering Sea and Aleutian Islands (BSAI) trawl limited access fishery in the Western Aleutian District of the BSAI. This action is necessary to prevent exceeding the 2008 Pacific ocean perch total allowable catch (TAC) specified for vessels participating in the BSAI trawl limited access fishery in the Western Aleutian District of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 24, 2008, through December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 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 2008 Pacific ocean perch TAC allocated as a directed fishing allowance to vessels participating in the BSAI trawl limited access fishery in the Western Aleutian District of the BSAI is 136 metric tons (mt) as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and revision (72 FR 71802, December 19, 2007). See § 679.20(a)(10)(i), § 679.20(a)(10)(iii), and § 679.91(c)(1) and (2).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2008 Pacific ocean perch TAC allocated to vessels participating in the BSAI trawl limited access fishery in the Western Aleutian District of the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch by vessels participating in the BSAI trawl limited access fishery in the Western Aleutian District of the BSAI.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA,

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific ocean perch by vessels participating in the BSAI trawl limited access fishery in the Western Aleutian District of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 23, 2008.

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

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

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

Dated: September 24, 2008.

Emily H. Menashes,

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

[FR Doc. E8–22804 Filed 9–24–08; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 189
Monday, September 29, 2008

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1728 and 1755

Standards and Specifications for Timber Products Acceptable for Use by Rural Development Utilities Programs' Electric and Telecommunications Borrowers

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as USDA Rural Development or Agency, proposes to revise its regulations on Electric and Telecommunications Standards and Specifications for Materials, Equipment and Construction, by codifying specifications for wood poles, stubs and anchor logs, wood crossarms (solid and laminated), transmission timbers and pole keys, and for quality control and inspection of timber products. The Agency is proposing to update these specifications to conform with revisions in the industry and to follow Agency policy on insurance requirements.

DATES: Written comments must be received by the agency or bear a postmark or equivalent no later than November 28, 2008.

ADDRESSES: Submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''Rural Utilities Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select RUS–07–Electric-0010 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send your comment addressed to Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue, STOP 1522, Room 5818–S, Washington, DC 20250–1522. Please state that your comment refers to Docket No. RUS–07–Electric-0010.

Other Information: Additional information about USDA Rural Development and its programs is available on the Internet at *http://www.rurdev.usda.gov/index.html.*

Submit written comments to Michele L. Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Ave., SW., Stop 1522, Room 5818–S South Building, Washington, DC 20250–1522.

An original and three copies of all comments (7 CFR 1700.4) are required. All comments received will be made available for inspection at room 1246–S, during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Mr. H. Robert Lash, Transmission Branch. Electric Staff Division, USDA Rural Development, Room 1246 S.T.O.P 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569, or telephone (202) 720–0486.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is exempted from the Office of Management and Budget (OMB) review for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The Agency has determined that this proposed rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted; no retroactive effect will be given to this rule; and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeal procedures, if any are required, must be exhausted before an action against the Department or its agencies.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) advising that agency loans, loan guarantees, and RTB bank loans were not covered by Executive Order 12372.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the USDA Rural Development Programs is not required by 5 U.S.C. 601 *et seq.*) or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

Paperwork Reduction Act and E-Government Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), USDA Rural Development invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

Comments on this proposal must be received by November 28, 2008.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

Comments may be sent to Michele L. Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Ave., SW., Stop 1522, Room 5818–S South Building, Washington, DC 20250–1522.

Title: 7 CFR Parts 1728 and 1755.

OMB Control Number: 0572–0076.

Type of Request: Revision of a currently approved information collection package.

Abstract: The Agency has a tremendous amount of interest in loan security and protection of the Government's interest over the long term life of a loan, which is generally secured by a first mortgage security instrument and amortized over a period of up to 35 years. Therefore, the Agency necessarily has a strong interest in the business, financial, and operating aspects of its borrowers.

The Agency proposes to revise its regulations on Electric and Telecommunications Standards and Specifications for Materials, Equipment and Construction, by codifying specifications for wood poles, stubs and anchor logs, wood crossarms (solid and laminated), transmission timbers and pole keys, and for quality control and inspection of timber products. The Agency is proposing to update these specifications to conform with revisions in the industry and to follow Agency policy on insurance requirements.

Respondents: Businesses and Not-for-profit institutions.

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: 1,600.

Estimated Total Annual Burden on Respondents: 40,000.

This estimated total annual burden is a decrease of 363 due to the changes in the requirement that borrowers submit an annual summary report and reserve stock notices on timber specifications.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis, at (202) 720–7853.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. USDA Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Send questions or comments regarding this burden or any other aspect of these collections of information, including suggestions for reducing the burden to Director, Program Development and Regulatory Analysis, USDA Rural Development Programs, 1400 Independence Ave., SW., Room 5818–S Bldg., STOP 1522, Washington, DC 20250–1522.

National Environmental Policy Act Certification

The Administrator of the Agency has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees, No. 10.851, Rural Telephone Loans and Loan Guarantees, and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. This rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act.

Background

The Agency maintains bulletins that contain construction standards and specifications for materials and equipment. These standards and specifications apply to systems constructed by electric and telecommunications borrowers in accordance with the loan contract, and contain standard construction units, materials, and equipment units used on electric and telecommunications borrowers' systems. Bulletins 1728F–700, ''Specification for Wood Poles, Stubs and Anchor Logs''; 1728H–701, ''Specification for Wood Crossarms (Solid and Laminated), Transmission Timbers and Pole Keys''; and 1728H–702, ''Specification for Quality Control and Inspection of Timber Products'', establish standards for the manufacture and inspection of wood utility poles, crossarms and poles keys.

The summary of the proposed major changes to these three bulletins are as follows:

1. All references cited in these bulletins would be updated to the latest edition.

2. The definition ''pole broker'' would be added to the list of definitions to include as many organizations as possible to provide borrowers a source from which they might purchase wood products.

3. Proposing to allow borrowers six months to notify treating plants about poles not meeting the required preservative retention.

4. In accordance with Agency policy on insurance requirements for contractors working for borrowers, the specification would be revised to require manufacturers and inspection agencies to maintain certain limits of liability and errors and omission insurance.

5. All poles would be required to be sterilized during the conditioning or treating cycle. This sterilization should reduce the number of poles with pre-treatment decay.

6. The independent inspection agency's identification on the face of the pole would be branded.

7. The Agency would revise the qualifications for inspectors and quality control personnel and would return to prior qualifications of the specifications.

8. Provisions would be added to further clarify that wood products, producers and inspection agencies maintain the greatest degree of separation and eliminate any appearance of conflict of interest.

List of Subjects

7 CFR Part 1728

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1755

Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set forth in the preamble, the Agency proposes to amend 7 CFR chapter XVII as follows:

PART 1728—ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

1. The authority citation for part 1728 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.;* 1921 *et seq.,* 6941 *et seq.*

2. Section 1728.97(b) is amended by revising the revision date of Bulletin1728F–700.

§ 1728.97 Incorporation by reference of electric standards and specifications.

(b) *List of Bulletins.*

* * * * *

Bulletin 1728F–700, Specification for Wood Poles, Stubs and Anchor Logs [INSERT DATE OF PUBLICATION OF

THE FINAL RULE IN THE FEDERAL REGISTER]

* * * * *

3. Section 1728.201 is revised to read as follows:

§ 1728.201 Bulletin 1728H–701, Specification for Wood Crossarms (Solid and Laminated), Transmission Timbers and Pole Keys.

(a) *General Provisions.* (1) This section implements contractual provisions between the Agency and borrowers receiving financial assistance. The contractual agreement between the Agency and its borrowers requires the borrower's system to be constructed in accordance with Agency accepted plans and specifications. Each electric borrower must purchase only wood crossarms produced in accordance with the specification in this section.

(2) Each electric borrower shall require each contractor to agree in writing to furnish only materials produced in accordance with the specification in this section.

(3) This specification describes the minimum acceptable quality of wood distribution crossarms and transmission crossarms (hereinafter called crossarms) that are purchased by or for borrowers. Where there is conflict between this specification and any other specification referred to in this section, this specification shall govern.

(4) Various requirements relating to quality control and inspection are contained in § 1728.202 of this part, Specification for Quality Control and Inspection of Timber Products. Section 1728.201 of this part and the American National Standards Institute (ANSI) O5.2, 1996, (R2001) American National Standard for Wood Products—Structural Glued Laminated Timber for Utility Structures, ANSI O5.3, 2002, American National Standard for wood products Solid Sawn—Wood Crossarms and Braces—Specification and Dimensions shall be followed exactly and shall not be interpreted or subjected to judgment by the quality control person or an independent inspector.

(5) The purchaser shall purchase from producers only material that meets the requirements of this specification. Each purchaser shall use a written purchase order to purchase material for use in financed systems in order to ensure compliance with the standards and specifications of this part. The written purchase order shall contain a provision that specifically requires the producer to comply with the provisions of this part. The purchase order shall contain a provision that specifically requires the producer to make the treating plant and storage areas available, during normal business hours, in order for representatives of either the purchaser or this agency to inspect such to determine compliance with the standards and specifications of this part.

(6) The producer shall provide the inspectors with full information (drawings, etc.) relating to the requirements contained in the purchase order which is supplementary to this specification.

(7) The producer shall maintain, or have access to, adequate laboratory facilities at or near the treating plant, and all chemical tests, assays or analyses associated with the treatment shall be independently performed in the laboratory by both the quality control designee and the borrower's inspector. The producer may use a central laboratory as accepted on a case-by-case basis.

(8) Inspection and treatment of all timber products produced under this specification shall be performed after receipt of the order from the purchaser, except as provided for reserve treated stock.

(9) The testing and inspection of the lamination process shall be in accordance with American Institute of Timber Construction (AITC) 200–2004, Inspection Manual.

(10) With the exception of reserve treated stock, all invoices for treated timber products shall be accompanied, in duplicate, by a copy of the producer's Certificate of Compliance and a copy of either the Independent Inspection Report or a Quality Assurance Plan Certificate. The certificate shall be presented to the purchaser with the invoice. For reserve treated stock, inspection reports shall be available from the inspection agency. When shipped from reserve stock, the invoice shall bear an endorsement and a further certification by the producer that the material meets the requirements of this specification and any supplementary requirements cited in the purchase order under which it is purchased.

(11) Crossarms shall be warranted to conform to this specification. If any crossarm is determined to be defective or does not conform to this specification within 1 year after delivery to the borrower, it shall be replaced as promptly as possible by the producer. In the event of failure to do so, the purchaser may make such replacement and the cost of the crossarm, at destination, shall be recoverable from the producer.

(12) Crossarm producers shall take out and maintain liability insurance and a bond or miscellaneous errors and omissions insurance for not less than $1 million and $500,000, respectively. Upon request, evidence of compliance shall be provided. The evidence shall be in the form of a certificate of insurance signed by a representative of the insurance company and include a provision that no changes in, or cancellation of, will be made without the prior written notice to the Director, Electric Staff Division, USDA Rural Development.

(b) *Definitions.*

Agency refers to Rural Utilities Service.

Arm is the structural wood member used to support electrical conductors and equipment. Arm is used interchangeably with crossarm.

Certificate of compliance is a certification by an authorized employee of the producer that the material shipped meets the requirements of this specification and any supplementary requirements specified in a purchase order from a borrower or the borrower's contractor.

Crossarm is a structural wood member used to support electrical conductors and equipment and is a term used interchangeably with arm.

Independent inspection is the examination of material by an independent inspector employed by a commercial inspection agency.

Inspection is the examination of material in sufficient detail to ensure conformity to all phases of the specification under which it was purchased.

Lot is a quantity of crossarms of like size, conditioning, and fabrication, usually making up one treating charge.

Producer is used to describe the party who manufactures and/or treats crossarms.

Purchaser is the borrower or contractors acting as the borrower's agent, except where a part of the specification specifically refers only to the borrower or the contractor.

Quality control designee is an individual designated by the producer to oversee proper operation of the manufacturer's internal quality control system.

Reserve treated stock are timber products treated in accordance with this specification, prior to and in anticipation of the receipt of specific orders, and held in storage ready for immediate shipment.

Supplier is the producer, or in some cases, the distributor selling crossarms to the borrower.

Treating plant is the organization that applies the preservative treatment to the crossarms.

(c) *Related specifications and standards incorporated by reference.* The following specifications and

standards are pending approval of incorporation by reference by the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of each reference are available for inspection during normal business hours, room 1246–S, U.S. Department of Agriculture, Washington, DC or, at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies of these standards and specifications may be purchased from the addresses shown below.

(1) West Coast Lumber Inspection Bureau, Standard No. 17, Grading Rules for West Coast Lumber, January 1, 2004, available from West Coast Lumber Inspection Bureau, P.O. Box 23145, Portland, Oregon 97281, telephone (503) 639–0651, Fax (503) 684–8928. The Web address for West Coast Lumber Inspection Bureau is *http://www.wclib.org/.*

(2) The following Southern Pine Inspection Bureau Standards, available from Southern Pine Inspection Bureau, 4709 Scenic Highway, Pensacola, Florida 32504–9094, telephone (850) 434–2611. The Web address for the Southern Pine Inspection Bureau is *http://www.spib.org/.*

(i) Standard Grading Rules for Southern Pine Lumber, available from Southern Pine Inspection Bureau, 4709 Scenic Highway, Pensacola, Florida 32504, telephone (850) 434–2611.

(ii) Special Product Rules for Structural, Industrial, and Railroad-Freight Car Lumber.

(3) American Wood-Protection Association (AWPA), Book of Standards, 2007 edition, available from AWPA, P.O. Box 361784, Birmingham, AL 35236–1784, telephone 205 733–4077, *http://www.awpa.com/,* include the following standards:

(i) A1–98, Standard Methods for Analysis of Creosote and Oil-Type Preservatives.

(ii) A2–07, Standard Methods for Analysis of Waterborne Preservatives and Fire-Retardant Formulations.

(iii) A3–05, Standard Methods for Determining Penetration of Preservatives and Fire Retardants.

(iv) A5–05, Standard Methods for Analysis of Oil-Borne Preservatives.

(v) A6–01, Method for the Determination of Oil-Type Preservatives and Water in Wood.

(vi) A7–04, Standard Wet Washing Procedure for Preparing Wood for Chemical Analysis.

(vii) A9–01, Standard Method for Analysis of Treated Wood and Treating Solutions by X-Ray Spectroscopy.

(viii) A11–93, Standard Method for Analysis of Treated Wood and Treating Solutions by Atomic Absorption Spectroscopy.

(ix) U1–07, Use Category System: User Specification for Treated Wood.

(x) T1–07, Use Category System: Processing and Treatment Standard.

(xi) M1–07, Standard for the Purchase of Treated Wood Products.

(xii) M2–07, Standard for Inspection of Treated Timber Products.

(xiii) M3–05, Standard Quality Control Procedures for Wood Preserving Plants.

(xiv) M4–06, Standard for the Care of Preservative-Treated Wood Products.

(xv) P1/P13–06, Standards for Creosote Preservatives.

(xvi) P5–07, Standards for Waterborne Preservatives.

(xvii) P8–06, Standards for Oil-Borne Preservatives, and

(xviii) P9–06, Standards for Solvents and Formulations for Organic Preservative Systems.

(4) American Institute of Timber Construction (AITC) 200–2004, Inspection Manual, 2004 edition, available from AITC, 7012 S. Revere Park Way, Englewood, Colorado 80112, telephone (303) 792–9559, Web address: *https://www.aitc-glulam.org/index.asp.*

(5) American National Standards Institute (ANSI) O5.2–1996 (R2001), American National Standard for Wood Products—Structural Glued Laminated Timber for Utility Structures, available from ANSI, 25 West 43rd Street, New York, New York 10036, telephone (212) 642–4900, Web address: *http://www.ansi.org/.*

(6) American Society for Testing and Materials (ASTM) D9–05, Standard Terminology Relating to Wood, available from ASTM, 100 Barr Harbor Dr. West, PO Box C700, Conshohocken, PA 19428–2959, telephone number (610) 832–9585, Web address: *http://www.astm.org.*

(d) *Independent Inspection Plan.* This plan or a Quality Assurance Plan, as described in paragraph (e) of this section, is acceptable for supplying crossarms. All crossarms purchased under the Independent Inspection Plan, for use on an Agency financed system shall be inspected by a qualified independent inspector in accordance with § 1728.202 of this part.

(1) The borrower has the prerogative to contract directly with the inspection agency for service. The borrower should, where practical, select the inspection agency so that continual employment is dependent only on performance acceptable to the borrower and in accordance with this specification. The selected inspection agency shall not be allowed to subcontract the service to any other inspection agency.

(2) The producer shall not be permitted to be a party to the selection of the inspection agency by the borrower and shall not interfere with the work of the inspector, except to provide notification of the readiness of material for inspection. To obtain inspection services for reserve stock, the producer may deal directly with the inspection agency. Under the Independent Inspection Plan, the producer shall not be permitted to treat material before it has been properly inspected in the white, as evidenced by the inspector's hammer mark.

(3) The methods of inspection described in this section and in § 1728.202 of this part shall be used no matter which plan crossarms are produced under, i.e., Independent Inspection Plan, or Quality Assurance Plans, as described in this section.

(e) *Quality Assurance Plans.* The producer shall furnish crossarms conforming to this specification as monitored by an acceptable Quality Assurance Plan. Borrower groups or agents for borrower groups endeavoring to operate Quality Assurance Plans shall submit their plan for assuring quality control to the Chairman, Technical Standards Committee ''A'', Electric Staff Division, USDA Rural Development, Stop 1569, Washington, DC 20250–1569.

(f) *Material requirements*—(1) *Material and grade.* All crossarms furnished under this specification shall be free of brashy wood, decay, and insect holes larger than 3⁄32 of an inch and shall meet additional requirements as shown on specific drawings. Crossarms shall be made of one of the following:

(i) Douglas-fir which conforms to the applicable crossarm provisions of paragraphs 170 and 170a, or the applicable transmission arm provisions of paragraphs 169 and 169a of the 2004 Standard Grading Rules for West Coast Lumber No. 17. Only coastal origin Douglas-fir shall be used for Douglas-fir crossarms manufactured under this specification;

(ii) Southern Yellow Pine which conforms to the provisions of Dense Industrial Crossarm 65, as described in paragraph 31.2 in Southern Pine Inspection Bureau 1991 Special Product Rules for Southern Pine; or

(iii) Laminated wood crossarms shall conform to ANSI O5.2, and have at least the same load carrying capacity as the solid sawn arm it replaces. The load carrying capacity of the laminated arms shall be determined by one of the procedures outlined in ANSI O5.2.

(2) Borrowers may use alternative crossarms that are listed in Informational Publication 202–1, List of Materials Acceptable for Use on Systems of the Agency Electrification Borrowers.

(3) *Knots.* Sound, firm, and tight knots, if well spaced, are allowed.

(i) Slightly decayed knots are permitted, except on the top face, provided the decay extends no more than ¾ of an inch into the knot and provided the cavities will drain water when the arm is installed. For knots to be considered well spaced, the sum of the sizes of all knots in any 6 inches of length of a piece shall not exceed twice the size of the largest knot permitted. More than one knot of maximum permissible size shall not be in the same 6 inches of length. Slightly decayed, firm, or sound ''pin knots'' (⅜ of an inch or less) are not considered in size, spacing, or zone considerations.'

(ii) Knots are subject to limits on size and location as detailed in Tables I and II, as follows:

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TABLE I – KNOT LIMITS FOR DISTRIBUTION ARMS DRAWING W2.1G (SEE FIGURE 1, APPENDIX A)
All Dimensions in Inches

Class of Knot and Location	MAXIMUM KNOT DIAMETER CLOSE GRAIN	DENSE GRAIN
Round Knots		
Single Knot: Maximum Diameter		
Center Section*		
Upper Half	3/4	1
Lower Half	1	1-1/4
Elsewhere	1-1/4	1-1/2
Sum of Diameters in a 6-Inch Length: Maximum		
Center Section		
Upper Half	1-1/2	2
Lower Half	2	2-1/2
Elsewhere	2-1/2	3

* No knot shall be closer than its diameter to the pole mounting hole.

TABLE II – KNOT LIMITS FOR TRANSMISSION ARMS (SEE FIGURE 2, APPENDIX A)
All Dimensions in Inches

POLE MOUNTING HOLE ZONE*	MAXIMUM DIAMETER FOR SINGLE KNOT
UPPER HALF (inner zone)	3/4
UPPER HALF (outer zone)	1 for close grain 1-1/4 dense grain

OTHER LOCATIONS TRANSMISSION ARM SIZE**	NARROW FACE	WIDE FACE (TWO SIDES) EDGE	ALONG CENTERLINE
4-5/8 x 5-5/8 or less	1	1-1/4	1-1/4
5-5/8 x 7-3/8	1-1/4	1-3/8	1-7/8
3-5/8 x 9-3/8	3/4	1-3/4	2-1/4

*No knot will be closer than its diameter to the pole mounting hole.
**For cross sections not shown, refer to grading rules.

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(iii) Knot clusters shall be prohibited unless the entire cluster, measured on the worst face, is equal to or less than

the round knot allowed at the specific location.

(iv) Spike knots shall be prohibited in deadend arms. Any spike knot across the top face shall be limited to the equivalent displacement of a knot 3/8 of an inch deep on one face and the maximum round knot for its particular location on the worst face, with a maximum width of 1 inch measured at the midpoint of the spiked section. Elsewhere across the bottom or side faces, spike knots shall not exceed 1/2 the equivalent displacement of a round knot permitted at that location, provided that the depth of the knot on the worst face shall not exceed the maximum round knot allowed at that location.

(v) Loose knots and knot holes shall be such that they can drain water when the arm is installed in its normal position. In the center section, upper half, loose knots shall not be greater than 1/2 the dimensions of round knots. Elsewhere, loose knots shall not be greater than the round knot dimension. Loose knots shall be prohibited in deadend arms.

(vi) All knots except those ''spike'' knots intersecting a corner shall be measured on the least diameter of the knot.

(vii) A knot shall be considered to occupy a specific zone or section if the center of the knot (i.e., pith of knot) is within the zone or on the zone's boundary.

(viii) If a round or oval knot appears on two faces and is in two zones, each face shall be judged independently. When this does not occur, average the least dimension showing on both faces. Knots which occur on only one face of a free of heart center (FOHC) arm shall be permitted to be 25 percent larger than the stated size.

(ix) *Knot spacing.* Two or more knots opposite each other on any face shall be limited by a sum not to exceed the size of a maximum single knot permitted for the location. On all four faces, all knots shall be well spaced.

(x) Knots which have a maximum of 5/8 inch diameter may intersect pin holes in the center section. One inch diameter knots may intersect insulator pin holes elsewhere.

(4) *Miscellaneous characteristics, features, and requirements.* (i) The top face of distribution crossarms shall not have more than four medium pitch and bark pockets in 8-foot arms, and not more than five pitch and bark pockets in 10-foot arms. Elsewhere a maximum of six medium pockets in 8-foot arms and eight in 10-foot arms shall be permitted. Equivalent smaller pockets shall be permissible. An occasional large pocket is permissible.

(ii) Shakes shall be prohibited.

(iii) *Checks.* Prior to treatment on properly seasoned arms, single face checks shall not exceed an average penetration of 1/4 the depth from any face and shall be limited to 10 inches long on the top face, and 1/3 the arm length on the other faces. Checks shall not be repeated in the same line of grain in adjacent pin holes. The sum of the average depths of checks occurring in the same plane on opposite faces shall be limited to 1/4 the face depth.

(iv) Compression wood shall be prohibited on any face. Compression wood is permitted if wholly enclosed in the arm, more than six annual rings from the surface, and not over 3/8 of an inch in width.

(v) Insect holes 3/32 of an inch and larger shall be prohibited. Insect pin holes (i.e. holes not over 1/16 of an inch diameter) shall be allowed if scattered and not exceeding 10 percent of the arm girth.

(vi) Wane shall be allowed on one edge, limited to approximately 1 inch measured across the corner. Outside of the top center section, an aggregate length not to exceed 2 feet may have wane up to 1 1/2 inches on an occasional piece on one or both edges. Bark shall be removed.

(vii) Prior to preservative treatment, and after treatment, crook, bow, or twist shall not exceed 1/2 of an inch in 8-foot arms and 5/8 of an inch in 10-foot arms.

(g) *Manufacture.* (1) All dimensions and tolerances shall conform to those shown on the drawings in this section or drawings supplied with the purchase order. Drawings supplied shall meet or exceed minimum dimensions and tolerances shown on the drawings in this section. Cross-sectional dimensions shall be measured and judged at about 1/4 the arm length, except when the defects of ''skip dressing'' or ''machine bite or offset'' are involved.

(2) Lamination techniques shall comply with ANSI O5.2–1996.

(3) Pin and bolt holes shall be smoothly bored without undue splintering where drill bits break through the surface. The center of any hole shall be within 1/8 of an inch of the center-line locations on the face in which it appears. Holes shall be perpendicular to the starting and finishing faces.

(4) *Shape.* The shape of the arms at any cross section, except for permissible wane, shall be as shown on the respective drawings in this section or supplied with the order. The two top edges may be either chamfered or rounded 3/8 of an inch radius. The two bottom edges shall be slightly eased 1/8 of an inch radius for the entire length.

(5) *Incising.* The lengthwise surfaces of Douglas-fir crossarms shall be incised approximately 1/4 of an inch deep. The incision shall be reasonably clean cut with a spacing pattern that ensures uniform penetration of preservative.

(6) *Quality of Work.* All crossarms shall be of the highest quality production. Crossarms shall be dressed on four sides, although ''hit and miss skips'' may occur on two adjacent faces on occasional pieces.

(h) *Conditioning prior to treatment.* (1) All solid sawn crossarms shall be made of lumber which has been kiln-dried. Douglas-fir arms shall have an average moisture content of 19 percent or less, with a maximum not to exceed 22 percent. Southern Yellow Pine arms shall have an average moisture content of 22 percent or less, with a maximum not to exceed 30 percent.

(2) Moisture content levels shall be measured at about 1/4 the length and at a depth of about 1/5 the crossarm's thickness. Additionally, the moisture content gradient between the shell (i.e. 1/4 of an inch deep) and the core (i.e. about 1 inch deep) shall not exceed 5 percentage points.

(3) A minimum of at least 20 solid sawn crossarms per treating charge shall be measured to verify moisture content and shall be duly recorded by the quality control designee.

(4) The moisture content of lumber used in laminating shall, at the time of gluing, be within the range of 8 to 12 percent, inclusive.

(i) *Preservatives.* (1) The preservatives shall be:

(i) Creosote which conforms to the requirements of AWPA Standard P1 when analyzed in accordance with the methods in AWPA Standard A1, sections 2, 3, 4, either 5 or 9, and 6;

(ii) Pentachlorophenol which contains not less than 95 percent chlorinated phenols and conforms to AWPA Standard P8 when analyzed in accordance with AWPA Standard A5 or A9. The hydrocarbon solvents for introducing the preservative into the wood shall meet the requirements of AWPA Standard P9 Type A;

(iii) Waterborne Preservatives, shall be any of the following:

(A) Ammoniacal Copper Arsenates (ACA) and Ammoniacal Copper Zinc Arsenate (ACZA) which shall meet the requirements of AWPA Standard P5, when analyzed in accordance with methods in AWPA Standards A2, A9, or A11; and

(B) Chromated Copper Arsenates (CCA) which shall meet the requirements of one of the formulations

given in AWPA Standard P5, sections 4, 5 or 6, and 10. Tests to establish conformity shall be made in accordance with AWPA Standards A2, A9, or A11.

(1) The pH of treating solutions of the waterborne preservatives shown in AWPA Standard P5, section 10, shall be determined in accordance with AWPA Standard A2, section 8.

(*2*) Waterborne preservatives are available either as oxides, which form non-ionizing chemical compounds in the wood, or as salts, which leave ionizing compounds as well as non-ionizing compounds in the wood. Unless otherwise specified in the purchase order, the oxide formulations of waterborne preservatives shall be supplied.

(*3*) Douglas-fir crossarms shall not be treated with CCA preservatives.

(*4*) Materials treated with waterborne preservatives shall be free of visible surface deposits.

(iv) Copper Naphthenate (CuN) concentrate used to prepare wood preserving solutions shall contain not less than 6 percent nor more than 8 percent copper in the form of CuN and shall conform to AWPA Standard P8 when analyzed in accordance with AWPA Standard A5. The hydrocarbon solvents for introducing the preservative into the wood shall meet the requirements of AWPA Standard P9 Type A.

(2) [Reserved]

(j) *Preservative treatment.* (1) All timber products treated under this specification shall be treated by either a pressure or a thermal (non-pressure) process.

(2) These materials may be further conditioned by steaming, or by heating in hot oil (Douglas-fir), within the following limits:

	Time hours (max.)	Temperature
Steam	3	220° F
Heating in Preservation.	3	210° F

(3) A final steam or hot oil bath may be used only to meet cleanliness requirements of paragraph (k) of this section. Total duration of the final steam bath shall not exceed 2 hours and the temperature shall not exceed 240 degrees Fahrenheit.

(k) *Results of treatments.* (1) The quality control designee shall test or supervise the testing of each treated charge for penetration and retention.

(2) *Method of Sampling.* When testing penetration and retention, a borer core shall be taken from not less than 20 crossarms in each treating charge. The borings shall be taken from any face except the top face at a point as close to the end as possible, being at least 3 inches from the end of the arm and no closer than 3 inches from the edge of the holes. The bored holes shall be plugged with preservative-treated plugs driven into the arm. Borings from laminated arms shall not be taken from the same laminate unless there is an end joint separation.

(3) As determined in accordance with AWPA A3, all sapwood present in Douglas-fir or Southern Yellow Pine crossarms shall be completely penetrated with preservative. In the heartwood of Douglas-fir crossarms, the penetration shall be not less than 3 inches longitudinally from the edge of holes and ends, and at least 3⁄16 inch from the surface of any face.

(4) Retention of preservative in the outer 6⁄10 of an inch for Douglas-fir and one inch for Southern Yellow Pine assay zones at the treating plant shall be not less than:

Preservation	Retention (pcf)	AWPA analysis method
Creosote	8	A6
Pentachlorophenol	*0.4	A5
ACA, ACZA, or CCA	0.4	A2, A7, A9, or A11
Copper Naphthenate	0.04	A5, A9, or A11

*The pentachlorophenol retention is for the lime ignition method. The copper pyridine method, retention 0.36 pcf is required when timbers may have been in contact with salt water, and for all species native to the Pacific coast region. It is not required when it specifically states on the rough sawn material invoice that this material has not been in contact with salt water or is shown by analysis to have no additional chlorides present in the wood before treating.

(5) Cleanliness of lengthwise surfaces of all crossarms shall be free from tarry, greasy, or sticky material, and from oil exudation and pentachlorophenol crystallization (blooming).

(6) Re-treatment of materials which do not meet the penetration and retention requirements of this specification may be done only twice. Initial treatment steaming time plus re-treatment steaming time, combined, shall not exceed time allowed in paragraph (i) of this section.

(l) *Marks and brands.* (1) All crossarms shall be legibly branded (hot brand) or die-stamped and to a depth of approximately 1⁄16 of an inch before treatment.

(2) The letters and figures shall be not less than 1⁄2 of an inch in height. The top of the brand shall be oriented to the top of the arm.

(3) The brand or die-stamp shall include:

(i) The manufacturer's identification symbol;

(ii) Month and year of manufacture;

(iii) Species of timber such as DF for Douglas-fir and SP for Southern Yellow Pine; and

(iv) The preservative notated with a C for creosote, P for penta, S for waterbornes, or N for Copper Naphthenate.

(4) An example is:

M–6–06 Manufacturer—Month—Year
DF–P Douglas-fir—penta treated

(5) The brand or stamp shall be placed on either of the wide surfaces of the arms, oriented with letters right side up towards the top of the arm and preferably about 1 foot from the midpoint of the arm.

(6) The mark should be approximately the same location on each type of crossarm of each producer.

(7) Brands, inspection marks, or quality assurance marks shall be removed from arms that do not meet these specifications.

(m) *Storage.* (1) Producers may treat crossarms for reserve stock under any of the Rural Development approved plans.

(2) Crossarms treated with oil-borne preservatives which have been held in storage for more than 1 year before shipment to the borrower, shall be re-assayed before shipment and shall be re-treated if found nonconforming for retention on orders placed in accordance with this section.

(3) Crossarms shall meet the assay after re-treatment in accordance with paragraph (k) of this section.

(4) Crossarms which are held in storage after final acceptance shall be stacked in piles or on skids in such a manner as to assure good ventilation. The stacks shall be covered or stored indoors for protection from the sun and weather to reduce checking, bending, and loss of preservative.

(n) *Drawings.* (1) The drawings of Appendix B of this section, Crossarm Drilling Guide, have a type number and show in detail the hole size, shape, and pattern desired for crossarms ordered under this specification.

(2) Purchase orders shall indicate the type or size and length crossarm required. For orders of arms where no drawings are included, the dimension tolerance of + ⅛″ − 0″ shall be used. For example, a 3¾ × 4¾ cross section shall actually be 3¾″ × 4 ¾″ + ⅛″.

(3) Crossarms shall be furnished in accordance with the details of these drawings or in accordance with drawings attached to the purchase order.

(4) Appropriate drawings for transmission arms are to be specified and included with purchase orders. Technical drawings for transmission crossarms are published in Bulletin 1728F–811, ''Electric Transmission Specifications and Drawings, 115kV through 230kV'', and Bulletin 1728F–810, ''Electric Transmission Specification and Drawings, 34.5kV through 69kV''.

(o) *Destination inspection.* All crossarms shall meet or exceed their minimum dimensions for at least 1 year after date of delivery. Borrowers have the right to reject crossarms that do not meet minimum dimensions.

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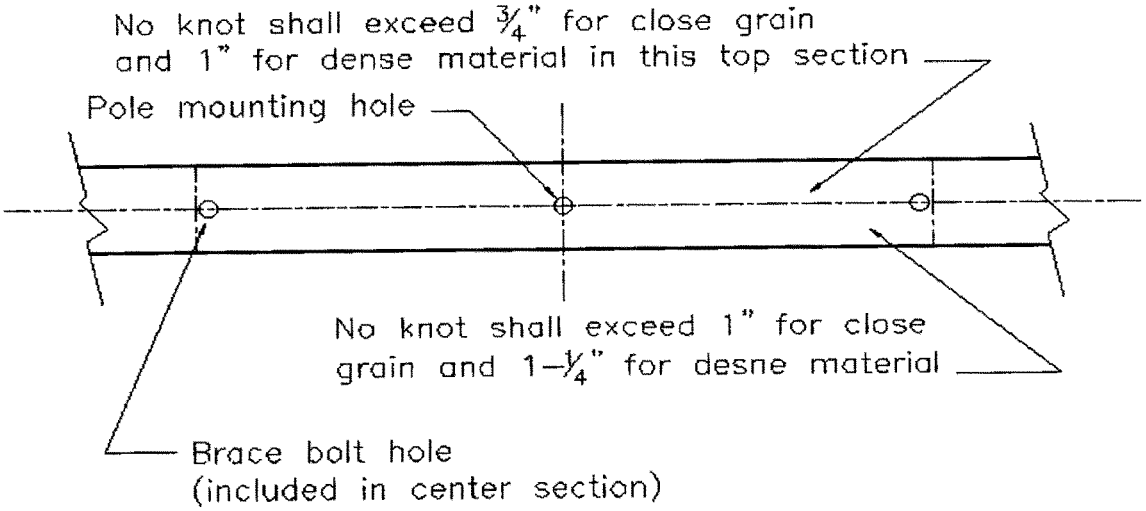
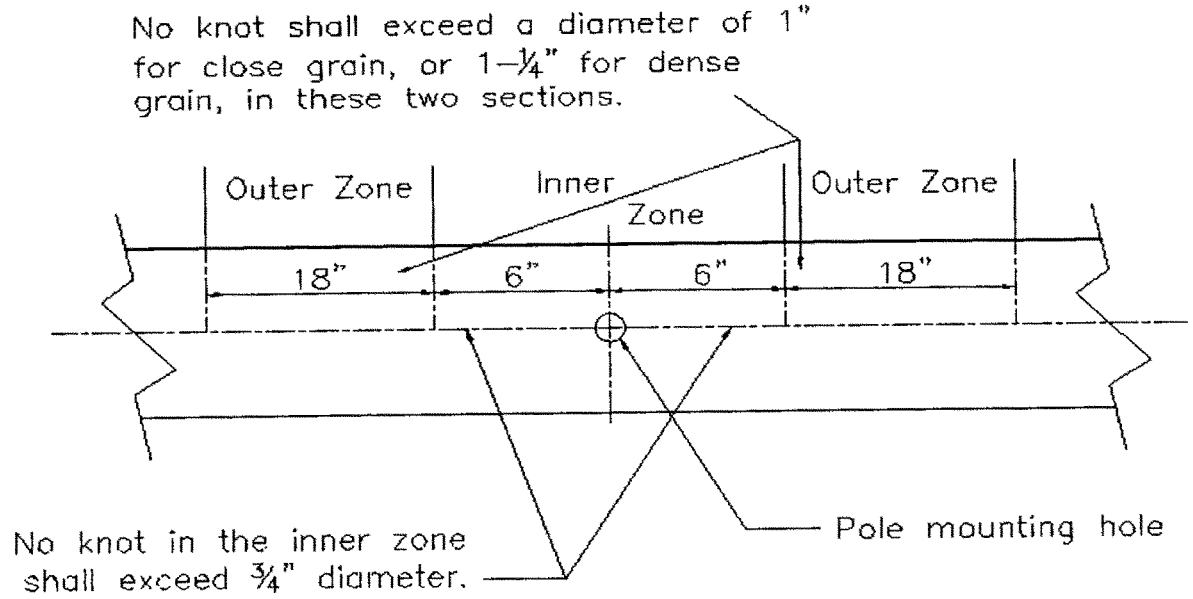
Appendix A to § 1728.201—Distribution and Transmission Arms

DISTRIBUTION ARMS
Figure 1

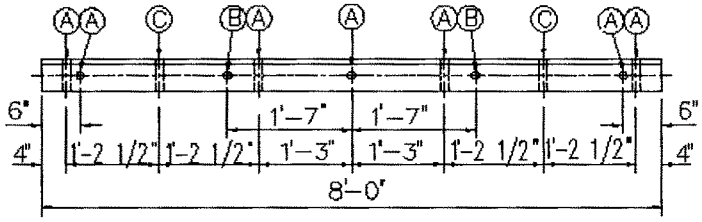


TRANSMISSION ARMS
POLE MOUNTING HOLE ZONE
Figure 2



Appendix B to § 1728.201—Crossarm Drilling Guide

TOLERANCES AND SIZES OF HOLES			
NOMINAL		GO	NO GO
Ⓐ	11/16"	5/8"	3/4"
Ⓑ	7/16"	3/8"	1/2"
Ⓒ	9/16"	1/2"	5/8"



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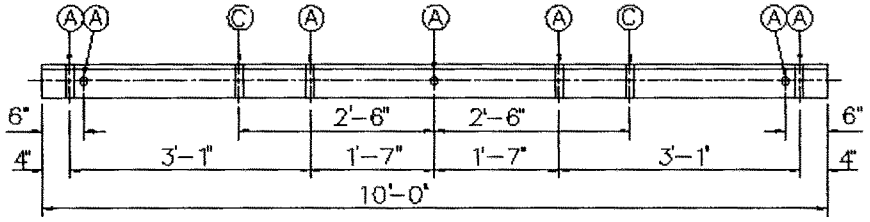

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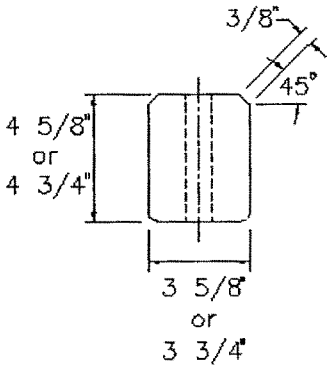

TYPICAL END SECTION

NOTES:

1. Holes are to be located within ±1/8"
2. Length of the crossarm is to be within ±1/4"
3. The tolerance of any cross section is +1/8" and −0" at time of manufacture.
4. All holes are to be drilled on centerlines of crossarm faces.

DISTRIBUTION CROSSARM DRILLING GUIDE

BILLING CODE 3410–C

Appendix C to § 1728.201—Metric Conversion Factors

To convert from	To	Multiply by
Foot (ft)	Meter (m)	0.3048
Inch (in)	Centimeter	2.54
Pound per cubic foot (pcf) (lb/ft^3)	Kilogram per cubic meter (kg/m^3)	1.601846
Pound per square inch (psi) (lb/in^2)	Kilogram per square meter (kg/m^2)	703.0696
Degrees Fahrenheit (X °F)	Degrees Celsius (°C)	$^5/_9(X° - 32)$

4. Section 1728.202 is amended by revising paragraphs (a) through (k) and by revising Appendix A to § 1728.202 to read as follows.

§ 1728.202 Bulletin 1728H–702, Specification for Quality Control and Inspection of Timber Products.

(a) *Scope.* This specification describes in more detail the responsibilities and procedures pertaining to quality control for crossarms, as specified in section 1728.201 of this part, and poles, covered in Bulletin 1728F–700, Specification for Wood Poles, Stubs and Anchor Logs,'' incorporated by reference in § 1728.97 of this part and in § 1755.97 of 7 CFR part 1755.

(b) Related specifications and standards incorporated by reference. The following specifications and standards referenced throughout this section are pending approval of incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of each are available for inspection during normal business hours, room 1246–S, U.S. Department of Agriculture, Washington, DC or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies of these standards and specifications may be purchased from the addresses shown below.

(1) American Wood-Protection Association (AWPA), Book of Standards, 2005 edition, available from AWPA, P.O. Box 361784, Birmingham, AL 35236–1784, telephone 205 733–4077, *http://www.awpa.com/,* include the following standards:

(i) A1–06, Standard for Coal Tar Creosote for Land and Fresh Water Use.

(ii) A2–05, Standard Methods for Analysis of Waterborne Preservatives and Fire-Retardant Formulations.

(iii) A3–05, Standard Methods for Determining Penetration of Preservatives and Fire Retardants.

(iv) A5–05, Standard Methods for Analysis of Oil-Borne Preservatives.

(v) A6–01, Method for the Determination of Water and Oil-Type Preservatives in Wood.

(vi) A7–04, Wet Ashing Procedure for Preparing Wood for Chemical Analysis.

(vii) A9–01, Standard Method for Analysis of Treated Wood and Treating Solutions by X-Ray Emission Spectroscopy.

(viii) A11–93, Analysis of Treated Wood and Treating Solutions by Atomic Absorption Spectroscopy.

(ix) U1–07, Use Category System: User Specification for Treated Wood.

(x) T1–07, Use Category System Processing and Treatment Standard.

(xi) M1–07, Standard for the Purchase and Preservation of Forest Products.

(xii) M2–05, Standard Instructions for the Inspection of Preservative Treatment of Wood.

(xiii) M3–05, Standard Quality Control Procedures for Wood Preserving Plants.

(xiv) M4–06, Standard for the Care of Preservative-Treated Wood Products.

(xv) P1/P13–06, Standard for Coal Tar Creosote for Land and, Fresh Water and Marine (Coastal Water Use).

(xvi) P5–07, Standards for Water-Borne Preservatives.

(xvii) P8–06, Standards for Oil-Borne Preservatives.

(xviii) P9–03, Standards for Solvents for Organic Preservative Systems.

(2) American Institute of Timber Construction (AITC) 200–92, Inspection Manual, 1992 edition, available from AITC, 7012 S. Revere Parkway, Suite 140, Englewood, Colorado 80110, telephone number (303) 792–9559.

(3) American National Standards Institute (ANSI) O5.2–1996 (R2001), American National Standard for Wood Products—Structural Glued Laminated Timber for Utility Structures, available from ANSI, 25 West 43rd Street, New York, New York 10036, telephone (212) 642–4900, Web address: *http://www.ansi.org/.*

(4) American Society for Testing and Materials (ASTM) D9–05, Standard Terminology Relating to Wood, available from ASTM, 100 Barr Harbor Dr. West, PO Box C700, Conshohocken, PA 19428–2959, telephone number (610) 832–9585, Web address: *http://www.astm.org.*

(c) *General stipulations.* (1) Conformance of poles and crossarms to agency specifications for the most part is the responsibility of the producer's management. A member of the producer's staff shall be designated quality control designee and charged with the responsibility for the exercise of proper quality control procedures. Failure of a selected third-party inspection agency to properly perform their required overview responsibilities may subject said agency to subsequent liability claims for unsatisfactory or inadequate product performance.

(2) The requirements in American Wood Protection Association (AWPA) Standard M3, covering records, adequate laboratory, plant gauges, and other plant facilities including proper storage, shall be followed.

(3) The methods of inspection described in this section shall be used no matter which plan timber products are purchased under, i.e., Insured Warranty Plan, Independent Inspection Plan, or Quality Assurance Plans, as described in § 1728.201 of this part or Bulletin 1728F–700. The number of poles and crossarms actually inspected by monitors for quality control under a Quality Assurance Plan or the Insured Warranty Plan may vary from the number of poles and crossarms inspected under the Independent Inspection Plan. Under the Independent Inspection Plan, each pole and a sample number of crossarms shall be inspected.

(4) Under the Independent Inspection Plan, the borrower should designate in the purchase order which inspection agency it has selected. This service shall not be subcontracted to another agency. Unless the borrower contracts for inspection as a separate transaction, the treating company shall obtain the services of the borrower's designated inspection agency. For reserve treated stock for purchase under the Independent Inspection Plan, the treating company shall obtain the services of an inspection agency.

(5) Individual inspectors in the employ of Independent Inspection Agencies shall be experienced, competent and employed by only a single inspection Agency. The inspector shall perform all phases of the inspection personally and in the proper sequence. The primary responsibility of the inspector is to determine, for the

borrower, by careful inspection and verification, that the timber products, preservative, and treatment meet the requirements of Bulletins 1728F–700 and 1728H–701 and that the methods, storage facilities, and production equipment conform to applicable specifications. For details of the inspector's qualifications see Appendix A of this section.

(6) Independent inspection agencies and inspectors shall maintain their impartiality. To do so, inspection agencies, inspectors, producers and brokers must maintain the greatest degree of separation and eliminate even the appearance of a conflict of interest. Inspection agencies shall not receive gratuities from or enter into financial agreements, other than for inspection services, with suppliers for which they perform inspection. Inspection agencies shall not provide gratuities or free services to suppliers. Inspection agencies shall not offer product warranties on inspected material.

(7) Failure of an individual inspector to follow proper procedures or failure of an inspection agency to properly supervise inspectors or follow the appropriate specifications are grounds for debarment of inspection of agency financed material.

(8) Inspection agencies shall have and maintain liability insurance in the amount of $500,000 and a surety bond or miscellaneous errors and omission insurance for consequential damages for not less than $250,000. Upon request, evidence of compliance to this requirement shall be forwarded to the agency. The evidence shall be in the form of a certificate of insurance or a Bond signed by a representative of the insurance or Surety Bonding company and include a provision that no change in, or cancellation of, will be made without the prior written notice to Chairman, Technical Standards Committee ''A'' (Electric).

(9) Inspection agencies shall maintain their own laboratory that is properly equipped according to AWPA standards, capable of completely analyzing the respective preservatives treatments, and at a minimum to run referee methods. This laboratory shall be independent from any treating plant laboratory. Independent Inspection Agencies may use one central laboratory.

(10) Laminated materials manufactured for use on borrower systems shall comply with manufacturing and quality control requirements specified in ANSI O5.2–1996 (R2001), American National Standard for Wood Products—Structural Glued Laminated Timber for Utility Structures. The product shall be marked and certified.

(i) Laminated material shall be inspected in accordance with ANSI O5.2–1996 (R2001).

(ii) Quality control of material shall be performed to determine conformance with § 1728.201 of this part and AITC 200–2004, Inspection Manual.

(d) *Quality control and inspection procedures for product acceptance.* It is the responsibility of the plant quality control designee to perform the following procedures to ensure that a particular lot of material conforms to the requirements of the applicable agency specification prior to treatment. After the plant quality control designee has performed these procedures, a particular lot of material shall be released to the inspector for verification of conformance.

(1) Poles can be purchased under any of the three purchase plans. These plans are Insured Warranty Plan, Independent Inspection Plan, or a Quality Assurance Plan. Under all of these plans, all poles in a lot shall be inspected by the plant quality control designee. Under the Insured Warranty Plan and a Quality Assurance Plan, the number of poles in a lot actually inspected by a third party inspector may be less than every pole, depending on the terms of the plans.

(i) Ample space and assistance shall be provided by the treating plant for handling and turning to ensure that the surfaces of all items can be adequately inspected.

(ii) Under the Independent Inspection Plan, all poles shall be inspected by the Independent Inspector for conformance to the requirements of Bulletin 1728F–700. If a pole is rejected and the cause of rejection is corrected, the rejected pole may be offered again for inspection as new material.

(iii) Dimensions, length, and circumference shall be measured by a standard steel tape to determine that they are in agreement with the details for class and length in the brand and butt stamp. If it is obvious by visual comparison with a measured pole that the brand information is correct, individual poles need not be measured. Pole circumference dimensions made prior to treatment shall govern acceptance. Reduction in dimension due to treatment and shipping shall be not more than 2 percent below the minimum for the pole class.

(iv) If 15 percent of the poles in a lot offered for inspection are defective, the inspector shall terminate the inspection. Re-examination of an entire lot by plant quality control shall be required when the number of rejected poles equals or exceeds 15 percent of the lot inspected. All defective or nonconforming poles either shall be removed from the lot or have their brands marked out.

(v) Poles in a lot shall be inspected for decay and all poles shall be of the same seasoning condition. If the plant quality control designee suspects that decay has occurred, a slice from both ends shall be cut for closer examination. If 5 percent of the inspected poles in a lot shows evidence of decay, the entire lot shall be unconditionally rejected without further sorting.

(vi) Moisture content, when limited by the purchaser, as stated on the purchaser's purchase order, shall be measured by calibrated electronic moisture meter. Calibration of the meter shall include not only the zero settings for the X and Y readings, but also two resistance standards for 12 and 22 percent moisture content.

(vii) Material failing to conform for moisture content may be retested upon request after a recalibration of the instrument. The results of the second test shall govern disposition of the lot.

(viii) Re-examination for any mechanical damage or deterioration and for original acceptance shall be conducted on timber products not treated within 10 days after original inspection.

(2) Crossarms can be purchased only under either of two purchase plans. These plans are the Independent Inspection Plan or Quality Assurance Plans. Under the Independent Inspection Plan, crossarms are to be inspected prior to manufacture, during manufacture, and after treatment. Under a Quality Assurance Plan, crossarms are monitored according to the terms of the quality assurance program acceptable to Rural Development Utilities Programs.

(i) Inspection prior to treatment shall include:

(A) Surface inspection of all ends of all arms. This is usually done on the stacks of arms prior to manufacture. Particular attention shall be paid to defects commonly found in the ends, such as compression wood, red heart and other forms of decay, shakes, splits, through checks, scantiness, honeycomb, and low density, determined by rings per inch and percent of summerwood. Whenever the number of nonconforming arms is found to exceed 0.5 percent of the lot or one arm, whichever is greater, the entire lot shall be rejected for excess number of defective ends. After the producer has removed or marked out the defective material, the arms may be resubmitted for inspection.

(B) Surface inspection of the lengthwise sides performed on a random representative sample. The

sample size shall equal 20 percent of a lot size or 200 arms, whichever is smaller. The inspector shall examine side surfaces as they are slowly rotated. When necessary, the rotation may be stopped for closer inspection. Whenever the number of nonconforming arms is found to exceed 2 percent of the sample size, the entire lot shall be rejected. After the producer has removed or marked out the defective material, the arms may be resubmitted for inspection.

(C) Check of moisture content of the random sample by a calibrated moisture meter.

(D) Check of crossarm dimensions of the random sample measured after surfacing.

(ii) Inspection during manufacture shall consist of:

(A) Checking bolt and insulator pin holes for squareness and excessive splintering;

(B) Checking brands for completeness, location, and legibility; and

(C) Checking arms for conformance.

(iii) Under the Independent Inspection Plan, there shall be a final inspection after treatment for preservative retention and penetration and for damage.

(3) Structural glued laminated timber shall be tested and inspected in accordance with AITC 200, Inspection Manual. Grade of lumber shall be inspected by a qualified grader for specified quality, and so marked, in accordance with grading rules of the American Lumber Standards. Adhesives used for all structural arms shall meet requirements of ANSI O5.2–1996 (R2001) paragraph 5.2. Melamine urea adhesives shall not be used. End joint spacing and limitations shall be in accordance with ANSI O5.2–1996 (R2001).

(e) *Preservatives.* (1) Creosote shall conform to the requirements of AWPA Standard P1 when analyzed by AWPA Standard Al, sections 2, 3, 4, either 5 or 9, and 6, as follows:.

(i) Each occasional charge; and

(ii) The first charge and one of every five charges randomly selected in consecutive charges shall be analyzed.

(2) Solutions of waterborne preservatives shall be analyzed for components in accordance with AWPA Standards A2, A9, or A11, and shall meet the requirements of P5 for composition. AWPA A2 shall be used as a referee method.

(3) Pentachlorophenol shall contain not less than 95 percent chlorinated phenols and should conform to AWPA Standard P8 in hydrocarbon solvent AWPA P9 Type A.

(4) Copper Naphthenate in hydrocarbon solvent (AWPA P9 Type A) shall contain not less than 6 percent nor more than 8 percent copper in the form of Copper Naphthenate and shall conform to AWPA Standard P8 when analyzed in accordance with AWPA Standard A5.

(f) *Plant facilities and inspection during treatment.* (1) Manufacturing and treating plant facilities shall conform to AWPA Standard M3, paragraph 3. Pressure plants shall be equipped with recording instruments to register time, pressure, temperature and vacuum during each cycle of treatment. Pressure plants shall also be equipped with indicating thermometers and pressure and vacuum gauges to check the accuracy of the recorders. Work tanks shall be equipped with a thermometer. Thermal treating vats shall be equipped with a time and temperature recorder and with an indicating thermometer. Temperature recording devices are not mandatory for plants treating exclusively with waterborne preservatives.

(2) Temperature and humidity readings throughout the kiln shall be recorded on a recording chart and verified by observation of direct reading equipment. Gauges and recording equipment shall be calibrated annually.

(3) Under the Independent Inspection Plan, the inspector shall be present during the treatment procedure, except at times when it may be impractical, such as during late night or early morning treatments. At such times of absence, temperature, pressure, and vacuum data shall be taken from the recording charts.

(4) Recording instruments shall be checked with calibrated indicating gauges and thermometers, per AWPA standard M3. Inaccuracies shall be referred to the treating plant for prompt correction. If an inaccuracy which indicates error resulting in non-compliance with this specification indicating possible damage to the material, the inspector shall reject the charge.

(g) *Results of treatment.* (1) Poles shall be tested for retention and penetration by means of a calibrated increment borer 0.2 inches ± 0.02 inches in diameter in accordance with procedures in AWPA Standard M2. Under the Independent Inspection Plan, all treating charges shall be tested for retention and penetration. Plant quality control and independent inspection shall do their analyses separately. Under the Insured Warranty Plan and Quality Assurance Plans, the frequency of testing retention and penetration may vary according to the Agency approved plan.

(i) Unless otherwise specified, borings shall be taken approximately 1 foot above the face brand to 1 foot below the face brand. For pressure treated Western Red Cedar and all butt treated poles, borings shall be taken approximately 1 foot below groundline.

(ii) Penetration compliance shall be determined in accordance with AWPA Standard A3. Chrome Azurol S and Penta-Check shall be used to determine penetration of copper containing preservatives and penta, respectively.

(iii) *Retention sampling.* (A) When there are 20 or more poles in the treating charge, the retention sample for creosote shall consist of 20 assay zones from southern pine and Douglas-fir poles. All poles in charges with fewer than 20 poles shall be bored once. Charges with less than 15 poles shall be bored once and bored again on a random basis to obtain a minimum of 15 assay zones.

(B) Retention samples shall be taken from 20 poles in charges of 20 or more poles.

(C) Retention samples for Alaska yellow, western red, and northern white cedars shall consist of a minimum of 30 assay zones for creosote and waterborne preservatives. For penta charges of fewer than 30 poles, the sample shall contain the assay zone from each pole in the lot.

(D) Retention samples shall consist of borings, representative of pole volumes for each class and length in the charge. Further selection and marking of poles of mixed seasoning, volume, and location on the tram shall be made as illustrated in the following table:

Number of poles	Class/length	Vol. in cu. ft.	% of total volume	Number of borings
27	7/30	232	15	3
26	4/35	447	29	6
11	5/35	163	10	2
*55	6/35	704	46	9

Number of poles	Class/length	Vol. in cu. ft.	% of total volume	Number of borings
Total		1,546		

* If a portion of these poles were green and some partially seasoned, then the number of borings should reflect the approximate percentage of each.

(iv) When material in a lot consists of fewer pieces than the designated minimum number of samples for assay, additional borings shall be taken so as to make up at least the minimum sample, and in such manner that the sample is representative of the lot of material with respect to any variations in size, seasoning condition, or other features that might affect the results of treatment.

(v) Analyses for preservative retention shall be performed as follows:

(A) Creosote retention shall be analyzed by AWPA Standard A6;

(B) Penta retention shall be analyzed by AWPA Standard A5 or A9. Copper pyridine method is required when timber may have been in contact with salt water and for all species native to the Pacific coast region, unless the raw material invoice specifically states that the material either has not been in contact with salt water or has been shown by analysis to have contained no additional chlorides before treating;

(C) Copper Naphthenate retention shall be analyzed by tests in accordance with AWPA Standards A5 or A9;

(D) Waterborne preservatives retention shall be analyzed by tests in accordance with AWPA Standards A2, A7, A9, or A11; and

(E) Prior to unloading a tram, the inspectors may take their own samples and analyze them concurrently with the quality control designee, but each shall work independently, and quality control data shall be presented before acceptance of the charge.

(vi) *Penetration sampling of poles.* (A) Group A poles consist of poles with a circumference of 37.5 inches or less at 6 feet from butt.

(*1*) Bore 20 Group A poles or 20 percent of the poles, whichever is greater. Accept if 100 percent of the sample conform; otherwise, bore all poles.

(*2*) Re-treat the charge if more than 15 percent of the borings are found to be nonconforming.

(*3*) Re-treat all nonconforming poles if 15 percent or fewer fail the requirement.

(B) Group B poles consist of poles with circumference greater than 37.5 inches at 6 feet from the butt.

(*1*) For Group B poles 50 feet and shorter, bore each pole and re-treat only those found to be nonconforming, unless more than 15 percent fail; in that case, re-treat the entire lot.

(*2*) For Group B poles longer than 50 feet, bore each pole twice at 90 degrees apart around the pole and accept only those poles conforming to the penetration requirement in both borings. All nonconforming poles may be re-treated only twice.

(vii) All holes (nominal 0.2 of an inch diam. bit) shall be promptly filled with treated, tight-fitting wood plugs.

(2) Under the Independent Inspection Plan, all treating charges of crossarms shall be tested for retention and penetration. Plant quality control inspectors and independent inspectors shall do their analyses independently. Under the Quality Assurance Plans, the frequency of testing retention and penetration may vary according to the plan.

(i) The penetration and retention sample shall consist of 20 (48 for creosote) outer $^{6}/_{10}$ of an inch for Douglas-fir and 1 inch for Southern Yellow Pine zones from borings taken from any face except the top face at a location as close to the end as possible being at least 3 inches from the end of the arm and no closer than 3 inches from the edge of any holes. For laminated material, borings shall be taken from laminates on a random basis.

(ii) Preservative penetration shall be tested by taking not less than 20 borings from 20 crossarms in each charge, determined in accordance with AWPA Standard A3. Chrome Azurol S and Penta-Check shall be used to determine penetration of copper containing preservatives and penta, respectively.

(3) Laminated material shall be checked for any evidence of delamination due to treatment and for the identifying quality stamp of AITC or American Plywood Association (APA).

(4) If used for analysis, x-ray fluorescence instruments (XRF) shall be accurate and reliable, and they shall generate reproducible results. Instruments shall have thorough instructions which should include recommendations on drying techniques, equipment, and density calculations. These drying recommendations shall be followed when using XRF instruments.

(5) To check the precision of the x-ray fluorescence instrument (XRF) at plants where it is used, once weekly the independent inspector shall rerun a sample at the inspection agency's laboratory. The independent inspector's laboratory shall use XRF or the referee method, maintain a log showing the plant's analysis value and the inspector's laboratory result. If the values are within the AWPA precision statement for each respective analysis method, the plant instrument needs no further calibration. Inspection agency XRF instruments shall be calibrated quarterly by the referee method for each preservative treatment that is being analyzed by the XRF.

(6) Each independent inspector and plant quality control personnel that use XRF instruments, shall be trained and certified competent by the instrument manufacturer.

(h) *Product acceptance.* Under the Independent Inspection Plan, the inspector shall signify acceptance by marking each piece of accepted material with a clear, legible hammer stamp in one end prior to treatment and in the other end after treatment. The inspector shall personally mark each piece, and shall not delegate this responsibility to another person.

(i) Charge Inspection Reports.

(1) Inspection Reports shall have the following matters:

(i) Total pieces in the lot, number of pieces, and causes for rejection;

(ii) Conditioning details of the material prior to treatment;

(iii) Analyses of preservatives identified by the analyst's signature or certification;

(iv) The details of treatment; and

(v) The results of treatment. Results shall include the following:

(A) The depth of penetration for retention samples and a summary of all poles rejected for insufficient penetration;

(B) Separate worksheets for retention analyses, prepared by quality control designee and independent inspector;

(2) On each inspection report the independent inspector and the plant quality control designee shall certify, in writing, that the material listed on the report has been inspected before, during, and after treatment, and that the preservative used was analyzed in accordance with the requirements of this section.

(3) Each inspector or inspection agency shall permanently retain for a period of 1 year a copy or transcript of

each report of inspection, together with laboratory worksheets covering retention by assay and preservative analyses for the purchaser, and on request shall furnish a copy or transcript of any of these reports to the Chairman, Technical Standards Committee ''A'', Electric Staff Division, USDA Rural Development Utilities Programs, Washington, DC 20250–1569.

(j) *Charge numbers on re-treat poles.* The letter ''R'' shall be added to the original charge number in the butts of all poles that are re-treated for insufficient penetration or retention of preservative.

All poles that fail to meet treatment requirements after two re-treatments shall be permanently rejected.

(k) *Safety provisions.* Poles intended for agency borrowers shall not be inspected when, in the opinion of the inspector, unsafe conditions are present.

Appendix A to § 1728.202—Inspector's Qualifications

Inspection agencies should see that inspectors assigned to the inspection of timber products and treatment for borrowers are competent and experienced.

In general, any of the following examples are considered as minimum qualifying experience before a new inspector may be permitted to inspect timber products for borrowers:

(a) Three years' experience as an inspector of timber and the preservative treatment of timber; or

(b) Three years' experience in timber treating plant quality control work; or

(c) Under the direct, on site, supervision of an experienced, well-qualified inspector, the prospective inspector shall have performed the following:

(1) Inspected at least 10,000 poles and/or crossarms ''in the white.''

(2) Checked preservative penetration results on at least 10,000 poles and crossarms;

(3) Made at least 100 wood assays for preservative retention;

(4) Made at lease 25 analyses of each type of preservative used on material the person is assigned to inspect; and

(5) Certified competent by the XRF instrument manufacturer.

(d) In both (a) and (b) of this Appendix A, the experience should be not less than that required in (c).

(e) Inspectors experienced in the inspections of one product, such as poles, should not be qualified to inspect another product, such as crossarms, until the above experience is gained for each respective product.

(f) The inspector should be especially well informed in wood preservation and the operation of a timber treating plant, and be competent in preservative analysis and other laboratory work.

(g) In all cases, an inspector should be thoroughly instructed in the application of the specifications and the standards pertaining thereto before being permitted to independently inspect timber products and the treatments applied to them. Knowledge of these specifications and standards, as well as the inspector's proficiency, may be checked routinely by members of the agency staff.

* * * * *

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

4. The authority citation continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.,* 1921 *et seq.,* 6941 *et seq.*

5. Section 1755.97 is amended in the table by revising the entry for Bulletin 1728F–700 to read as follows:

§ 1755.97 Incorporation by reference of telephone standards and specifications.

* * * * *

Bulletin No.	Specification No.	Date last issued	Title of standard or specification
*	*	*	* * * *
1728F–700	.....	[Effective date of final rule]	Specification for Wood Poles, Stubs and Anchor Logs.

Dated: September 8, 2008.

James M. Andrew,

Admininstrator, Rural Utilities Service.

[FR Doc. E8–21798 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0757; Airspace Docket No. 08–ASW–13]

Proposed Amendment of Class E Airspace; Big Spring, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend Class E airspace at Big Spring McMahon Wrinkle Airport, Big Spring, TX. Additional controlled airspace is necessary to accommodate changes to the VOR/DME RWY 17 Standard Instrument Approach Procedure (SIAP) at Big Spring McMahon-Wrinkle Airport, Big Spring, TX. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Big Spring McMahon-Wrinkle Airport.

DATES: Comments must be received on or before November 13, 2008.

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–2008–0757/Airspace Docket No. 08–AS–W–13, at the beginning of your comments. You may also submit comments on 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 76193–0530; telephone: (817) 222–5582.

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–2008–0757/Airspace Docket No. 08–ASW–13.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM's

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* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

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 amending the Class E airspace area for IFR operations at Big Spring McMahon-Wrinkle Airport, Big Spring, TX. Changes to the VOR/DME RWY 17 SIAP have made this action necessary. The area would be depicted on appropriate aeronautical charts.

Class E airspace areas are published in Paragraph 6000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, 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 I, Section 106 describes the authority of the FAA Administrator Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. 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 amend controlled airspace at Big Spring McMahon-Wrinkle Airport, Big Spring, 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; AIRWAYS; 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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

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

* * * * *

ASW TX E5 Big Spring, TX [Amended]

Big Spring McMahon-Wrinkle Airport, TX
(Lat. 32°12′45″ N., long. 101°31′18″ W.)
Big Spring VORTAC
(Lat. 32°23′08″ N., long. 101°29′01″ W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Big Spring McMahon-Wrinkle Airport and within 8 miles east and 4 miles west of the 190° radial of the Big Spring VORTAC extending from the 6.9-mile radius to 21.9 miles south of the airport and within 3.9 miles each side of the 191° radial of the Big Spring VORTAC extending from the 6.9-mile radius to 10.3 miles north of the airport.

* * * * *

Issued in Fort Worth, TX, on August 28, 2008.

Roger M. Trevino,

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

[FR Doc. E8–22448 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. FDA–2008–N–0341]

Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs; Companion Document to Direct Final Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is publishing this companion proposed rule to the direct final rule, published elsewhere in this issue of the **Federal Register**, which is intended to amend our regulations to require that the holder of a new drug application (NDA) submit certain information in an annual report regarding authorized generic drugs. We are taking this action as part of our implementation of the Food and Drug Administration Amendments Act of 2007 (FDAAA). FDAAA requires that FDA publish a list of all authorized generic drugs included in an annual report since 1999, and that the agency update the list quarterly.

DATES: Submit written or electronic comments on the proposed rule by December 15, 2008. If FDA receives any significant adverse comments, the agency will publish a document withdrawing the direct final rule within 30 days after the comment period ends. FDA will then proceed to respond to comments under this proposed rule using the usual notice and comment procedures. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by October 29, 2008 (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA–2008–N–0341, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 must be submitted to the Office of Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section of this document).

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal, as described previously, in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Michelle D.D. Bernstein, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, rm. 6223, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION:

I. Background

As described more fully in the direct final rule, FDAAA requires that FDA take the following actions: (1) Publish on its Internet site a complete list of all authorized generic drugs included in an annual report submitted to the agency after January 1, 1999; (2) update the list quarterly; and (3) notify relevant Federal agencies that the list has been published and will be updated quarterly. For purposes of publishing the list, section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(t)) defines the term ''authorized generic drug'' as a ''listed drug (as that term is used in [section 505(j) of the act]) that has been approved [under section 505(c) of the act] and is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.''

We are proposing to amend § 314.3 (21 CFR 314.3) of our regulations by adding a definition of ''authorized generic drug.'' To allow FDA to accurately report a complete list of all authorized generic drugs included in annual reports and to update the list in a timely fashion, we are proposing to amend § 314.81 (21 CFR 314.81) by adding paragraph (b)(2)(ii)(*b*), which would require that annual reports specifically and clearly include the information we are required to report. In addition, we propose to require that the NDA holder report the date the authorized generic drug ceased being distributed to ensure that the list is as accurate and up-to-date as possible. The first annual report submitted after implementation of this regulation must provide information regarding any authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999. When information is included in an annual report about an authorized generic drug, we would require that a copy of that portion of the annual report be sent to a central office in the agency that will compile the list and update it quarterly. This proposed rule assumes that the copy of the relevant portion of the annual report may currently be submitted in any number of formats (e.g., a paper copy, a PDF document on a computer disc). Current capabilities do not permit direct electronic submission through a Web-based system. However, FDA is committed to adapting its business practices to evolving technology, including using the significant advancements in Web-based, electronic systems. We anticipate that, in future rulemakings, Web-based submission of annual reports will eventually be required. In anticipation of that future change, this proposed rule provides that once an electronic submission format is adopted for annual reports, the submission to the agency of the information required under this regulation will also be required in that electronic format. We anticipate that when such a change is implemented, future guidance will address any technical questions related to such submissions.

II. Additional Information

This proposed rule is a companion to the direct final rule published elsewhere in this issue of the **Federal Register**. This companion proposed rule and the direct final rule are identical in substance. This companion proposed rule will provide the procedural framework to proceed with standard notice-and-comment rulemaking in the event the direct final rule receives significant adverse comment and is withdrawn. The comment period for the companion proposed rule runs concurrently with the comment period of the direct final rule. Any comments received under the companion proposed rule will be treated as comments regarding the direct final rule and vice versa.

A significant adverse comment is one that explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without change. A comment recommending a rule change in addition to this rule will not be considered a significant adverse comment unless the comment states why this rule would be ineffective without the additional change.

If no significant adverse comment is received in response to the direct final rule, no further action will be taken related to the companion proposed rule. Instead, we will publish a confirmation notice within 30 days after the comment period ends. We intend the direct final rule to become effective 30 days after publication of the confirmation notice.

If we receive significant adverse comments, we will withdraw the direct final rule. We will proceed to respond to all the comments received regarding the direct final rule, treating those comments as comments to this proposed rule. The agency will address the comments in the subsequent final rule. We will not provide additional opportunity for comment. If we receive

a significant adverse comment which applies to part of the rule and that part may be severed from the remainder of the rule, we may adopt as final those parts of the rule that are not the subject of significant adverse comment.

For additional background information, see the corresponding direct final rule published elsewhere in this issue of the **Federal Register**. All persons who may wish to comment should review the complete rationale for this amendment set out in the preamble of the direct final rule.

III. Environmental Impact

We have carefully considered, under 21 CFR part 25, the potential environmental effects of this action. We have concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required.

IV. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is not a significant regulatory action as defined by the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this proposed rule imposes only minimal regulatory obligations, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $130 million, using the most current (2007) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

The only costs of this proposed rule are associated with the Paperwork Reduction Act burden, described in section V of this document. If we assume an average hourly wage plus benefits of $56 for the reporting personnel, the annual cost is about $29,000 ($56 per hour x 520 hours).

V. The Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). A description of these provisions is given with an estimate of the annual reporting and recordkeeping burden in Table 1 of this document. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on the following: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Applications for FDA Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs.

Description: This rulemaking requires the holder of an NDA to notify the agency if an authorized generic drug is marketed by clearly including this information in annual reports in an easily accessible place and by sending a copy of the relevant portion of the annual reports to a central office. We are taking this action as part of our implementation of FDAAA, which requires that FDA publish a list of all authorized generic drugs included in an annual report after January 1, 1999, and that the agency update the list quarterly. We plan to publish this list on the Internet and to notify relevant Federal agencies that the list has been published and will be updated.

Description of Respondents: Current holders of an NDA under which an authorized generic drug was marketed during the time period covered by an annual report submitted after January 1, 1999.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR 314.81(b)(2)(ii)(*b*)	Number of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
Authorized generic drug information in the first annual report submitted after the implementation of § 314.81(b)(2)(ii)(*b*)	60	6.7	400	1 hour	400
Authorized generic drug information submitted in each subsequent annual report	60	6.7	400	15 minutes	100
The submission of a copy of that portion of each annual report containing authorized generic drug information	60	6.7	400	3 minutes	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

During the past several years, FDA has reviewed a small sample of annual reports it has received under § 314.81(b)(2) to discern whether an authorized generic drug is being marketed by the NDA holder. Based on information learned from this review and based on the number of annual reports the agency currently receives under § 314.81(b)(2),[1] we estimate that, after the implementation of § 314.81(b)(2)(ii)(*b*), we will receive approximately 400 annual reports containing the information required under § 314.81(b)(2)(ii)(*b*) for authorized generic drugs that were marketed during the time period covered by an annual report submitted after January 1, 1999. Based on the number of sponsors that currently submit all annual reports, we estimate that approximately 60 sponsors will submit these 400 annual reports with authorized generics. As indicated in Table 1 of this document, we are estimating that the same number of annual reports will be submitted each subsequent year from the same number of sponsors containing the information required under § 314.81(b)(2)(ii)(*b*), and that the same number of copies of that portion of each annual report containing the authorized generic drug information will be submitted from the same number of sponsors. Concerning the hours per response, based on our estimate of 40 hours to prepare each annual report currently submitted under § 314.81(b)(2),[2] we estimate that sponsors will need approximately 1 hour to prepare the information required under § 314.81(b)(2)(ii)(*b*) for each authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999, approximately 15 minutes to prepare the information required under § 314.81(b)(2)(ii)(*b*) for each subsequent annual report, and approximately 3 minutes to submit to FDA a copy of that portion of each annual report containing the authorized generic drug information.

The information collection provisions of this proposed rule have been submitted to OMB for review. Interested persons are requested to fax comments regarding information collection by October 29, 2008, to the Office of Information and Regulatory Affairs, OMB. To ensure that comments on information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974.

[1] During fiscal year 2006, the Center for Drug Evaluation and Research received 2,569 annual reports under § 314.81(b)(2) from 374 sponsors.)

[2] See the **Federal Register** of January 4, 2008 (73 FR 865).

VI. Legal Authority

The Federal Food, Drug, and Cosmetic Act (the act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA), provides authority for FDA to issue this proposed rule. Section 505(t) of the act (21 U.S.C. 355(t); FDAAA section 920) requires that FDA publish a complete list of all authorized generic drugs included in an annual report submitted to the agency after January 1, 1999, and to update that list quarterly. In addition, section 701(a) of the act (21 U.S.C. 371(a)) provides general authority for FDA to issue regulations for the efficient enforcement of the act. This proposed rule would amend FDA's existing regulations regarding annual reports in order to ensure that the information necessary for the agency to fulfill its obligation under section 505(t) is clearly reported.

VII. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

VIII. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. This comment period runs concurrently with the comment period for the direct final rule; any comments received will be considered as comments regarding the direct final rule. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations.gov*.

List of Subjects in 21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 314 be amended as follows:

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

1. The authority citation for 21 CFR part 314 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 356a, 356b, 356c, 371, 374, 379e.

2. Section 314.3 is amended in paragraph (b) by adding the following definition for *authorized generic drug* in alphabetical order:

§ 314.3 Definitions.

* * * * *

(b) * * *

Authorized generic drug means a listed drug, as defined in this section, that has been approved under section 505(c) of the act and is marketed, sold, or distributed directly or indirectly to retail class of trade with labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark that differs from that of the listed drug.

* * * * *

3. Section 314.81 is amended by redesignating paragraph (b)(2)(ii) as paragraph (b)(2)(ii)(a) and by adding new paragraph (b)(2)(ii)(*b*) as follows:

§ 314.81 Other postmarketing reports.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(*b*) *Authorized generic drugs*. If applicable, the date each authorized generic drug (as defined in § 314.3) entered the market, the date each authorized generic drug ceased being distributed, and the corresponding trade or brand name. Each dosage form and/or strength is a different authorized generic drug and should be listed separately. The first annual report

submitted on or after February 11, 2009, must include the information listed in this paragraph for any authorized generic drug that was marketed during the time period covered by an annual report submitted after January 1, 1999. If information is included in the annual report with respect to any authorized generic drug, a copy of that portion of the annual report must be sent to the Food and Drug Administration, Center for Drug Evaluation and Research, Office of Pharmaceutical Science, 10903 New Hampshire Ave., Bldg. 51, rm. 4183, Silver Spring, MD 20993–0002 and marked ''Authorized Generic Submission'' or, if FDA has required that annual reports be submitted in an electronic format, the information required by this section must also be submitted in the electronic format.

* * * * *

Dated: September 16, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22829 Filed 9–26–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–308W]

Technical Amendment to Listing in Schedule III of Approved Drug Products Containing Tetrahydrocannabinols; Withdrawal of Proposed Rule

AGENCY: Drug Enforcement Administration (DEA), Department of Justice

ACTION: Withdrawal of proposed rule.

SUMMARY: DEA is withdrawing a proposed rule that was published in the **Federal Register** on September 24, 2007 (72 FR 54226) and is terminating the rulemaking. The proposed rule would have revised the DEA regulations with respect to the listing in schedule III of a synthetic isomer of tetrahydrocannabinols (THC) contained in a specific formulation of a drug product approved by the U.S. Food and Drug Administration (FDA). Specifically, the proposed rule would have revised the DEA regulation so that it would also include generic drug products approved by the FDA under section 505(j) of the Food, Drug, and Cosmetic Act (FDCA) (21 U.S.C. 355) that cite the drug product currently listed in schedule III as the reference listed drug. In view of the comments DEA received in response to the proposed rule, DEA has decided—in lieu of finalizing the proposed rule—to proceed with the process set out in 21 U.S.C. 811 for transferring each such generic drug individually to schedule III.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, PhD., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152; Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION:

Under the Controlled Substances Act (CSA), the schedules of controlled substances are published on an updated basis in the DEA regulations. 21 U.S.C. 812(a), (c) and n.1. Currently, one of the substances listed in schedule III is the following: ''Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration [FDA] approved product.'' 21 CFR 1308.13(g)(1). This describes the drug product marketed under the brand name Marinol. As explained in the Notice of Proposed Rulemaking (NPRM) (72 FR 54226), it is possible that generic versions of Marinol could be approved by the FDA yet not fit within the same schedule III listing as Marinol. The proposed rule was intended to correct this situation so that certain generic versions of Marinol that might be approved by the FDA in the future would be in the same schedule as Marinol.

During the comment period, DEA received comments from nine entities (firms, organizations, and one individual). Six of the nine commenters expressed support for the proposed rule,[1] two opposed it, and one stated both that it was ''a good idea'' and ''not a good idea.'' [2] One of the commenters that opposed the rule asserted that the rule was not in conformity with the CSA. Specifically, this commenter asserted that, to achieve the intended result of the rule (transferring to schedule III any future FDA-approved generic versions of Marinol that do not fit within the current wording of 21 CFR 1308.13(g)(1)), DEA must engage in formal rescheduling action, following the procedures set forth in 21 U.S.C. 811. Under these procedures, DEA requests from the Department of Health and Human Services (HHS) a scientific and medical evaluation and scheduling recommendation, with DEA and HHS being required to consider the eight factors set forth in 21 U.S.C. 811(b).[3] In addition, both of the commenters that objected to the proposed rule asserted that the unique formulation of Marinol (that which meets the current wording of 21 CFR 1308.13(g)(1)) prevents the drug from having the ''high potential for abuse'' commensurate with controlled substances in schedules I and II. Further, these commenters asserted, generic versions of Marinol that might be approved by the FDA in the future cannot be assumed to have the same potential for abuse as Marinol if they were to differ from Marinol in their formulations or routes of administration. Based on these considerations, one of the objecting commenters asked that DEA withdraw the proposed rule or, in the alternative, grant an administrative hearing to address the issues raised in its objections.

In the NPRM (in the preamble to the proposed rule), DEA addressed the foregoing legal and factual issues raised by the objecting commenters. Having considered the comments, DEA continues to believe that the proposed rule is legally permissible within the structure of the CSA, for the reasons set forth in the NPRM. In addition, having obtained the input and concurrence of the FDA during the development of the proposed rule, DEA believes that the proposed rule accurately reflects the relevant legal considerations under the FDCA and further that it is grounded in sound scientific considerations. It should also be noted that two of the commenters that supported the rule agreed with DEA regarding the core legal and factual issues raised by those commenters that objected to the rule. Nonetheless, DEA must consider what would likely be the practical realities of going forward with the proposed rule at this time.

First, if DEA were to grant the objecting commenter's request for a hearing, the administrative proceedings within the agency would likely take at least two years to complete, taking into account the time to conduct the hearing presided over by an administrative law judge (ALJ), the issuance by the ALJ of a recommended decision, and the

[1] Three of the commenters that supported the rule also said, in somewhat different ways, that the proposed rule should go further—for example, by also transferring marijuana and/or its derivatives out of schedule I or by granting a pending application by a person seeking to become registered to manufacture marijuana.

[2] This commenter suggested that all forms of THC should either be in schedule I or schedule III, but that FDA-approved formulations containing THC should not be listed separately from illicit forms of the drug.

[3] For a discussion of the formal rescheduling procedures under the CSA, see *Gettman* v. *DEA,* 290 F.3d at 430, 432 (D.C. Cir. 2002).

issuance by the Deputy Administrator of a final order. Thereafter, if DEA were to finalize the proposed rule, any person aggrieved by the final rule would be permitted to seek review in the United States Court of Appeals. It can never be automatically assumed that the Court of Appeals will uphold a challenge to an agency rule. Thus, it is conceivable that going forward toward finalizing the proposed rule at this time could result in years of litigation followed by no final rule that actually takes effect.

Given these considerations, DEA believes that the most sound approach from this point forward is to withdraw the proposed rule and proceed instead with a continuation of the formal rescheduling procedures set forth in 21 U.S.C. 811 that are already underway for each of the proposed generic versions of Marinol affected by the proposed rule (those for which the sponsor has submitted to FDA an abbreviated new drug application referencing Marinol but which fall outside the current wording of 21 CFR 1308.13(g)(1)). For each such product, where the proposed marketer has petitioned DEA to initiate rulemaking proceedings to transfer the product into schedule III, DEA has already—prior to the publication of the NPRM—forwarded the petition to FDA for a scheduling evaluation in accordance with the procedures set forth in 21 U.S.C. 811(b).

Thus, the net result of the withdrawal of this proposed rule is that FDA and DEA will continue with the ongoing scheduling evaluations and any resultant rescheduling proceedings for each of the individual proposed generic versions of Marinol, rather than attempting to reschedule all of them simultaneously through the issuance of this proposed rule. DEA believes the former approach, as compared to the latter, is most likely to result in such rescheduling becoming effective in the shortest period of time.

Dated: September 18, 2008.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E8–22839 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–121698–08]

RIN 1545–B100

Amendments to Section 7216 Regulations—Disclosure or Use of Information by Preparers of Returns; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations that provide rules relating to the disclosure and use of tax return information by tax return preparers.

DATES: The public hearing, originally scheduled for October 6, 2008 at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Funmi Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622–3628 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking by cross-reference to temporary regulations and a notice of public hearing that appeared in the **Federal Register** on Wednesday, July 2, 2008 (73 FR 37910) announced that a public hearing was scheduled for October 6, 2008, at 10 a.m. in the NYU Room (room 2615), Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under the section 7216 of the Internal Revenue Code.

Outlines of topics to be discussed at the hearing were due on September 15, 2008. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Monday, September 22, 2008, no one has requested to speak. Therefore, the public hearing scheduled for October 6, 2008 is cancelled.

LaNita Van Dyke,

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

[FR Doc. E8–22824 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–143716–04]

RIN 1545–BD67

Declaratory Judgments—Gift Tax Determinations; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations under section 7477 of the Internal Revenue Code (Code) regarding petitions filed with the United States Tax Court for declaratory judgments as to the valuation of gifts.

DATES: The public hearing, originally scheduled for October 16, 2008 at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Funmi Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622–3628 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Monday, June 9, 2008 (73 FR 32503) announced that a public hearing was scheduled for October 16, 2008, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under section 7447 of the Internal Revenue Code.

The public comment period for these regulations expired on September 8, 2008. Outlines of topics to be discussed at the hearing were due on September 16, 2008. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Monday, September 22, 2008, no one has requested to speak. Therefore, the public hearing scheduled for October 16, 2008, is cancelled.

LaNita Van Dyke,

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

[FR Doc. E8–22825 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–101258–08]

RIN 1545–BH66

Guidance Under Sections 642 and 643 (Income Ordering Rules); Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed rulemaking providing guidance under Internal Revenue Code section 642(c) with regard to the Federal tax consequences of an ordering provision in a trust, a will, or a provision of local law that attempts to determine the tax character of the amounts paid to a charitable beneficiary of the trust or estate. The proposed regulations also make conforming amendments to the regulations under section 643(a)(5). The proposed regulations affect estates, charitable lead trusts (CLTs) and other trusts making payments or permanently setting aside amounts for a charitable purpose.

DATES: The public hearing, originally scheduled for October 8, 2008, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Richard A. Hurst of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), at *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION: A notice of public hearing that appeared in the **Federal Register** on Wednesday, June 18, 2008 (73 FR 34670), announced that a public hearing was scheduled for October 8, 2008, at 10 a.m., in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under sections 642 and 643 of the Internal Revenue Code.

The public comment period for these regulations expired on September 16, 2008. Outlines of topics to be discussed at the hearing were due on September 18, 2008. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Monday, September 22, 2008, no one has requested to speak. Therefore, the public hearing scheduled for October 8, 2008, is cancelled.

LaNita Van Dyke,

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

[FR Doc. E8–22823 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–143544–04]

RIN 1545–BD84

Regulations Enabling Elections for Certain Transactions Under Section 336(e); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to a notice of proposed rulemaking (REG–143544–04) that was published in the **Federal Register** on Monday, August 25, 2008 (73 FR 49965) under section 336(e) of the Internal Revenue Code. The proposed regulations, when finalized, would permit taxpayers to make an election to treat certain sales, exchanges, and distributions of another corporation's stock as taxable sales of that corporation's assets. These proposed regulations will affect corporations and their shareholders.

FOR FURTHER INFORMATION CONTACT: Mark J. Weiss, (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under sections 336 and 338 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–143544–04) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–143544–04), which was the subject of FR Doc. E8–19603, is corrected as follows:

1. On page 49967, column 2, in the preamble, under the paragraph heading ''2. Requirements for a Section 336(e) Election'', line 2 from the bottom of the column, the language ''1(b)(4)(iii), 1.336–1(b)(11), and 1.338–'' is corrected to read ''1(b)(4)(iii) and 1.336–1(b)(11), and § 1.338–''.

§ 1.336–2 [Corrected]

2. On page 49973, column 3, § 1.336–2(b)(1)(i)(B)(*3*) *Example 2.*(i), line 5, the language ''class of Target Subsidiary common stock'' is corrected to read ''class of Target Subsidiary stock''.

3. On page 49975, column 2, § 1.336–2(b)(2)(v), line 10, the language ''unrelated person and the subsidiary's'' is corrected to read ''unrelated person and the new subsidiary's''.

LaNita Van Dyke,

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

[FR Doc. E8–22822 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–209006–89]

RIN 1545–AM97

Transfers by Domestic Corporations That Are Subject to Section 367(a)(5); Distributions by Domestic Corporations That Are Subject to Section 1248(f); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to a notice of proposed rulemaking (REG–209006–89) that was published in the **Federal Register** on Wednesday, August 20, 2008 (73 FR 49278) under sections 367(a), 367(a)(5), 367(b), 1248(a), 1248(e), 1248(f), and 6038B of the Internal Revenue Code. The proposed regulations under sections 367(a)(5) and 367(b) apply when a domestic corporation transfers certain property to a foreign corporation in an exchange described in section 361(a) or (b). The proposed regulations under section 1248(e) suspend the application of section 1248(e) when capital gains are taxed at a rate equal to or greater than the rate at which ordinary income is taxed. The proposed regulations under section 1248(f) apply when a domestic corporation distributes stock of certain foreign corporations in a distribution to which section 337, 355, or 361 applies. The proposed

regulations under section 1248(f) include regulations described in Notice 87–64 (1987–2 CB 375). The proposed regulations under section 6038B establish reporting requirements for certain transfers of property by a domestic corporation to a foreign corporation in certain exchanges described in section 361(a) or (b). Finally, the proposed regulations under section 367(a) include the regulations described in Notice 2008–10 (2008–3 IRB 277).

The proposed regulations included in this document affect domestic corporations that transfer property to foreign corporations in certain transactions, or that distribute the stock of certain foreign corporations, and certain shareholders of such domestic corporations. The proposed regulations are necessary, in part, to provide guidance on changes to the law made by the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647, 102 Stat. 3342).

FOR FURTHER INFORMATION CONTACT: Daniel McCall, (202) 622–3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under sections 367, 1248, and 6038 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–209006–89) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–209006–89), which was the subject of FR Doc. E8–18885, is corrected as follows:

1. On page 49282, column 1, in the preamble, under the paragraph heading ''(iii) Adjustments To Basis of Stock Received by Control Group Members'', second paragraph of the column, lines 17 through 28, the language ''preamble)) exceeds the built-in gain in such stock (outside gain). The outside gain is the amount by which the fair market value of such stock exceeds the section 358 basis of the stock (as determined before any required adjustment to such basis under the proposed regulations). The proposed regulations provide special rules that apply if the control group member holds more than one block of stock received in the transaction.'' is corrected to read ''preamble)) exceeds the built-in gain (or loss) in such stock, defined as outside gain (or loss) in the proposed regulations. The outside gain (or loss) is the amount by which the fair market value of such stock is greater than (or less than) the section 358 basis of the stock (as determined before any required adjustment to such basis under the proposed regulations). The proposed regulations provide special rules that apply if the control group member holds more than one block of stock received in the transaction. Comments are requested concerning whether, and the extent to which, an outside loss should limit the reduction to a control group member's section 358 basis in the stock received that is attributable to section 367(a) property. Consistent with the legislative history, the IRS and Treasury Department believe the basis reduction must be sufficient to preserve the control group member's share of inside gain (to the extent not otherwise recognized by the U.S. transferor) in the stock received that is attributable to section 367(a) property. The IRS and Treasury Department believe this rule to be appropriate even if a control group member has an outside loss, in part because a basis reduction is required only if an election is made to apply the exception from the general rule of section 367(a)(5) provided by the proposed regulations.''.

§ 1.367(a)–7 [Corrected]

2. On page 49291, column 2, § 1.367(a)–7(c)(3)(i)(B), the language ''The control group member's outside gain.'' is corrected to read ''The control group member's outside gain (or loss).''.

3. On page 49293, column 2, § 1.367(a)–7(f)(7), line 1, the language ''*Outside gain* is the product of the'' is corrected to read ''*Outside gain (or loss)* is the product of the''.

4. On page 49293, column 2, § 1.367(a)–7(f)(7)(i), last line, the language ''356; exceeds'' is corrected to read ''356; is greater than (or less than),''.

5. On page 49293, column 3, § 1.367(a)–7(g) *Example 1.,* line 5, the language ''a $80x basis and $100x fair market value.'' is corrected to read ''a $120x basis and $100x fair market value.''.

6. On page 49294, column 1, § 1.367(a)–7(g) *Example 1.* (ii)(E), the language ''Under paragraph (c)(3) of this section, DP1's section 358 basis in the FA stock ($80x) received in exchange for its DC stock must be reduced by $25x, the amount by which DP1's share of inside gain ($45x) exceeds DP1's $20x outside gain. DP1's share of inside gain is determined based on its 50% ownership interest (by value) in DC at the time of the section 361 exchange. Because DC does not recognize gain on the section 361 exchange with respect to DP1, DP1's share of inside gain is not reduced under paragraph (c)(3)(i)(A) of this section. DP1's $20x outside gain equals the product of the section 367(a) percentage (100%) and the amount by which the fair market value ($100x) of the FA stock received by DP1 in exchange for its DC stock exceeds the section 358 basis of such FA stock ($80x). As adjusted, DP1's basis in its FA stock is $55x. Similarly, under paragraph (c)(3) of this section, DP2's section 358 basis in the FA stock ($50x) received in exchange for its DC stock must be reduced by $17x, the amount by which DP2's share of inside gain ($27x) exceeds DP1's $10x outside gain. DP2's share of inside gain is determined based on its 30% ownership interest (by value) in DC at the time of the section 361 exchange. Because DC does not recognize gain on the section 361 exchange with respect to DP2, DP2's share of inside gain is not reduced under paragraph (c)(3)(i)(A) of this section. DP2's $10x outside gain equals the product of the section 367(a) percentage (100%) and the amount by which the fair market value ($60x) of the FA stock received by DP2 in exchange for its DC stock exceeds the section 358 basis of such stock ($50x). As adjusted, DP2's basis in its FA stock is $33x.'' is corrected to read ''Under paragraph (c)(3) of this section, DP1's section 358 basis in the FA stock ($120x) received in exchange for its DC stock must be reduced by $65x, the amount by which DP1's share of inside gain ($45x) exceeds DP1's $20x outside loss. DP1's share of inside gain is determined based on its 50% ownership interest (by value) in DC at the time of the section 361 exchange. Because DC does not recognize gain on the section 361 exchange with respect to DP1, DP1's share of inside gain is not reduced under paragraph (c)(3)(i)(A) of this section. DP1's $20x outside loss equals the product of the section 367(a) percentage (100%) and the amount by which the fair market value ($100x) of the FA stock received by DP1 in exchange for its DC stock is less than the section 358 basis of such FA stock ($120x). As adjusted, DP1's basis in its FA stock is $55x. Similarly, under paragraph (c)(3) of this section, DP2's section 358 basis in the FA stock ($50x) received in exchange for its DC stock must be reduced by $17x, the amount by which DP2's share of inside gain ($27x) exceeds DP1's $10x outside gain. DP2's share of inside gain is determined based on its 30% ownership interest (by value) in DC at the time of the section 361 exchange. Because DC does not

recognize gain on the section 361 exchange with respect to DP2, DP2's share of inside gain is not reduced under paragraph (c)(3)(i)(A) of this section. DP2's $10x outside gain equals the product of the section 367(a) percentage (100%) and the amount by which the fair market value ($60x) of the FA stock received by DP2 in exchange for its DC stock is greater than the section 358 basis of such stock ($50x). As adjusted, DP2's basis in its FA stock is $33x.''.

7. On page 49294, column 2, § 1.367(a)–7(g) *Example 2.* (ii)(D), line 3 from the bottom of the paragraph, the language ''FP stock received by DP1 ($180x) exceeds the'' is corrected to read ''FP stock received by DP1($180x) is greater than the''.

8. On page 49294, column 3, § 1.367(a)-7(g) *Example 3.* (ii)(D), line 2 from the bottom of the paragraph, the language ''by DP1 ($200x) exceeds the section 358 basis'' is corrected to read ''by DP1 ($200x) is greater than the section 358 basis''.

§ 1.1248(f)–2 [Corrected]

9. On page 49301, column 1, § 1.1248(f)–2(d) *Example 2.* (ii)(E), lines 11 through 28, the language ''percentage (100%) and the excess of the fair market value of the FA stock received by DP1 ($200x) over the section 358 basis of such stock ($180x). As adjusted, DP1's basis in the FA stock is $30x. Similarly, DP2's section 358 basis ($100x) in the FA stock received in the section 361 distribution is reduced by $82x, the amount by which DP2's 30% share of inside gain ($102x) exceeds DP1's $20x outside gain. DP2's share of inside gain is not reduced under § 1.367(a)–7(c)(2)(ii) because DC did not recognize gain with respect to DP2. DP2's $20x outside gain equals the product of the section 367(a) percentage (100%) and the excess of the fair market value of the FA stock received by DP2 ($120x) over the section 358 basis of such stock ($100x). As adjusted, DP2's basis in the'' is corrected to read ''percentage (100%) and the amount by which the fair market value of the FA stock received by DP1 ($200x) is greater than the section 358 basis of such stock ($180x). As adjusted, DP1's basis in the FA stock is $30x. Similarly, DP2's section 358 basis ($100x) in the FA stock received in the section 361 distribution is reduced by $82x, the amount by which DP2's 30% share of inside gain ($102x) exceeds DP1's $20x outside gain. DP2's share of inside gain is not reduced under § 1.367(a)–7(c)(2)(ii) because DC did not recognize gain with respect to DP2. DP2's $20x outside gain equals the product of the section 367(a) percentage (100%) and the amount by which the fair market value of the FA stock received by DP2 ($120x) is greater than the section 358 basis of such stock ($100x). As adjusted, DP2's basis in the''.

10. On page 49301, column 2, § 1.1248(f)–2(d) *Example 2.* (ii)(H), first line of the column, the language ''DP1, DP2 and FA in the section 361'' is corrected to read ''DP1, DP2 and FP in the section 361''.

11. On page 49302, column 3, § 1.1248(f)–2(d) *Example 4.* (ii)(C), line 6 from the bottom of the paragraph, the language ''of CFC1 stock exceeds DP1's section 358'' is corrected to read ''of CFC1 stock is greater than DP1's section 358''.

LaNita Van Dyke,

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

[FR Doc. E8–22820 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2008–0744]

RIN 1625–AA08

Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the enforcement period for special local regulations during the ''Tug-of-War'', a marine event held annually on the waters of Spa Creek between Eastport and Annapolis, Maryland. Special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Spa Creek during the event.

DATES: Comments and related material must reach the Coast Guard on or before October 29, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0744 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Online: *http://www.regulations.gov.*

(2) 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.

(3) 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.

(4) Fax: 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Ronald Houck, Marine Information Specialist, Coast Guard Sector Baltimore, telephone 410–576–2674. 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0744), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or 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. We may change this proposed rule in view of them.

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* at any time. Enter the docket number for this rulemaking (USCG–2008–0744) in the Search box, and click ''Go >>.'' 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; or the Fifth Coast Guard District, Prevention Division, 431 Crawford Street, Portsmouth, VA, 23704 between 10 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can 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 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 to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Annually, the City of Annapolis sponsors the ''Tug-of-War'', across the waters of Spa Creek between Eastport and Annapolis, Maryland. The event consists of a tug of war between teams on the Eastport side of Spa Creek pulling against teams on the Annapolis side of Spa Creek. The opposing teams will pull a floating rope approximately 1,700 feet in length, spanning Spa Creek. A fleet of spectator vessels is anticipated. The regulation at 33 CFR 100.501 is effective annually for the Tug-of-War marine event. The table to § 100.501, event No. 29 establishes the enforcement date for the Tug-of-War. This regulation proposes to temporarily change the enforcement date from ''October—last Saturday or November first Saturday'' to the second Saturday in November, holding the marine event on November 8, 2008. The City of Annapolis who is the sponsor for this event intends to hold this event annually; however, they have changed the date of the event for 2008 so that it is outside the scope of the existing enforcement period. Due to the need for vessel control while the rope is spanned across Spa Creek, vessel traffic would be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to temporarily suspend the regulations at 33 CFR 100.501 by changing the date of enforcement in the table to § 100.501 to reflect the event will be conducted in 2008 on the second Saturday in November, November 8, 2008. This proposed change is needed to accommodate the sponsor's schedule. The special local regulations will be enforced from 10:30 a.m. to 2:30 p.m. on November 8, 2008, and will restrict general navigation in the regulated area during the marine event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period. The regulated area is needed to control vessel traffic during the event to enhance the safety of participants and transiting vessels.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

Regulatory Analyses

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

Regulatory Planning and Review

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

Although this proposed rule prevents traffic from transiting a portion of Spa Creek during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

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

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

This proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a 4-hour period. Vessel traffic will be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for

compliance, please contact Coast Guard Sector Baltimore listed under **FOR FURTHER INFORMATION CONTACT** at the beginning of this rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not 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 proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination under the Instruction that this action is not likely to have a significant effect on the human environment. An environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

2. In § 100.501, from October 24, 2008 to November 15, 2008, suspend line No. 29 in the Table to § 100.501.

3. In § 100.501, from 10:30 a.m. to 2:30 p.m., on November 8, 2008, add line No. 58 in Table to § 100.501 to read as follows:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

Table to § 100.501

All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.

COAST GUARD SECTOR BALTIMORE—COTP ZONE

Number	Date	Event	Sponsor	Location
*	*	*	*	* * *
58	November 8, 2008.	Tug of War	City of Annapolis	The waters of Spa Creek from shoreline to shoreline, extending 400 feet from either side of a rope spanning Spa Creek from a position at latitude 38°58′36.9″ N, longitude 076°29′03.8″ W on the Annapolis shoreline to a position at latitude 38°58′26.4″ N, longitude 076°28′53.7″ W on the Eastport shoreline.

* * * * *

Dated: August 18, 2008.

Fred M. Rosa, Jr.,

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

[FR Doc. E8–22442 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[PS Docket No. 07–114; DA 08–2129]

Wireless E911 Location Accuracy Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Federal Communications Commission sought comment on proposals in certain *ex parte* filings submitted by the Association of Public-Safety Communications Officials, International (APCO), the National Emergency Number Association (NENA), AT&T, Sprint Nextel Corporation, and Verizon Wireless regarding location accuracy requirements for wireless licensees subject to the Commission's rules that specify standards for wireless Enhanced 911 (E911) Phase II location accuracy and reliability. The proposed rule stated that ''Comments are due October 6, 2008 by 12 p.m. Reply Comments are due October 14, 2008 by 12 p.m.'' Only Reply Comments are due by 12 p.m. Comments are due on October 6, 2008.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Chief, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418–0952.

Correction

In the **Federal Register** of September 25, 2008, in FR Doc. E8–22645, on page 55473, in the first column, correct the **DATES** caption to read:

DATES: Comments are due October 6, 2008. Reply Comments are due October 14, 2008 by 12 p.m.

Thomas J. Beers,

Division Chief, Policy, Public Safety and Homeland Security Bureau.

[FR Doc. E8–22932 Filed 9–26–08; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 73, No. 189
Monday, September 29, 2008

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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Invitation for Membership on Advisory Committee

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice.

SUMMARY: The Joint Board for the Enrollment of Actuaries (Joint Board), established under the Employee Retirement Income Security Act of 1974 (ERISA), is responsible for the enrollment of individuals who wish to perform actuarial services under ERISA. The Joint Board has established an Advisory Committee on Actuarial Examinations (Advisory Committee) to assist in its examination duties mandated by ERISA. The term of the current Advisory Committee will expire on February 28, 2009. This notice describes the Advisory Committee and invites applications from those interested in serving on it.

1. General

To qualify for enrollment to perform actuarial services under ERISA, an applicant must have requisite pension actuarial experience and satisfy knowledge requirements as provided in the Joint Board's regulations. The knowledge requirements may be satisfied by successful completion of Joint Board examinations in basic actuarial mathematics and methodology and in actuarial mathematics and methodology relating to pension plans qualifying under ERISA.

The Joint Board, the Society of Actuaries, and the American Society of Pension Professionals & Actuaries jointly offer examinations acceptable to the Joint Board for enrollment purposes and acceptable to those actuarial organizations as part of their respective examination programs.

2. Programs

The Advisory Committee plays an integral role in the examination program by assisting the Joint Board in offering examinations that will enable examination candidates to demonstrate the knowledge necessary to qualify for enrollment. The purpose of the Advisory Committee, as renewed, will remain that of assisting the Joint Board in fulfilling this responsibility. The Advisory Committee will discuss the philosophy of such examinations, will review topics appropriately covered in them, and will make recommendations relative thereto. It also will recommend to the Joint Board proposed examination questions. The Joint Board will maintain liaison with the Advisory Committee in this process to ensure that its views on examination content are understood.

3. Function

The manner in which the Advisory Committee functions in preparing examination questions is intertwined with the jointly administered examination program. Under that program, the participating actuarial organizations draft questions and submit them to the Advisory Committee for its consideration. After review of the draft questions, the Advisory Committee selects appropriate questions, modifies them as it deems desirable, and then prepares one or more drafts of actuarial examinations to be recommended to the Joint Board. (In addition to revisions of the draft questions, it may be necessary for the Advisory Committee to originate questions and include them in what is recommended.)

4. Membership

The Joint Board will take steps to ensure maximum practicable representation on the Advisory Committee of points of view regarding the Joint Board's actuarial examination extant in the community at large and from nominees provided by the actuarial organizations. Since the members of the actuarial organizations comprise a large segment of the actuarial profession, this appointive process ensures expression of a broad spectrum of viewpoints. All members of the Advisory Committee will be expected to act in the public interest, that is, to produce examinations that will help ensure a level of competence among those who will be accorded enrollment to perform actuarial services under ERISA.

Membership normally will be limited to actuaries previously enrolled by the Joint Board. However, individuals having academic or other special qualifications of particular value for the Advisory Committee's work also will be considered for membership. The Advisory Committee will meet about four times a year. Advisory Committee members should be prepared to devote from 125 to 175 hours, including meeting time, to the work of the Advisory Committee over the course of a year. Members will be reimbursed for travel expenses incurred, in accordance with applicable government regulations.

Actuaries interested in serving on the Advisory Committee should express their interest and fully state their qualifications in a letter addressed to: Joint Board for the Enrollment of Actuaries, c/o Office of Professional Responsibility SE:OPR, Internal Revenue Service, Attn: Executive Director IR–7238, 1111 Constitution Avenue, NW., Washington, DC 20224.

Any questions may be directed to the Joint Board's Executive Director at 202–622–8225.

The deadline for accepting applications is December 15, 2008.

Dated: September 16, 2008.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. E8–22828 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0101]

Notice of Request for Extension of Approval of an Information Collection; Importation of Small Lots of Seed

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an

information collection associated with regulations for the importation of small lots of seed into the United States.

DATES: We will consider all comments that we receive on or before November 28, 2008.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2008–0101* to submit or view comments and to view supporting and related materials available electronically.

• *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0101, Regulatory Analysis and Development, PPD, APHIS, Station3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0101.

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

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

FOR FURTHER INFORMATION CONTACT: For information on regulations for the importation of small lots of seed into the United States, contact Dr. Arnold T. Tschanz, Senior Risk Manager, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 734–5306. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Small Lots of Seed.

OMB Number: 0579–0285.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations contained in ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products'' prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

These regulations allow small lots of seed to be imported into the United States under an import permit with specific conditions, including seed packet labeling, as an alternative to a phytosanitary certificate requirement.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0355769 hours per response.

Respondents: Importers, horticultural societies, arboreta, and small businesses.

Estimated annual number of respondents: 1,600

Estimated annual number of responses per respondent: 13.

Estimated annual number of responses: 20,800.

Estimated total annual burden on respondents: 740 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 23rd day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–22835 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0103]

Notice of Request for Extension of Approval of an Information Collection; Johne's Disease in Domestic Animals; Interstate Movement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the interstate movement of animals affected with Johne's disease.

DATES: We will consider all comments that we receive on or before November 28, 2008.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2008–0103* to submit or view comments and to view supporting and related materials available electronically.

• *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0103, Regulatory Analysis and Development, PPD, APHIS, Station3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0103.

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

Other Information: Additional information about APHIS and its

programs is available on the Internet at *http://www.aphis.usda.gov*.

FOR FURTHER INFORMATION CONTACT: For information on regulations for the interstate movement of animals affected with Johne's disease, contact Dr. Michael Carter, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737; (301) 734–4914. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Johne's Disease in Domestic Animals; Interstate Movement.

OMB Number: 0579–0148.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to prevent the introduction and interstate spread of livestock diseases by prohibiting or restricting the importation and interstate movement of animals and other articles and by eradicating such diseases from the United States when feasible. In connection with this mission, Veterinary Services (VS), APHIS, prohibits or restricts the interstate movement of livestock that have, or have been exposed to, Johne's disease.

Johne's disease, also known as paratuberculosis, is caused by *Mycobacterium avium* subspecies *paratuberculosis* and primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants. The disease is a chronic and contagious enteritis that results in progressive wasting and eventual death. It is nearly always introduced into a healthy herd by an infected animal that is not showing symptoms of the disease.

The regulations in 9 CFR, chapter I, subchapter C, govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases within the United States. Subchapter C, part 71, contains general provisions for the interstate movement of animals, poultry, and their products, while part 80 pertains specifically to the interstate movement of domestic animals that are positive to an official test for Johne's disease.

These regulations provide that cattle, sheep, goats, and other domestic animals that are positive to an official test for Johne's disease may generally be moved interstate only to a recognized slaughtering establishment or to an approved livestock facility for sale to such an establishment. The animals must bear an official eartag and be shipped with an owner-shipper statement.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.370909 hours per response.

Respondents: Herd owners, shippers, and accredited veterinarians.

Estimated annual number of respondents: 275.

Estimated annual number of responses per respondent: 1.0.

Estimated annual number of responses: 275.

Estimated total annual burden on respondents: 102 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 23rd day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–22834 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0105]

Notice of Request for Approval of an Information Collection; National Animal Health Monitoring System; Goat 2009 Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate an information collection to support the National Animal Health Monitoring System Goat 2009 Study.

DATES: We will consider all comments that we receive on or before November 28, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0105* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0105, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0105.

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

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

FOR FURTHER INFORMATION CONTACT: For information on the Goat 2009 Study, contact Ms. Sandra Warnken, Management and Program Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E3, Fort Collins, CO 80526; (970) 494–7193. For

copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS* Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System; Goat 2009 Study.

OMB Number: 0579–xxxx.

Type of Request: Approval of a new information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is authorized, among other things, to prevent the introduction and interstate spread of livestock diseases by prohibiting or restricting the importation and interstate movement of animals and other articles and by eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) operates the National Animal Health Monitoring System (NAHMS), which collects nationally representative, statistically valid, and scientifically sound data on the prevalence and economic importance of livestock and poultry diseases and associated risk factors.

NAHMS' studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of livestock. APHIS is the only agency responsible for collecting data on livestock health. Participation in any NAHMS study is voluntary, and all data are confidential.

APHIS plans to conduct the Goat 2009 Study as part of an ongoing series of NAHMS studies on the U.S. livestock population. The 21 States targeted for the study have approximately 85 percent of the goats in the United States and 78 percent of U.S. operations with goats. The purpose of this study is to collect information, through questionnaires and biologic sampling, to:

• Determine producer awareness of Veterinary Services program diseases and describe management and biosecurity practices important for the control of infectious diseases (including brucellosis, scrapie, caprine arthritis encephalitis (CAE), Johne's, and caseous lymphadenitis). Provide a baseline description of animal health, nutrition, and management practices in the U.S. goat industry.

• Estimate the prevalence of:

• Mycobacterium parataberculosis (Johne's) infection;

• Internal parasitism and anthelminthic resistance; and

• Common causes of mastitis.

• Characterize contagious ecthyma (soremouth) in U.S. goats. Determine producer awareness of zoonotic potential and practices to prevent soremouth transmission and assess producer interest in an improved vaccine for soremouth.

• Examine factors (i.e., genetic and/or management) that correlate with CAE virus levels.

• Provide genetic and serological banks for future research.

The study will consist of a series of on-farm questionnaires, with biologic sampling, that will be administered by APHIS-designated data collectors. The information collected through the Goat 2009 Study will be analyzed and organized into descriptive reports. Information sheets will be derived from these reports, and the data will be disseminated to and used by a variety of constituents, including producers, veterinarians, stakeholders, academia, and others. The data will help APHIS address emerging issues and examine the economic impact of selected health management practices.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.048689 hours per response.

Respondents: Goat producers in 21 States.

Estimated annual number of respondents: 5,500.

Estimated annual number of responses per respondent: 1.5536.

Estimated annual number of responses: 8,544.

Estimated total annual burden on respondents: 8,960 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 23rd day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–22827 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0088]

Mexican Fruit Fly; Removal of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of changes to quarantined area.

SUMMARY: We are advising the public that we have made changes to the areas quarantined for Mexican fruit fly. The quarantined area was updated on July 15, 2008, by removing from quarantine the area in San Diego County, CA, that had been quarantined, and on August 20, 2008, by removing from quarantine the area in Willacy County, TX, that had been quarantined.

FOR FURTHER INFORMATION CONTACT: Dr. Wayne D. Burnett, National Coordinator, USDA-APHIS-Fruit Fly Exclusion and Detection Programs, 4700 River Road Unit 137, Riverdale, MD 20737–1234; (301) 734–4387.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly (*Anastrepha ludens*) is a destructive pest of fruit. In the United States, the Mexican fruit fly attacks apples, apricots, avocados, grapefruit, mangos, nectarines, peaches, pears, plums, prunes, oranges, and tangerines, as well as other fruits.

In a final rule published in the **Federal Register** (73 FR 32431–32439, Docket No. APHIS–2006–0084) on June 9, 2008, and effective on July 9, 2008, we established a new subpart that consolidated our domestic fruit fly quarantine regulations (§§ 301.32

through 301.32–10, referred to below as the regulations). These regulations set out procedures for determining the areas quarantined for fruit flies and impose restrictions on the interstate movement of regulated articles from quarantined areas.

Section 301.32–3 of the regulations sets out the procedures for determining the areas quarantined for fruit flies. Paragraph (a) of § 301.32–3 states that the Administrator will designate as a quarantined area each State, or each portion of a State, in which a fruit fly population subject to the regulations has been found by an inspector or in which the Administrator has reason to believe that a fruit fly population is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which a fruit fly population has been found.

Section 301.32–3 of the regulations provides that a State, or a portion of a State, will be removed from quarantine when the Administrator determines that sufficient time has passed without finding additional flies or other evidence of infestation in the area to conclude that the fruit fly no longer exists in that area.

Section 301.32–3 of the regulations further provides that the Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine (PPQ) Web site, *http://www.aphis.usda.gov/plant_health/plant_pest_info/fruit_flies/index.shtml* . The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local officials are listed in telephone directories. Finally, § 301.32–3 establishes that, after a change is made to the quarantined area, we will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined area.

On July 15, 2008, we removed the area in San Diego County, CA, from quarantine and updated the quarantined area for Mexican fruit fly on the PPQ Web site.

On August 20, 2008, we removed the area in Willacy County, TX, from quarantine and updated the quarantined area for Mexican fruit fly on the PPQ Web site.

This notice is to inform the public of these changes.

Previous Interim Rules

This notice also serves to inform the public that we are taking no action on the following fruit fly quarantine interim rules because the lists of areas quarantined for fruit flies were removed from the regulations in the June 2008 final rule.

- Mediterranean Fruit Fly; Add Portions of Santa Clara and Solano Counties, CA, to the List of Quarantined Areas (72 FR 69137–69139, Docket No. APHIS–2007–0133), published and effective December 7, 2007;
- Mexican Fruit Fly; Removal of Quarantined Area (73 FR 5086–5087, Docket No. APHIS–2008–0129), published and effective January 29, 2008, which removed Willacy County, TX, from the list of Mexfly quarantined areas;
- Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas (73 FR 9171–9172, Docket No. APHIS–2008–0004), published and effective February 20, 2008; and
- Mexican Fruit Fly; Designation of Portion of Willacy County, TX, as a Quarantined Area (73 FR 31929–31930, Docket No. APHIS–2008–0057), published and effective June 5, 2008.

The current fruit fly quarantined areas can be viewed on the PPQ Web site at *http://www.aphis.usda.gov/plant_health/plant_pest_info/fruit_flies/index.shtml* .

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–22837 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Information Collection for the Report of School Program Operations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on a proposed information collection. The proposed collection is an extension of a currently approved collection for the Report of School Programs Operations.

DATES: Written comments must be submitted by November 28, 2008.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Mrs. Lynn Rodgers-Kuperman, Chief, Program Analysis and Monitoring Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 638, Alexandria, Virginia 22302. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov*, and follow the online instructions for submitting comments electronically.

All written comment(s) will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for OMB approval, and will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to: Mrs. Lynn Rodgers-Kuperman at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Title: Report of School Programs Operations.

OMB Number: 0584–0002.

Expiration Date: March 31, 2009.

Type of Request: Extension of a currently approved collection.

Abstract: The National School Lunch Program, the School Breakfast Program, the Commodity Schools Program, and the Special Milk Program are authorized by the National School Lunch Act, 42 U.S.C. 1751, *et seq.*, and the Child Nutrition Act of 1966, 42 U.S.C. 1771, *et seq.* Program implementing regulations are contained in 7 CFR parts 210, 215, and 220. In accordance with § 210.5(d)(1), § 215.11(c)(2), and

§ 220.13(b)(2), State agencies must submit to FNS a monthly report of program activity in order to receive Federal reimbursement for meals served to eligible participants.

Respondents: State agencies that administer the National School Lunch Program, the School Breakfast Program, the Commodity Schools Program, or the Special Milk Program.

Estimated Number of Respondents: 57.

Number of Responses per Respondent: The number of responses includes initial, revised and final reports submitted each month. The overall average is four submissions per State Agency per reporting month for a total of 48 per year.

Estimated Total Annual Responses: 2,736.

Estimated Time per Response: Public reporting burden for this collection of information is estimated to average 32 hours per respondent.

Estimated Total Annual Burden on Respondents: 87,552 hours.

Dated: September 18, 2008.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E8–22770 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Sites; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: Boise National Forest, USDA Forest Service.

ACTION: Notice of proposed new fee sites.

SUMMARY: The Boise National Forest is planning to charge fees at two recreation sites. Fees are assessed based on the level of amenities and services provided, cost of operation and maintenance, market assessment, and public comment. The fees listed are currently proposed and will be determined upon further analysis and public comment. Funds from fees would be used for the continued operation and maintenance of these recreation sites.

The bunkhouse at the Dutch Creek Guard Station will be available for overnight rental. In consideration of the fees for similar Forest Service facilities and other location factors, the tentative cabin rental fee was set at $45 per night. Guard station rental cabins offer unique experiences and are a popular offering in National Forests. Two other cabins at this guard station have been available for public rental for a number of years and are rented approximately 50 nights during the snow-free season. This facility will expand rental opportunities in that it will make a great rental facility for larger groups or family reunions, as it will accommodate 8–10 easily, and more once remodeling plans to add more sleeping space in the basement are completed. Fees would continue to help protect and maintain this structure, as well as to finance the additional sleeping area construction work. The bunkhouse would be available once a final decision is made and they are listed with the National Recreation Reservation Service which is anticipated for June 2009 at the earliest.

Fees are also proposed at the Willow Creek campground on the Mountain Home Ranger District. This site has been improved with a new accessible toilet and picnic tables over the last 8 to 10 years and additional income is needed for its continued operation and maintenance. A fee study, financial analysis, and public involvement efforts have been ongoing since spring 2007 in an effort to evaluate and designate new fee sites across the Boise National Forest. Fees at campgrounds are generally $15 at sites that provide both drinking water and trash removal and $12 at sites that do not provide both of these amenities. A $5 day use fee is also proposed at some sites.

DATES: Fees would begin to be charged for rental of the Dutch Creek bunkhouse and the Willow Creek campground in May 2009.

ADDRESSES: Cecilia R. Seesholtz, Forest Supervisor, Boise National Forest, 1249 South Vinnell Way, Suite 200, Boise, Idaho 83709.

FOR FURTHER INFORMATION CONTACT: Jim Keller, Recreation Program Manager, 208–373–4142. Information about proposed fee changes and other proposed management actions developed in the Recreation Facility Analysis process can also be found on the Boise National Forest Web site: *http://www.fs.fed.us/r4/boise/*.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a 6-month advance notice in the **Federal Register** whenever new recreation fee areas are established.

Once public involvement is complete, these new fee site proposals will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Dated: September 23, 2008.

Frank V. Guzman,

Deputy Forest Supervisor.

[FR Doc. E8–22772 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in Texas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and Request for Applications.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is providing services in east Texas on an interim basis. GIPSA is asking persons interested in providing official services in all or part of the unassigned areas of Texas to submit an application for designation.

DATES: Applications must be postmarked or electronically dated on or before October 29, 2008.

ADDRESSES: We invite you to submit applications and comments on this notice. You may submit applications and comments by any of the following methods:

- To apply for designation, go to ''FGIS online'' at *https://fgis.gipsa.usda.gov/default_home_FGIS.aspx* then select *Delegations/Designations and Export Registrations (DDR)*. You will need an E-authentication username, password, and a customer number prior to applying.
- *Hand Delivery or Courier:* Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- *Fax:* (202) 690–2755, to the attention of Karen Guagliardo.
- *E-mail: Karen.W.Guagliardo@usda.gov*.
- *Mail:* Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.
- *Internet:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments and reading any comments posted online.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Karen Guagliardo at 202–720–7312, e-mail *Karen.W.Guagliardo@usda.gov*.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the United States Grain Standards Act (Act) (7 U.S.C. 71–87k) authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

GIPSA is asking for applicants to provide official services in unassigned areas of Texas. Pursuant to Section (7)(2) of the Act, the area being considered for assignment to the applicant or applicants selected for designation in Texas is as follows:

Bounded on the north by the northern Young, Jack, Montague, Cooke, Grayson, Fannin, Lamar, Red River, Morris, and Marion County lines east to the Texas State line;

Bounded on the east by the eastern Texas State line south to the southern Shelby County line;

Bounded on the south by the southern Shelby, Rusk, Smith, Henderson, Navarro, Hill, Bosque, Hamilton, and Mills County lines west to the western Mills county line;

Bounded on the west by the western Mills, Comanche, Eastland, Stephens, and Young County lines north to the northern Young County line.

Opportunity for designation. Interested persons are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) (7 CFR 800.196(d)) of the regulations. Designation in the specified geographic areas is for a period of no more than 3 years. To apply for designation, contact the Compliance Division at the address listed above for forms and information, or obtain applications at the GIPSA Web site, *http://www.gipsa.usda.gov*. Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: 7 U.S.C. 71–87k.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E8–22870 Filed 9–26–08; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Trade Fair Certification Program Application.

OMB Control Number: 0625–0130.

Form Number(s): ITA–4100P.

Type of Request: Regular submission.

Burden Hours: 360.

Number of Respondents: 120.

Average Hours per Response: 3.

Needs and Uses: The Trade Fair Certification Program provides endorsement and support for private trade show organizers, trade associations, U.S. agents of foreign fair authorities, and other entities to organize and manage a U.S. Pavilion at a foreign trade show. The form is used to apply for certification of their ability to perform this task. The TFC Program uses information from the form to evaluate if both the show and the organizer meet the Department's high standards such as recruiting, delivering show services, attracting small and medium-sized firms, booth pricing, and being an appropriate marketing venue for U.S. firms. The form asks the organizer to respond to twenty-three questions ranging from simple name and address to pricing options to outlining their experience and marketing plans. Potential exhibitors look to trade fair certification to ensure they are participating in a viable show with a reliable organizer. The form also includes information on where to apply, procedures and commitment by the applicant to abide by the terms set forth for program participation.

Affected Public: Business or other for profit organizations; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Wendy Liberante, (202) 395–3647.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Wendy Liberante, OMB Desk Officer, Fax number (202) 395–7285 or via the Internet at *Wendy_L._Liberante@omb.eop.gov*.

Dated: September 24, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–22782 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Census Advisory Committee of Professional Associations. The Committee will address policy, research, and technical issues related to 2010 Decennial Census programs. The Committee also will discuss several economic initiatives, demographic program topics, as well as issues pertaining to 2010 communications. Last-minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: October 16–17, 2008. On October 16, the meeting will begin at approximately 8:30 a.m. and adjourn at approximately 5 p.m. On October 17, the meeting will begin at approximately 8:30 a.m. and adjourn at approximately 12 noon.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H153, Washington, DC 20233, telephone 301–763–6590. For TTY callers, please use the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Census Advisory Committee of Professional Associations is composed of 36 members, appointed by the presidents of the American Economic Association, the American Statistical Association, and the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee addresses Census Bureau programs and activities related to each respective Association's area of expertise. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

The meeting is open to the public, and a brief period is set aside for public comment and questions. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Committee Liaison Officer named above. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign-language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–3231 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: September 22, 2008.

Steve H. Murdock,

Director, Bureau of the Census.

[FR Doc. E8–22725 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, Pub. L. 97–375 and Pub. L. 105–153), we are announcing a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting will address ways in which the national economic accounts can be presented more effectively for current economic analysis and recent statistical developments in national accounting.

DATES: Friday, November 7, 2008, the meeting will begin at 9 a.m. and adjourn at 3:30 p.m.

ADDRESSES: The meeting will take place at the Bureau of Economic Analysis at 1441 L St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffrey Newman, Media and Outreach Lead, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone number: (202) 606–9265.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Jeffrey Newman of BEA at (202) 606–9265 in advance. The meeting is physically accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Jeffrey Newman at (202) 606–9265.

SUPPLEMENTARY INFORMATION: The Committee was established September 2, 1999. The Committee advises the Director of BEA on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts, especially in areas of new and rapidly growing economic activities arising from innovative and advancing technologies, and provides recommendations from the perspectives of the economics profession, business, and government. This will be the Committee's seventeenth meeting.

Dated: September 23, 2008.

Rosemary D. Marcuss,

Deputy Director, Bureau of Economic Analysis.

[FR Doc. E8–22872 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–046]

Polychloroprene Rubber From Japan: Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Duty Finding, in Part

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

SUMMARY: On August 4, 2008, the Department of Commerce (the Department) received a request from the petitioner, DuPont Performance Elastomers L.L.C. (DPE) [1] for a changed circumstances review and a request to revoke, in part, the antidumping duty (AD) finding on certain polychloroprene rubber products from Japan. In its August 4, 2008 request, DPE stated that it no longer has any interest in antidumping relief from imports of such polychloroprene rubber with respect to the subject merchandise defined in the ''Scope of the Finding'' section below. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Summer Avery, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–4052.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Department of the Treasury published, in the **Federal Register** (38 FR 33593), the AD finding on polychloroprene rubber from Japan.

On September 29, 2006, the Department amended the scope of the AD finding. Polychloroprene Rubber from Japan: Final Changed Circumstances Review and Determination to Revoke Finding in Part, 71 FR 57470 (September 29, 2006). On August 4, 2008, DPE requested revocation, in part, of the AD finding with respect to aqueous dispersions of 2-chlorobutadiene-1,3 homopolymers, where the polymer content of the dispersion is between 55 weight percent and 61 weight percent and the dispersed homopolymer contains less than 10 weight percent of a tetrahydrofuran-insoluble fraction, because DPE stated that it no longer has any interest in antidumping relief from those imports.

Scope of the Finding

Imports covered by this finding are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.41.00, 4002.49.00, and

[1] DPE is the sole petitioner in this antidumping proceeding. *See* Polychloroprene Rubber From Japan: Final Results of the Expedited Sunset Review of the Antidumping Finding. 69 FR 64276 (November 4, 2004), DPE has been the sole U.S. producer of polychloroprene rubber since 1998. when Bayer Group closed its polychloroprene rubber plant in Houston, Texas. *See* Polychloroprene Rubber from Japan, Inv. No. AA–1921–129 (Second Review), U.S. ITC Pub. 3786 (June 2005), at 4–5.

4003.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS item numbers are provided for convenience and customs purpose. The Department's written description of the scope remains dispositive.

The following types of polychloroprene rubber from Japan are excluded from the scope of the finding: (1) Aqueous dispersions of polychloroprenes that are dipolymers of chloroprene and methacrylic acid, where the dispersion has a pH of 8 or lower (this category is limited to aqueous dispersions of these polymers and does include aqueous dispersions of these polychloroprenes that contain comonomers other than methacrylic acid); (2) aqueous dispersions of polychloroprenes that are dipolymers of chloroprene and 2,3-dichlorobutadiene-1,3 modified with xanthogen disulfides, where the dispersion has a solids content of greater than 59 percent (this category is limited to aqueous dispersions of these polymers and does include aqueous dispersions of polychloroprenes that contain comonomers other than 2,3-dichlorobutadiene-1,3); and (3) solid polychloroprenes that are dipolymers of chloroprene and2,3-dichlorobutadiene-1,3 having a 2,3-dichlorobutadiene-1,3 content of 15 percent or greater (this category is limited to polychloroprenes in solid form and does include aqueous dispersions).

Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Finding, in Part

Pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (the Act), the Department may revoke, in whole or in part, an AD finding based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751 (b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. In conducting a changed circumstances review pursuant to 19 CFR 351.216, the Department may revoke an order, in whole or in part, if it determines that producers accounting for substantially all of the production of the domestic like product to which the order (or the part of the order to be revoked) pertains have expressed a lack of interest in the order, in whole or in part. See section 782(h)(2) of the Act and 19 CFR 351.222(g). In the event that the Department concludes that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In this case, the Department finds that the information submitted by the petitioner provides sufficient evidence of changed circumstances to warrant a review. 19 CFR 351.216(d). DPE is the sole petitioner and domestic producer of polychloroprene rubber, and therefore accounts for all of the production of the domestic like product to which the order pertains.[2] In addition, DPE affirms that it is no longer interested in the inclusion of the above products within the scope of the AD finding. DPE's August 4, 2008 submission at page 2. Therefore, in accordance with sections 751(b)(1) and 751(d)(1) of the Act, and19 CFR 351.216 and 351.222(g), and based on the information provided by DPE, the Department is initiating a changed circumstances review of polychloroprene rubber from Japan to determine whether partial revocation of the AD finding is warranted with respect to the aforementioned certain polychloroprene rubber products from Japan. Furthermore, in accordance with 19 CFR 351.221(c)(3)(ii), we have determined that expedited action is warranted. Our decision to expedite this review stems from the fact that the sole petitioner and domestic producer of the subject merchandise, DPE, has requested expedited action. Because we have concluded that expedited action is warranted, we are combining the initiation and preliminary results.

Based on the expression of no interest by the sole domestic producer, the Department preliminarily determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the continued application of the AD finding on polychloroprene rubber that is subject to this request. Section 782(h)(2) of the Act. Therefore, we are notifying the public of our intent to revoke, in part, the AD finding as it relates to imports of certain polychloroprene rubber products from Japan.

Accordingly, the Department intends to amend the scope of the AD finding on polychloroprene rubber from Japan to read as follows: Imports covered by this finding are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.41.00, 4002.49.00, and 4003.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS item numbers are provided for convenience and customs purpose. The Department's written description of the scope remains dispositive.

[2] *See* footnote 1.

The following types of polychloroprene rubber from Japan are excluded from the scope of the finding: (1) Aqueous dispersions of polychloroprenes that are dipolymers of chloroprene and methacrylic acid, where the dispersion has a pH of S or lower (this category is limited to aqueous dispersions of these polymers and does pp include aqueous dispersions of these polychloroprenes 4 that contain comonomers other than methacrylic acid); (2) aqueous dispersions of polychloroprenes that are dipolymers of chloroprene and 2,3-dichlorobutadiene-1,3 modified with xanthogen disulfides, where the dispersion has a solids content of greater than 59 percent (this category is limited to aqueous dispersions of these polymers and does include aqueous dispersions of polychloroprenes that contain comonomers other than 2,3-dichlorobutadiene-1,3); and (3) solid polychloroprenes that are dipolymers of chloroprene and 2,3-dichlorobutadiene-1,3 having a 2,3-dichlorobutadiene-1,3 content of 15 percent or greater (this category is limited to polychloroprenes in solid form and does ii include aqueous dispersions).

In addition, the following type of polychloroprene rubber is excluded from the scope of the finding: aqueous dispersions of 2-chlorobutadiene-1,3 homopolymers, where the polymer content of the dispersion is between 55 weight percent and 61 weight percent and the dispersed homopolymer contains less than 10 weight percent of a tetrahydrofuran-insoluble fraction.

Public Comment

Interested parties are invited to comment on these preliminary results. All written comments shall be submitted in accordance with 19 CFR 351.303 and shall be served on all interested parties. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of this notice. 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed no later than 5 days after the time limit for filing the case brief. See 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Also, any interested party may request a hearing within 30 days of publication of this notice. See 19 CFR 351.3 10(c). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day

thereafter. Persons interested in attending a hearing should contact the Department for the date and time of the hearing.

Consistent with 19 CFR 35l.216(e), the Department will issue the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments, no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. If final partial revocation occurs, we will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation for the merchandise covered by the revocation on the effective date of the notice of revocation and to release any cash deposit or bond. See 19 CFR 35l.222(g)(4). The current requirement for a cash deposit of estimated AD duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This notice of initiation is in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216, 351.221, and 351.222.

Dated: September 18, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–22458 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–942]

Certain Kitchen Appliance Shelving and Racks from the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

EFFECTIVE DATE: September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Scott Holland or Yasmin Nair, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1279 and (202) 482–3813, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 2008, the Department of Commerce (''the Department'') initiated the countervailing duty investigation of certain kitchen appliance shelving and racks from the People's Republic of China. *See Notice of Initiation of Countervailing Duty Investigation: Certain Kitchen Appliance Shelving and Racks from the People's Republic of China*, 73 FR 50304 (August 26, 2008). Currently, the preliminary determination is due no later than October 24, 2008.

Postponement of Due Date for Preliminary Determination

On September 17, 2008, the Department received a request from Nashville Wire Products Inc., SSW Holding Company, Inc., United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied–Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Lodge 6 (Clinton, IA) (collectively, ''the petitioners'') to postpone the preliminary determination of the countervailing duty investigation of certain kitchen appliance shelving and racks from the PRC. Under section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), the Department may extend the period for reaching a preliminary determination in a countervailing duty investigation until no later than the 130th day after the date on which the administering authority initiates an investigation if the petitioner makes a timely request for an extension of the period within which the determination must be made under section 703(b) of the Act. In accordance with section 351.205(e) of the Department's regulations, the petitioners' request for postponement of the preliminary determination was made 25 days or more before the scheduled date of the preliminary determination. Accordingly, we are extending the due date for the preliminary determination by 59 days to no later than December 22, 2008.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: September 22, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–22886 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic from the People's Republic of China: Final Results and Rescission, In Part, of Twelfth New Shipper Reviews

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

EFFECTIVE DATE: September 29, 2008.

SUMMARY: On May 1, 2008, the Department of Commerce (the ''Department'') published the preliminary results of these new shipper reviews, covering the period November 1, 2006, through April 30, 2007.[1] *See Fresh Garlic from the People's Republic of China: Preliminary Results of the 12th New Shipper Reviews*, 73 FR 24042 (May 1, 2008) (''*Preliminary Results*''). Based on our analysis of the comments received, we have made certain changes to our calculations. The final dumping margins for these reviews are listed in the ''Final Results of the Reviews'' section below. Finally, after reexamining the *bona fides* of Shandong Chenhe International Trading Co., Ltd.'s (''Chenhe'') single sale, the Department finds that that sale is not a *bona fide* transaction; therefore, for these final results, the Department has rescinded the review with respect to Chenhe.

FOR FURTHER INFORMATION CONTACT: Paul Walker and Blaine Wiltse, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0413 or (202) 482–6345, respectively.

Case History

Background

The Department conducted a verification of Chenhe from May 12–14, 2008. The Department conducted a verification of Jining Yongjia Trade Co., Ltd. (''Yongjia'') and its supplier Jinxiang County Shanfu Frozen Co. Ltd. (''Shanfu'') from May 15–18, 2008.

On July 7, 2008, we extended the time limit for the completion of the final results of these reviews. *See Fresh Garlic from the People's Republic of China: Notice of Extension of Time Limits for the Final Results of the Twelfth New Shipper Reviews*, 73 FR 38396 (July 7, 2008).

[1] We extended the end of the period of review (''POR'') from April 30, 2007 to May 17, 2007, to capture entries for two respondents. *See* the ''Expansion of the POR'' section in the *Preliminary Results*.

On July 8, 2008, we received case briefs from Yongjia, Chenhe, Hebei Golden Bird Trading Co., Ltd. (''Golden Bird''), Qingdao Tiantaixing Foods Co., Ltd. (''QTF'') and the Petitioners.[2] On July 16, 2008 we received timely rebuttal briefs from Chenhe. On August 29, 2008, we reopened the record and provided parties an opportunity to comment on certain U.S. Customs and Border Protection (''CBP'') data. On September 3, 2008, we received a supplemental brief from Chenhe with regard to the CBP data, in which Chenhe corrected the entered value of its single POR sale. On September 4, 2008, we received a supplemental brief from the Petitioners with regard to the CBP data. On September 8, 2008, we received rebuttals to the supplemental briefs from Chenhe and the Petitioners with regard to the CBP data.

Analysis of Comments Received

All issues raised in the case, rebuttal, and supplemental briefs by parties to these reviews are addressed in the ''New Shipper Reviews of Fresh Garlic from the People's Republic of China: Issues and Decision Memorandum,'' dated September 19, 2008, which is hereby adopted by this notice (''Issues and Decision Memo''). A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memo is a public document and is on file in the Central Records Unit (''CRU''), Main Commerce Building, Room 1117, and is accessible on the Web at *http://www.trade.gov/ia*. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the *Preliminary Results*

Based on our analysis of information on the record of these reviews, and comments received from the interested parties, we have made changes to the margin calculations for all Respondents.[3] For the final results, we will continue to use regression–based wage data, but will use US $1.04 as the revised wage for the PRC in the final results, which continues to be based on the reported experience of several countries, but applies the more recent 2007 calculations, which are based on 2005 wage rate data.[4] The Department published the *2007 Wage Rates*, notifying parties of the finalized NME wage rates and informing parties that those wage rates would be ''in effect for all antidumping proceedings for which the Department's final decision is due after the publication of this notice.''[5]

In addition, we have incorporated a post–preliminary results clarification/correction to the margin calculations, with respect to mesh bags, for Yongjia, Golden Bird, QTF and Greening. For further details on this company–specific change, *see* Issues and Decision Memo at Comment 5 and the company–specific analysis memoranda.

Partial Rescission of Administrative Review

In the *Preliminary Results*, the Department found that Chenhe's single POR sale was made on a *bona fide* basis. However, in light of the correction to Chenhe's entered value and the resulting reanalysis of Chenhe's third–country sales, the additional CBP data placed on the record of this review, and the comments from the Petitioners and Chenhe, the Department has reevaluated the circumstances surrounding Chenhe's POR transaction and finds that the sale in question is not a *bona fide* transaction. In the *Preliminary Results*, the Department relied on an inappropriate HTSUS subcategory, 0703.20.0020: FRESH PEELED GARLIC, to perform its analysis of Chenhe's single POR sale. For the final results, the Department finds that the CBP quantity and value data for imports of garlic under the HTSUS subcategory 0703.20.0010, ''GARLIC, FRESH WHOLE BULBS'' provides an appropriate comparison to Chenhe's sale because the data is more specific to the subject merchandise sold by Chenhe, and thus, the Department has analyzed the CBP data accordingly. As a result of our analysis of the additional CBP data and third–country sales in comparison to Chenhe's corrected entered value, we have concluded that the single sale made by Chenhe during the POR is not a *bona fide* commercial transaction based on the totality of circumstances: (a) the high price and low quantity of Chenhe's single POR sale; and, (b) other *indicia* of a non–*bona fide* transaction. In sum, the totality of circumstances leads the Department to find that Chenhe's single POR sale is a non–bona fide commercial transaction. Therefore, this sale does not provide a reasonable or reliable basis for calculating a dumping margin. As Chenhe had no other sales of subject merchandise during the instant POR, the Department is rescinding the new shipper review with respect to Chenhe. For further discussion of this issue, see Comment 1 of the Issues and Decision Memorandum; *see also* Memorandum to James Doyle, Director, Office 9, through Catherine Bertrand, Program Manager, Office 9, from Blaine Wiltse, Analyst, Regarding; Final BPI Evidence of Shandong Chenhe International Trading Co., Ltd.: New Shipper Review of Fresh Garlic from the People's Republic of China, dated September 19, 2008.

Scope of the Order

The products covered by this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay. The scope of this order does not include the following: (a) Garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non–fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed. The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000 and 2005.90.9700 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non–fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to CBP to that effect.

Normal Value Methodology

The Department's general policy, consistent with section 773(c)(1) of the Tariff Act of 1930, as amended (the ''Act''), is to calculate normal value (''NV'') for non–market economy companies using the factors of

[2] The Fresh Garlic Producers Association and its individual members: Christopher Ranch LLC, the Garlic Company, Valley Garlic and Vessey and Company, (collectively known as the ''Petitioners'').

[3] Yongjia, Chenhe, Golden Bird, QTF and Shenzhen Greening Trading Co., Ltd.

[4] *See http://ia.ita.doc.gov/wages/05wages/05wages-051608.html*; *see also Corrected 2007 Calculation of Expected Non-Market Economy Wages*, 73 FR 27795 (May 14, 2008) (''*Corrected 2007 Wages*'').

[5] *Corrected 2007 Wages*, 73 FR at 27795 (correcting a ministerial error in the wage rate calculation).

production (''FOP'') that a respondent consumes in order to produce a unit of the subject merchandise. There are circumstances, however, in which the Department will modify its standard FOP methodology, choosing to apply a surrogate value to an intermediate input instead of the individual FOPs used to produce that intermediate input. First, in some cases, a respondent may report factors used to produce an intermediate input that account for an insignificant share of total output. When the potential increase in accuracy to the overall calculation that results from valuing each of the FOPs is outweighed by the resources, time, and burden such an analysis would place on all parties to the proceeding, the Department will value the intermediate input directly using a surrogate value. *See*, *e.g.*, *Notice of Final Antidumping Duty Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 37116 (June 23, 2003) (''*Fish Fillets*'') and accompanying Issues and Decision Memorandum at Comment 3.

Also, there are circumstances in which valuing the FOPs used to yield an intermediate product would lead to an inaccurate result because the Department would not be able to account for a significant element of cost adequately in the overall factors buildup. In this situation, the Department would also value the intermediate input directly. *See*, *e.g.*, *Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review and Final Results of New Shipper Reviews*, 71 FR 26329 (May 4, 2006) and accompanying Issues and Decision Memorandum at Comment 1.

In the *Preliminary Results*, we found that Yongjia was unable to accurately record and substantiate the complete costs of growing garlic based on our analysis of the information on the record. *See Preliminary Results*; *see also* Memorandum to James C. Doyle, Director, Office 9, through Catherine Bertrand, Program Manager, Office 9 from Paul Walker, Analyst, ''12th New Shipper Review of Fresh Garlic from the People's Republic of China: Intermediate Input Methodology,'' dated April 22, 2008 (''Intermediate Product Memo''). In order to eliminate the distortions in our calculation of NV for all of the reasons identified in the Intermediate Product Memo, we have applied an intermediate–product valuation methodology to Yongjia for these final results of review. Using this methodology, we calculated NV by starting with a surrogate value for the garlic bulb (*i.e.*, the ''intermediate product''), adjusted for yield losses during the processing stages, and added Yongjia's processing costs, which were calculated using their reported usage rates for processing fresh garlic. In future reviews, should a respondent be able to provide sufficient factual evidence that it maintains the necessary information in its internal books and records that would allow us to establish the completeness and accuracy of the reported FOPs, we will revisit this issue and consider whether to use its reported FOPs in the calculation of NV. For further details, *see* Intermediate Product Memo.

We note that for the other respondents (Golden Bird, Greening, and QTF) the Department did not apply the intermediate product methodology because these respondents only processed purchased garlic and did not grow their own garlic. For a complete explanation of the Department's analysis, and for a more detailed analysis of these issues with respect to Yongjia, *see* Intermediate Product Memo and Issues and Decision Memo at Comment 2.

Final Results of the New Shipper Reviews

The Department has determined that the following final dumping margins exist for the period November 1, 2006, through April 30, 2007:

FRESH GARLIC FROM THE PRC

Exporter/Manufacturer	Weighted–Average Margin (Percent)
Exported and Produced by Shenzhen Greening Trading Co., Ltd.	2.12
Exported and Produced by Qingdao Tiantaixing Foods Co., Ltd.	32.78
Exported by Hebei Golden Bird Trading Co., Ltd. and Produced by Cangshan County Hongyang Vegetables & Foods Co., Ltd.	13.83
Exported by Jining Yongjia Trade Co., Ltd. and Produced by Jinxiang County Shanfu Frozen Co., Ltd.	18.88

The Department will disclose calculations performed for these final results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Consistent with the final results of review on the antidumping duty order of fresh garlic from the PRC for the period November 1, 2002, through October 31, 2003, we will direct CBP to assess importer–specific assessment rates based on the resulting per–unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR. *See Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 70 FR 34082 (June 13, 2005) (''*Garlic 10th AR Final*''). Therefore, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this review. For assessment purposes, we calculated importer–specific assessment rates for fresh garlic from the PRC. Specifically, we divided the total dumping margins for each importer by the total quantity of subject merchandise sold to that importer during the POR to calculate a per–unit assessment amount. We will direct CBP to assess importer–specific assessment rates based on the resulting per–unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

Consistent with *Garlic 10th AR Final* we will establish and collect a per–kilogram cash- deposit amount which will be equivalent to the company–specific dumping margin published in those future reviews. Specifically, the following deposit requirement will be effective upon completion of subsequent review segments of this proceeding for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise produced and exported by QTF, produced and exported by Greening, produced by Hongyang and exported by Golden Bird, or produced by Shanfu and exported by Yongjia, the cash deposit rate will be the company–specific rate shown above (except that if the rate for a particular company is *de minimis*, *i.e.*, less than 0.5 percent, no cash deposit will be required for that company); (2) for subject merchandise exported by QTF or Greening but not manufactured by QTF or Greening,

respectively, for subject merchandise exported by Golden Bird but not manufactured by Hongyang, and for subject merchandise exported by Yongjia but not manufactured by Shanfu, the cash deposit rate will continue to be the PRC–wide rate (*i.e.*, 376.67 percent); and (3) for subject merchandise manufactured by QTF or Greening, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements will remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice of final results and rescission, in part, of these new shipper reviews are issued and published in accordance with sections 751(a)(2)(C) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 19, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

Comment 1: Bona Fide Analysis of Chenhe's Sale
Comment 2: Intermediate Input Methodology
Comment 3: Surrogate Financial Ratios
Comment 4: Garlic Bulb Surrogate Value
Comment 5: Mesh Bags
Comment 6: Containerization

[FR Doc. E8–22885 Filed 9–26–08; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review

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

EFFECTIVE DATE: September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone*: (202) 482–6478.

Background

On June 9, 2008, the Department of Commerce (''the Department'') published the preliminary results of review for the period May 1, 2006, through April 30, 2007. *See Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 32549 (June 9, 2008). The final results of review are currently due no later than October 7, 2008.

Extension of Time Limits for the Final Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 180 days. Completion of the final results of the administrative review within the 120-day period is not practicable because the Department requires additional time to analyze new surrogate value information, to analyze case and rebuttal briefs, and to hold a public hearing.

Because it is not practicable to complete this review within the time specified under the Act, we are extending the time period for issuing the final results of the administrative review to 180 days, until December 6, 2008, in accordance with section 751(a)(3)(A) of the Act. Because December 6, 2008 falls on a Saturday, the new deadline for the final results will be the next business day, Monday, December 8, 2008. We are publishing this notice pursuant to sections 751(a) and 777(i) of the Act.

Dated: September 19, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–22883 Filed 9–26–08; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–808]

Purified Carboxymethylcellulose from Sweden: Notice of Rescission of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Patrick Edwards or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–8029 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 11, 2008, the Department of Commerce (the Department) published in the **Federal Register** the notice of opportunity to request an administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from Sweden for the period July 1, 2007, through June 30, 2008. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 73 FR 39948

(July 11, 2008). On July 11, 2008, the Department received a timely filed request for review from CP Kelco AB (CP Kelco), on behalf of CP Kelco, CP Kelco U.S. Inc., Huber Engineered Materials, and J.M. Huber Corporation. On July 14, 2008, the Department received a request for review from The Aqualon Company, a division of Hercules Incorporated, the sole domestic producer of purified CMC (petitioner). On August 26, 2008, the Department published in the **Federal Register** the notice of initiation of the 2007–2008 administrative review of purified CMC from Sweden. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008). Both petitioner and CP Kelco filed their entry of appearance in this administrative review on July 14, 2008, and September 2, 2008, respectively. The Department issued its antidumping duty questionnaire to CP Kelco on September 5, 2008.

Rescission of Antidumping Administrative Review

On September 8, 2008, we received timely filed submissions from CP Kelco and petitioner withdrawing their requests for an administrative review of CP Kelco's entries of purified CMC to the United States. Both parties filed the withdrawal requests within the deadline established by section 351.213(d)(1) of the Department's regulations. No other parties have requested a review of CP Kelco or any other producer or exporter of the subject merchandise. Therefore, we are rescinding the above–cited administrative review in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the company for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP not later than 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 22, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–22887 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–423–809]

Stainless Steel Plate in Coils from Belgium: Extension of Time Limit for the Final Results of the Eighth Countervailing Duty Administrative Review

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

EFFECTIVE DATE: September 29, 2008.

FOR FURTHER INFORMATION CONTACT: David Neubacher at (202) 482–5823 or Alicia Winston at (202) 482–1785; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2008, the Department published the preliminary results of the administrative review of the countervailing duty order on stainless steel plate in coils from Belgium, covering the period January 1, 2006, through December 31, 2006. *See Stainless Steel Plate in Coils From Belgium: Preliminary Results of Countervailing Duty Administrative Review*, 73 FR 32303 (June 6, 2008). In the preliminary results we stated that we would issue our final results for the countervailing duty administrative review no later than 120 days after the date of publication of the preliminary results (*i.e.*, October 4, 2008).

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department of Commerce (''the Department'') to issue the final results of an administrative review within 120 days of the publication of the preliminary results. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 180 days.

Extension of Time Limits for Preliminary Results

The Department has determined that completion of the final results of this review within the original time period is not practicable because we received post–preliminary responses on September 8, 2008. In addition, we need to complete a post–preliminary analysis on the sales denominator and certain figures in Ugine and ALZ Belgium's financial statement and to allow adequate time for interested parties to file case and rebuttal briefs. Consequently, it is not practicable to complete this review within the originally anticipated time limit (*i.e.*, by October 4, 2008). Therefore, the Department is extending the time limit for completion of the final results to not later than December 3, 2008, which is 180 days from the date of publication of the preliminary results, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a) and 777(i)(1) of the Act.

Dated: September 18, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–22884 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH30

Characterization of the West Coast Deep-set Longline Fishery Operating Outside of the U.S. Exclusive Economic Zone

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the National Marine Fisheries Service (NMFS) announces its intent to issue an environmental assessment (EA) which analyzes the management options for the west-coast-based deep-set longline (DSLL) pelagic tuna fishery operating on the high seas. The preferred alternative is to allow for the continued operation and possible minor expansion of the west-coast-based DSLL pelagic tuna fishery operating on the high seas. Impacts to the human environment (e.g., effects of the proposed action on protected species, finfish, seabirds, and socioeconomics) were found to be insignificant for both alternatives being considered. In 2005 a single commercial vessel began participating in the DSLL fishery on the high seas; therefore, this EA will provide the needed analysis to manage the fishery based on the best available science to ensure that the fishery is consistent with all Federal statutes and management objectives.

DATES: Written, faxed or emailed comments must be received no later than 5 p.m. pacific standard time on October 29, 2008.

ADDRESSES: The public is encouraged to submit comments on the draft environmental assessment, identified by RIN: 0648–XH30 by any of the following methods:

- E-mail: 0648–XH30.SWR@noaa.gov. Include the RIN number in the subject line of the message.
- Mail: Submit written comments to National Marine Fisheries Service, Sustainable Fisheries Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.
- Fax: (562) 980–4047, Attention: Mark Helvey.

The Draft Environmental Assessment for the West Coast Deep-set Longline Fishery Operating Outside of the U.S. Exclusive Economic Zone is available for review from the NMFS Southwest Region website (*http://swr.nmfs.noaa.gov/*). Copies of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and the accompanying Environmental Impact Statement are available on the Pacific Fishery Management Council's website (*www.pcouncil.org*).

FOR FURTHER INFORMATION CONTACT: Mark Helvey, Assistant Regional Administrator, Sustainable Fisheries Division, Southwest Region, NMFS, (562) 980–4040.

SUPPLEMENTARY INFORMATION:

Background

The HMS FMP prohibits all longline fishing within the Exclusive Economic Zone (EEZ) off Washington, Oregon, and California. In addition, shallow-set longline fishing for swordfish on the high seas north of the equator is prohibited except for vessels operating under a Hawaii longline limited entry permit. The HMS FMP and associated environmental impact statement neither prohibits nor explicitly analyzes DSLL fishing on the high seas because at the time the documents were developed by the Pacific Fishery Management Council and NMFS, shallow-set and DSLL fishing were not considered separate fisheries and the analysis in the HMS FMP was primarily focused on shallow-set longline fishing. At the time, most of the west-coast-based pelagic longline fishing on the high seas consisted of shallow-set longline fishing for swordfish. In addition, there was no distinct DSLL fishery for tuna and it was presumed that the DSLL fishery would not develop primarily due to economic and operational constraints. Thus only a limited analysis of historic DSLL fishing was provided in the HMS FMP and accompanying environmental impact statement.

However, in 2005 a single commercial vessel began making deep-sets with longline gear targeting tuna on an exploratory basis and has continued seasonally operating on the high seas. The vessel has operated with close to 100 percent observer coverage, provided by NMFS, adhering to fisheries management regulations under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, the HMS FMP, and the High Seas Fishing Compliance Act, 16 U.S. C. chapter 75. NMFS determined that the HMS FMP and accompanying environmental impact statement did not adequately address DSLL fishing, or the potential impacts of the High Seas Fishery Compliance Act permits; therefore, NMFS is now doing a more thorough analysis based on the best available science.

Potential expansion of the fishery is estimated to be minimal due to the high operational costs (e.g., fuel and labor costs) and vessel constraints associated with fishing on the high seas. Fishing on the high seas requires larger vessels than those used for coastal or near-shore fishing because the trips are longer, require greater ice and fish hold capacity, and the sea conditions can be more challenging. Due to these logistical challenges of fishing on the high seas from west coast ports coupled with the current experimental nature of the fishery, NMFS does not anticipate that additional vessels will participate in this fishery; however, up to five additional vessels could enter the fishery as soon as the next three years if regulations and/or poor catches in other west-coast-based fisheries force eligible vessels to seek alternate open-access fishing options available to them. This estimate originated from discussions with the U.S. west coast fishing industry and the Pacific Fishery Management Council's HMS Advisory Subpanel to determine who had the capacity and would be interested in entering the fishery over the next three years.

The proposed action area analyzed in this EA is the high seas off the West Coast of the United States. The HMS FMP defines the high seas as all waters beyond the EEZ of the United States and beyond any foreign nation's EEZ, to the extent that such EEZ is recognized by the United States. The fishery is expected to operate in a relatively small subset of the eastern Pacific Ocean; more specifically, in the area east of 140 W. longitude, north of the equator, south of 35 N. latitude, and outside the U.S. and Mexico EEZ's (beyond 200 nautical miles offshore). Most, if not all, future DSLL fishing is expected to occur in this small subset of the eastern Pacific Ocean; however, this analysis defines the action area as the high seas in order to be consistent with the description of the DSLL fishery in the HMS FMP, and to take into account the possibility of fishing occurring in any area on the high seas.

Alternatives

For this proposed action, there are only two alternatives are being analyzed due to the fact that NMFS has determined that the regulations that are currently in place are sufficient to meet the need to regulate the current and any reasonably foreseeable fishery. However, NMFS may consider additional regulations and do additional NEPA analysis in the future should the

fishery develop beyond the scope of this analysis. Alternative 1 would close the current west-coast-based DSLL fishery operating on the high seas, which currently consists of one vessel. To implement this alternative the HMS FMP would need to be amended and the implementing regulations published. There could be some minor positive impacts on protected species and fish populations; however, many of these species are highly migratory with a Pacific-wide distribution. Thus, they would not necessarily benefit from the reduction of effort associated with closing the west-coast-based DSLL fishery because the effort may be shifted to other fisheries to continue meeting domestic demand for fish. Tuna formerly caught in the west-coast-based DSLL fishery are likely to be caught by other nations and imported back into the nation with the closed fishery. There may also be some negative impacts on the socio-economics of the participant, fishing communities and the fishing industry in general if this alternative was implemented.

Alternative 2, the preferred alternative, would allow the west-coast-based DSLL fishery to continue operating on the high seas and expand to a maximum of six vessels. At six vessels, there could be some minor negative impacts to protected resource and finfish populations and some positive socioeconomic impacts for the participants and the fishing industry in general if this alternative was implemented. However, as discussed previously, this may just result in a shift in effort from one fishery to another, if demand for tuna remains the same. All U.S. longline vessels operating on the high seas outside of the U.S. EEZ are currently subject to the same controls that applied to Hawaii-based longline fishing vessels holding longline permits in 2003. The limitations and specifications for the fishing area, gear configurations, sea turtle and seabird mitigation measures, skipper workshops, etc. are consistent with current Federal regulations applicable to longline vessels targeting tuna under the Western Pacific Fishery Management Council's Pelagics FMP (implemented at 50 CFR part 665) and the Pacific Fishery Management Council's HMS FMP (implemented at 50 CFR part 660).

Other Documents

As required in Section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), NMFS is engaged in formal consultations with NMFS's Protected Resource Division to determine if the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

Request for Comments

NMFS requests public comment on the draft environmental assessment of the West Coast Deep-set Longline Fishery Operating Outside of the U.S. Exclusive Economic Zone.

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

Dated: September 23, 2008.

Emily H. Menashes,

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

[FR Doc. E8–22818 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK76

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Salmon Technical Team (STT), Scientific and Statistical Committee (SSC) Salmon Subcommittee, and Model Evaluation Workgroup (MEW) will review proposed salmon methodology changes in a joint work session, which is open to the public.

DATES: The work session will be held Wednesday, October 15, 2008, from 9 a.m. to 4 p.m.

ADDRESSES: The work session will be held at the Marriott Courtyard Portland Airport, Columbia Ballroom, 11550 NE Airport Way, Portland, OR 97220; telephone: (503) 252–3200.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council, (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to brief the STT and SSC Salmon Subcommittee on proposed changes to methods and standards used to manage ocean salmon fisheries. The work session will include review of proposed changes to the Sacramento River fall Chinook abundance forecast and harvest model, and a preliminary sensitivity analysis of the Chinook and Coho Fishery Regulation Assessment Models (FRAM).

Although non-emergency issues not contained in the meeting agenda may come before the STT, SSC Salmon Subcommittee, and MEW for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 24, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–22751 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK31

Small Takes of Marine Mammals Incidental to Specified Activities; Seabird and Pinniped Research Activities in Central California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from PRBO Conservation Science (PRBO) for a one-year authorization to take small numbers of marine mammals by harassment incidental to conducting seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS requests comments on its proposal to authorize PRBO to take, by Level B harassment, small numbers of several species of pinnipeds at Southeast Farallon Island, Año Nuevo

Island, and Point Reyes National Seashore beginning December 2008.

DATES: Comments and information must be received no later than October 29, 2008.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing e-mail comments is *PR1.0648–XK31@noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size.

A copy of the application and other related documents may be obtained by writing to the above address, telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody or Jaclyn Daly, NMFS, (301) 713–2289, or Monica DeAngelis, NMFS Southwest Region, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such taking are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as:

..an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of activities not pertinent here, the MMPA defines ''harassment'' as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [''Level A harassment'']; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [''Level B harassment''].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS' review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On July 28, 2008, NMFS received an application from PRBO requesting an authorization for the harassment of small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), and Steller sea lions (*Eumetopias jubatus*) incidental to conducting seabird and pinniped research operations on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California (CA). The proposed action area consists of the following three locations:

South Farallon Islands (SFI)

SFI consists of Southeast Farallon Island (SEFI) and West End Island (WEI). These two islands are directly adjacent to each other and separated by only a 30–foot (ft) (9.1 meters (m)) channel. The SFI have a land area of approximately 120 acres (0.49 square kilometers (km)) and are part of the Farallon National Wildlife Refuge. The islands are located near the edge of the continental shelf 28 miles (45.1 km) west of San Francisco, CA, and lie within the waters of the Gulf of the Farallones National Marine Sanctuary (NMS).

Año Nuevo Island (ANI)

ANI is located one-quarter mile (402 m) offshore of Año Nuevo Point in San Mateo County, CA). This small 25–acre (0.1 square km) island is part of the Año Nuevo State Reserve, all of which is owned and operated by California State Parks. ANI lies within the Monterey Bay NMS and the newly established Año Nuevo State Marine Conservation Area.

Point Reyes National Seashore (PRNS)

PRNS is located 40 miles (64.3 km) north of San Francisco Bay and lies within close proximity (6 miles, 9.6 km) of the Cordell Bank NMS. The proposed research areas are within the headland coastal areas of this large National Park.

Specified Activities

Seabird Research on SEFI

Seabird research activities involve observational and marking (i.e. netting and banding for capture-mark-recapture) studies of breeding seabirds and viewing breeding seabirds from an observation blind or censusing shorebirds. This activity usually involves one or two observers who access the island's two landings, the North Landing and the East Landing, by 14 to 18 ft (4.3 to 5.5 m) open motorboats which are hoisted onto the island using a derrick system.

Researchers visit the sites approximately one to three times per day for a maximum of 1080 visits per year. Most visits to these areas are brief (approximately 15 minutes). From early April through early August, seabird observers are present from two to five hours daily at North Landing to conduct observational studies on breeding Common Murres (*Uria aalge*).

Most intertidal areas of the island, where marine mammals are present, are rarely visited in seabird research. In both locations (North Landing and East Landing) the observers are located greater than 50 feet (15.2 m) above any pinnipeds primarily California sea lions or northern elephant seals and to a lesser extent harbor seals which may be hauled out. Most potential for incidental take will occur at the island's two landings. However, the likelihood of encountering the eastern stock of Steller sea lions at both sites is rare.

Field Station Resupply on SEFI

PRBO will resupply the field station once every two weeks for a maximum of 26 visits per year. These visits to either the North Landing or East Landing will last one to three hours and involve launching of the boat with one operator along with two to four researchers assisting with the operations from land. At East Landing the primary landing site all personnel assisting with the landing will stay on the loading platform 30 ft

(9.1 m) above the water. At North Landing, loading operations occur at the water level in the intertidal. Again, the likelihood of encountering eastern Steller sea lions at this location is rare.

Pinniped Research on West End Island (WEI)

Pinniped research activities involve surveying breeding elephant seals on WEI between early December and late February. There are approximately five surveys per year, each lasting approximately two hours. These surveys involve three observers moving approximately 1500 ft (457.2 m) above pinniped colonies to census northern elephant seal areas. Any transit above eastern Steller sea lion haulout areas will last approximately 30 minutes in duration.

Seabird Research on Año Nuevo Island (ANI)

Seabird research activities involve monitoring seabird burrow nesting habitat quality and habitat restoration between the seabird breeding season and the elephant seal pupping season. All work is conducted by PRBO in collaboration with Oikonos - Ecosystem Knowledge through a collaborative agreement with California State Parks.

This activity involves two to three researchers who may access the island by a 12 ft (3.7 m) Zodiac boat to conduct research once a week April through August; restoration and monitoring from September-November; and intermittent visits during the rest of the year. Landings and visits to the nest boxes are brief in duration (approximately 15 minutes) and the maximum number of visits to the island would be 30 per year.

Most potential for incidental take would occur at the landing beach on the north side of the island when the researchers arrive and depart to check the boxes. Non-breeding pinnipeds may occasionally be present, including California sea lions that may be hauled out near a small group of subterranean seabird nest boxes on the island terrace. In both locations researchers are located more than 50 ft (15.2 m) away from any pinnipeds which may be hauled out.

Seabird Research on Point Reyes National Seashore (PRNS)

The National Park Service in collaboration with PRBO conducts: marine mammal research (see NMFS Scientific Permit 373–1868); seabird breeding and roosting colonies monitoring; habitat restoration; removal of non-native plants, intertidal monitoring, and maintenance of coastal dune habitat.

Seabird monitoring usually involves one or two observers conducting the survey by small boats (12 to 22 ft) along the PRNS shoreline. Observers will visit the site year round, with an emphasis during the seabird nesting season with occasional, intermittent visits the rest of the year. The maximum number of visits per year to the PRNS is 18.

A majority of the research occurs in areas where marine mammals are not present. However, the potential for incidental harassment will occur at the landing beaches along Point Reyes Headland, boat ramps, or parking lots where northern elephant seals, harbor seals, or California sea lions may be hauled out.

Description of the Marine Mammals Potentially Affected by the Activity

The marine mammals most likely to be harassed incidental to conducting seabird research at the proposed research areas on SEFI, ANI, and PRNS are primarily California sea lions, northern elephant seals, Pacific harbor seals, and to a lesser extent Steller sea lions.

The marine mammals most likely to be harassed incidental to conducting research on harbor seals and northern elephant seals (NMFS Scientific Research Permit (SRP) 373–1868–00) are primarily Steller sea lions. Incidental harassment of elephant seals, harbor seals, California sea lions, and northern fur seals is authorized by SRP 373–1868–00.

General information of these species can be found in Caretta *et al.* (2008) and is available at the following URL: *http://www.nmfs.noaa.gov/pr/pdfs/sars/po2007.pdf*. Refer to that document for information on these species. Additional information on these species is presented below.

Northern Elephant Seal

The northern elephant breeding population is distributed from central Baja California, Mexico, to the Point Reyes Peninsula in northern California. Along this coastline there are 13 major breeding colonies. The northern elephant seal was exploited for its oil during the 18th and 19th centuries and by 1900 the population was reduced to 20 to 30 individuals on Guadalupe Island (Hoelzel *et al.*, 1993; Hoelzel, 1999). As a result of this bottleneck, the genetic diversity found in this species is extremely low (Hoelzel, 1999). The recent formation of most rookeries indicates that there is no genetic differentiation among populations. Although movement and genetic exchange occurs among colonies, most seals return to their natal site to breed (Huber *et al.*, 1991). Recolonization of their former breeding range progressed north from the San Benito and Guadalupe Islands off Baja California to the most recent northernmost breeding site at Point Reyes Headlands. In the last three decades, annual pup production has increased at the rate of 9.43 plus or minus 0.51 percent per year in California and 5.19 plus or minus 0.33 percent per year over the entire range (Barlow *et al.*, 1993).

A complete population count of elephant seals is not possible because all age classes are not ashore at the same time. Elephant seal population size is typically estimated by counting the number of pups produced and multiplying by the inverse of the expected ratio of pups to total animals (McCann 1985). Stewart *et al.*, (1994) used McCann's multiplier of 4.5 to extrapolate from 28,164 pups to a population estimate of 127,000 elephant seals in the U.S. and Mexico in 1991. The multiplier of 4.5 was based on a non-growing population. Boveng (1988) and Barlow *et al.* (1993) suggest that a multiplier of 3.5 is more appropriate for a rapidly growing population such as the California stock of elephant seals. Based on the estimated 35,549 pups born in California in 2005 and this 3.5 multiplier, the California stock was approximately 124,000 in 2005.

At Point Reyes, the population grew at 32.8 percent per year between 1988 and 1997 (Sydeman and Allen, 1999) and around 10 percent per year since 2000 (S. Allen, unpubl. data), and in 2006 around 700 pups were born at three primary breeding areas. The population on the Farallon Islands has declined by 3.4 percent per year since 1983, and in recent years numbers have fluctuated between 100 and 200 pups (W. Sydeman, D. Lee, unpubl. data).

Elephant seals congregate in central California to breed from late November to March. Females typically give birth to a single pup and attend the pup for up to six weeks. Breeding occurs after the pup is weaned by attending males. After breeding, seals migrate to the Gulf of Alaska or deeper waters in the eastern Pacific. Adult females and juveniles return to terrestrial colonies to molt in April and May, and males return in June and July to molt, remaining onshore for around three weeks.

Pacific Harbor Seal

Harbor seals are one of the most widely distributed pinnipeds in the northern hemisphere and are found in coastal, estuarine and some times fresh water of both the Atlantic and Pacific Oceans. There is considerable regional genetic differentiation between harbor

seal populations as they are generally limited in migratory movements. Under the MMPA, six stocks of Pacific harbor seals are identified within the U.S. waters (Angliss and Lodge, 2004; Carretta *et al.*, 2008). Only the California stock of harbor seal is found in the proposed project area, and its abundance is estimated to be 34,233 (Carretta *et al.*, 2008). There is some question whether the San Francisco Bay population may be a separate stock based on genetic analyses (D. German, Sonoma State University, pers. com.). At Point Reyes, the harbor seal population is estimated to be 7,524 for the molt season based on a correction factor of 1.65 (Lowry *et al.*, 2005; Manna *et al.*, 2006).

In central California, harbor seals breed annually from March through May and molt in June and July. Females give birth to a single pup and attend the pup for around 30 days, at which time they wean pups. Mating occurs in the water around the time of weaning. Harbor seals are resident year round at terrestrial colonies; however, juveniles may disperse to other colonies ranging up to 500 km (311 miles (mi)). Individual adult seals may also migrate widely from breeding colonies.

California Sea Lion

California sea lions range from southern Mexico up to British Columbia and breed almost entirely on islands in southern California, Western Baja California and the Gulf of California. In recent years, California sea lions have begun to breed annually in small numbers at ANI and SFI, CA. One abandoned pup was found at PRNS at Wildcat Beach in 2003. This species is separated into three recognized stocks based on three geographic regions (U.S. stock, Western Baja stock, and the Gulf of California stock; Lowry *et al.*, 1992). Some movement has been documented between these geographic stocks, but rookeries in the U.S. are widely separated from major rookeries of western Baja California, Mexico (Barlow *et al.*, 1995). The U.S. stock of California sea lion is the only stock present in the proposed research area. The California sea lion has the largest population of any sea lion species and is the only sea lion whose population is showing a healthy growth rate of 5 to 6.2 percent per annum. Annual incidental takes in fisheries is approximately 915 individuals; however, the population is growing by 8.2 percent per year and fishing mortality is declining (Barlow *et al.*, 1995). Current U.S. population estimates range from 237,000 to 244,000 (Carretta *et al.*, 2008).

California sea lions give birth in May through July and breeding occurs in July and August. Females and pups are resident at breeding colonies year round and males migrate north to feeding areas from central California to British Columbia, Canada. During years of low food availability (e.g., El Nino Southern Oscillation, or ENSO), females and juveniles may also migrate north in search of prey; and in some particularly poor years (1997 - 1998), there can be mass mortality of pups at rookeries.

On the Farallon Islands, California sea lions haul out in many intertidal areas year round, fluctuating from several hundred to several thousand animals. Breeding animals are concentrated in areas where researchers would not visit (PRBO, unpublished data).

California sea lions at Point Reyes haul out at only a couple locations, but will occur on human structures such as boat ramps. The annual population averages around 300 to 500 during the fall through spring months, although on occasion, several thousand sea lions can arrive depending upon local prey resources (S. Allen, unpublished data).

Steller Sea Lion

Steller sea lions breed from the Kuril Islands and Okhotsk Sea through the Aleutian Islands and the Gulf of Alaska, and south to central California (Merrick *et al.*, 1987). Two separate stocks are recognized within U.S. waters: an eastern U.S. stock that includes animals east of Cape Suckling, Alaska (144o W), and a western U.S. stock that includes animals west of Cape Suckling.

The Steller sea lion was hunted during the sealing era for fur, hides, blubber, and other organs. More recently, Steller sea lions were harvested during a modern pup hunt that lasted from 1959–1972 during which approximately 45,000 pups were taken (Pasquel and Adkison, 1994).

At the cessation of the modern commercial hunting, the Steller sea lion was found along the Pacific Rim from California to Japan with approximately 70 percent of the population in Alaskan waters.

Despite the cessation of the commercial hunt, the Steller sea lion population has experienced a rapid decrease since the mid–1980s, with the western population stock declining by greater than 64 percent in the last 30 years (Loughlin *et al.*, 1992). The number in 1989 was estimated at 68,094 individuals. This total included 10,000 in Russia, 47,960 in Alaska, 6,109 in British Columbia, 2,261 in Oregon, and 1,764 in California (Loughlin *et al.*, 1992). Numbers in Alaska have been declining by 7.8 percent since 1994 (National Marine Mammal Laboratory, 1995) and have declined by three percent in California (Le Boeuf *et al.*, 1991; Ono 1993).

In the 1960s and 70s the number of sea lions caught in trawl nets peaked, while present day numbers are low. California fisheries target several of the most important prey items for Steller sea lions and millions of metric tons of prey have been removed by fisheries in recent decades. Incidental mortality of Steller sea lions in fisheries was very low between 1990 and 2001 in California. Shooting of adults during fisheries interactions in central California have been documented by the Marine Mammal Stranding Network and one adult male was found shot at Point Reyes, California in the 1990s.

In 1990, the Steller sea lion was listed as a threatened species under the Endangered Species Act (ESA). Due to persistent decline of the western U.S. stock, NMFS reclassified these Steller sea lions as an endangered distinct population segment (DPS) under the ESA in 1997, while the eastern U.S. stock remained classified as threatened. Under the MMPA, all Steller sea lions are classified as strategic stocks are considered ''depleted.''

The eastern stock of Steller sea lions breeds on rookeries located in southeast Alaska, British Columbia, Oregon, and California; there are no rookeries located in Washington. Counts of pups on rookeries conducted near the end of the birthing season are nearly complete counts of pup production. Calkins and Pitcher (1982) concluded that the total Steller sea lion population could be estimated by multiplying the pup counts by a factor of 4.5, which was based on the birth rate, and the sex and age structure of the western Steller sea lion population in the central Gulf of Alaska. Using the most recent 2002–2005 pup counts available by region from aerial surveys across the range of the eastern stock, the total population of the eastern stock of Steller sea lions is estimated to be 48,519 or 54,989. These are based on multiplying the total number of pups counted in southeast Alaska (5,510 in 2005; NMFS, 2006), British Columbia (3,318 in 2002; Pitcher *et al.*, 2007), Oregon (1,136 in 2002; Pitcher *et al.*, 2007), and California 818 in 2004; NMFS, 2006) by either 4.5 (Calkins and Pitcher, 1982) or 5.1 (Trites and Larkin, 1996). These are notminimum population estimates, since they are extrapolated from pup counts from photographs taken in 2002 - 2005, and demographic parameters of a stable, equilibrium non-pup population that were estimated for the western Steller sea lion in the mid–

1970s (Calkins and Pitcher, 1982). Trites and Larkin's (1996) pup multiplier accounts for pups that die and disappear prior to, as well as pups born after, the counts are conducted. A pup multiplier is used for estimating the size of the eastern stock of Steller sea lions, but not the western stock. Since the western stock has declined drastically, the assumption of an equilibrium population in the west is not valid. Because the eastern stock is increasing within most of its range, using a pup multiplier is a reasonable approach to estimating abundance from pup counts.

Steller sea lion numbers in California, especially in southern and central California, have declined from historic numbers. Counts in California between 1927 and 1947 ranged between 5,000 and 7,000 non-pups with no apparent trend, but have subsequently declined by over 50 percent, remaining between 1,500 and 2,000 non-pups during 1980 - 2001. Limited information suggests that counts in northern California appear to be stable (NMFS, 1995).

The current population of eastern Steller sea lions in the proposed research area is estimated to number between 50 and 750 animals. The PRBO estimates that between 50 and 150 Steller sea lions live on the Farallon Islands, and the NMFS Southwest Fisheries Science Center (SWFSC) estimates between 400 and 600 live on ANI (PRBO unpublished data, 2008; SWFSC unpublished data, 2008).

On SEFI, the abundance of females declined an average of 3.6 percent per year from 1974 to 1997 (Sydeman and Allen 1999). Pup counts at ANI declined 5 percent annually through the 1990s (NOAA Stock Assessment, 2003), and have apparently stabilized between 2001 and 2005 (M. Lowry, SWFSC unpublished data).

In 2000, the combined pup estimate for both islands was 349. In 2005, the pup estimate was 204 on ANI. Pup counts on the Farallon Islands have generally varied from five to 15 (Hastings and Sydeman, 2002; PRBO unpublished data). Pups have not been born at Point Reyes Headland since the 1970s and Steller sea lions are seen in very low numbers there currently (S. Allen, unpubl. data).

Steller sea lions give birth in May through July and breeding commences a couple of weeks after birth. Non-reproductive animals congregate at a few haul out sites, including at ANI and Point Reyes Headland. Pups are weaned during the winter and spring of the following year.

Potential Effects on Marine Mammals

The only anticipated impacts would be temporary disturbances caused by the appearance of researchers near the pinnipeds. The potential disturbance might alter pinniped behavior and cause animals to flush from the area. Animals may return to the same site once researchers have left or go to an alternate haul out site, which usually occurs within 30 minutes (Allen *et al.*, 1985). Long term effects of this disturbance are unlikely, as very few breeding animals will be present in the vicinity of the proposed seabird research areas.

It is expected that any incidental disturbance to pinnipeds from both types of research would have minimal, short-term effects and no long-term effects on the individuals. Incidental disturbance is believed to have minimal impacts because pinnipeds usually return to a site or a nearby site within 30 minutes upon conclusion of research activities (Allen *et al.*, 1985). Numerous Incidental Harassment Authorizations and Letters of Authorizations under the MMPA, Incidental Take Permits under Section 10(a)(1)(b) of the ESA, issued by NMFS (e.g. 72 FR 124, January 3, 2007), and reports on more localized areas (e.g., Demarchi and Bentley, 2004) have analyzed the potential effects of incidental disturbance to pinnipeds from various sources. Based on these reports, the effects to pinnipeds appear, at the most, to displace the animals temporarily from their haul out sites. Based on previous research reports from PRBO, maximum disturbance to Steller sea lions would result in the animals flushing into the water in response to presence of the researchers. It is not expected that pinnipeds would permanently abandon a haul-out site during PRBO's research, as precautions would be taken to not disturb the same haul-out site on frequent occasions.

No research would occur on pinniped rookeries; therefore, mother and pup separation or crushing of pups is not a concern. Incidental harassment may occur as researchers approach the haul out sites with vessels and during capture and sampling activities of harbor seals and northern elephant seals. In PRBO's final report of activities conducted from 2000–2005 under Scientific Research Permit No. 373–1575, they reported disturbing less than 16 Steller sea lions during all elephant seal surveys on WEI.

Potential Impacts on Habitat

Neither the proposed seabird research, nor the proposed pinniped research would result in the physical altering of marine mammal habitat. Further, incidental marine mammal takes will not result in the physical altering of marine mammal habitat or major breeding habitat. No survey or sampling equipment will be left in habitat areas; no toxic chemicals will be present; and all state and federal marine regulations, including those from National Marine Sanctuaries, will be followed in regards to boat emissions.

Potential Impacts to Subsistence Harvest of Marine Mammals

There is no subsistence harvest of marine mammals in the proposed research area; therefore, there will be no impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses.

Number of Marine Mammals Expected to Be Taken

It is expected that approximately 2,242 California sea lions, 418 harbor seals, 253 northern elephant seals, and 31 Steller sea lions could be potentially affected by Level B harassment. This estimate is based on previous research experiences, with the same activities conducted in the proposed research area, and on marine mammal research activities in these areas. These incidental harassment take numbers represent approximately one percent of the U.S. stock of California sea lion, 1.2 percent of the California stock of Pacific harbor seal, less than one percent of the California breeding stock of northern elephant seal, and 0.02 percent of the eastern U.S. stock of Steller sea lion. All of the potential takes are expected to be Level B behavioral harassment only. No injury or mortality to pinnipeds is expected or requested.

Proposed Monitoring and Mitigation Measures

To reduce the potential for disturbance from visual and acoustic stimuli associated with these activities, PRBO proposes to undertake the following marine mammal mitigation measures:

(1) Researchers would keep their voices hushed and bodies low in the visual presence of pinnipeds.

(2) Seabird observations at North Landing on Southeast Farallon Island would be conducted in an observation blind where researchers are shielded from the view of hauled out pinnipeds.

(3) Beach landings on Año Nuevo Island would only occur after any pinnipeds that might be present on the landing beach have entered the water.

(4) Año Nuevo Island researchers accessing seabird nest boxes would

crawl slowly if pinnipeds are within view.

(5) Visits to intertidal areas of Southeast Farallon Island during research activities would be coordinated to reduce potential take.

(6) All research goals on Ano Nuevo Island would be coordinated to minimize the necessary number of trips to the island. Once on Ano Nuevo Island, researchers would coordinate monitoring schedules so that areas near any pinnipeds would be accessed only once per visit.

(7) The lead biologist would always serve as an observer to evaluate incidental take and halt any research activities should the potential for incidental take be too great.

Proposed Monitoring and Reporting

Researchers would take notes of sea lions and seals observed within the proposed research area during studies. The notes would provide dates, time, tidal height, species, numbers of sea lions and seals present, and any disturbances. PRBO would submit a final report, including these notes, to NMFS within 90 days after the expiration of the Incidental Harassment Authorization (IHA), if it is issued.

National Environmental Policy Act (NEPA)

In 2007, NMFS prepared a draft Environmental Assessment (EA) on the issuance of an IHA to PRBO to take marine mammals by Level B harassment incidental to conducting seabird research in central California. The draft EA was released for public review and comment along with the application and the proposed IHA (72 FR 41294, July 27, 2007). All comments were addressed in full in the **Federal Register** Notice of Issuance of an IHA for PRBO (72 FR 71121, December 14, 2007). At that time, NMFS determined that conducting the seabird research would not have a significant impact on the quality of the human environment and issued a Finding of No Significant Impact.

For this proposed action, PRBO has requested to incidentally harass 31 Steller sea lions, (i.e., 17 more than what was requested in the 2007 IHA). Because of this increase in the numbers of marine mammals incidentally harassed, NMFS has determined that it will update the 2007 EA. NMFS is currently preparing a Supplemental EA which incorporates by reference the 2007 Final EA. Before making a determination on the issuance of an IHA, NMFS will ensure compliance with NEPA and its implementing regulations.

Endangered Species Act

In a 2007 Biological Opinion issued on July 27, 2007, NMFS concluded that that the issuance of an IHA to PRBO for seabird research was likely to affect, but not likely to jeopardize the continued existence of Steller sea lions. NMFS had issued an incidental take statement (ITS) for Steller sea lions pursuant to section 7 of the ESA. The ITS contained reasonable and prudent measures for implementing terms and conditions to minimize the effects of this take.

Since the proposed pinniped research expands the scope of the previously analyzed action, NMFS is conducting a Section 7 consultation under the ESA to make a determination whether the proposed research project would be likely to jeopardize the continued existence of the eastern U.S. stock of Steller sea lions.

Preliminary Determinations

NMFS proposes to issue an IHA to PRBO to take small numbers of marine mammals by harassment incidental to conducting seabird and pinniped research activities on Southeast Farallon Island, Ano Nuevo Island, and Point Reyes National Seashore in central CA. The marine mammals most likely to be harassed incidental to conducting pinniped research (NMFS Scientific Research Permit (SRP) 373–1868–00) are primarily Steller sea lions. Issuance of this IHA would be contingent upon adherence to the proposed mitigation, monitoring, and reporting requirements described in this **Federal Register** notice. For the reasons discussed in this document and in the identified supporting documents, NMFS has preliminarily determined that the impact of seabird research on SEFI, ANI, and PRNS would result in Level B harassment only of small numbers of California sea lions, Pacific harbor seals, northern elephant seals, and Steller sea lions hauled out in the vicinity of the proposed research area; and would have a negligible impact on the affected species. The provision requiring that the activities not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply for this proposed action.

No take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures proposed in this document.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to PRBO for the potential harassment of small numbers of California sea lions, harbor seals, northern elephant seals, and Steller sea lions incidental to conducting of seabird research on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 24, 2008.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–22819 Filed 9–26–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0139]

Federal Acquisition Regulation; Information Collection; Federal Acquisition and Community Right-To-Know

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0139).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning the reporting requirements of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001–11050) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109). The clearance currently expires onJanuary 31, 2009.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be

collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before November 28, 2008.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VPR), 1800 F Street, NW, Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT Mr. William Clark, Contract Policy Division, GSA (202) 219–1813.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR Subpart 23.9 and its associated solicitation provision and contract clause implement the requirements of E.O. 13148 of April 21, 2000, published in the **Federal Register** at 65 FR 24595, April 26, 2000. ''Greening the Government through Leadership in Environmental Management.'' The FAR coverage requires offerors, except for acquisitions of commercial items as defined in FAR Part 2, in competitive acquisitions over $100,000 (including options) and competitive 8(a) contracts, to certify that they will comply with applicable toxic chemical release reporting requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109).

B. Annual Reporting Burden

Respondents: *167,487*.

Responses Per Respondent: *1*.

Annual Responses: *167,487*.

Hours Per Response: *0.50*.

Total Burden Hours: *83,744*.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VPR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0139, Federal Acquisition and Community Right-to-Know, in all correspondence.

Dated: September 17, 2008.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E8–22740 Filed 9–26–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Air Force

Amended Notice of Intent

AGENCY: United States Air Force, Air Mobility Command, Federal Aviation Administration.

ACTION: Amended notice of intent.

Authority: 42 U.S.C. 4321–4347; 40 CFR Parts 1500–1508; and 32 CFR Part 989.

SUMMARY: On Thursday, September 18, 2008, the Air Force issued its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Base Closure and Realignment (BRAC) Beddown and Flight Operations of Unmanned Aerial Systems (UAS) at Grand Forks Air Force Base, North Dakota (**Federal Register**/Vol. 73, No. 182/pg. 54139).

This Amended Notice of Intent extends the scoping period from 30 October 2008 to 21 November 2008, and reflects the collaborative efforts put forth by both the Air Force and FAA, as cooperating agencies, to meet their respective roles and responsibilities in the EIS process. Additional information is available at the project Web site listed below.

For Further Information and Comment Submittal Contact: Mr. Doug Allbright, 618–229–0846, HQ AMC/A7PI, 507 Symington Drive; Scott Air Force Base, Illinois 62225 or via the project Web site at: *http://www.grandforksuaseis.com.*

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8–22778 Filed 9–26–08; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Real Property Agency; Exchange of Air Force Real Property for Private Land Acquisition

ACTION: Notice.

Authority: Title 10, United States Code, Section 2869(d)(1).

SUMMARY: This Notice identifies excess Federal property under the administrative jurisdiction of the United States Air Force that the Air Force intends to exchange for land beneficial to the Air Force.

FOR FURTHER INFORMATION CONTACT: Ms Diane Bailey, Air Force Real Property Agency (AFRPA), 143 Billy Mitchell Blvd., Suite 1, San Antonio, TX 78226–1816; telephone (210) 925–3076, (this telephone number is not toll-free).

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. Section 2869(d)(1), the Air Force is publishing this Notice to identify Federal real property that the Air Force intends to dispose of in exchange for land beneficial to the Air Force.

Description of the Air Force property: Two non-contiguous sites to Dyess Air Force Base, TX (1) a transmitter site (20 acres) (2) middle marker site (0.13 acres).

Property Number:

Status: Excess.

Comments: Transmitter site and middle marker site are composed of approximately 20.13 acres which are no longer used to support Dyess Mission. The proposal is to exchange the 20.13 acres of government land at an estimated Fair Market Value or $40,260.00 for 16 acres of privately owned land to meet the current airfield criteria for Runway Lateral Clearance and Transitional Surface criteria along the bases.

Privately owned land acquisition:

Approximately 16 acres estimated Fair Market Value of $48,000 of privately owned land adjacent to the Northwest boundary of the base.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8–22767 Filed 9–26–08; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board Notice of Meeting

AGENCY: Department of the Air Force, U.S. Air Force Scientific Advisory Board.

ACTION: Meeting notice.

SUMMARY: Due to scheduling difficulties the U.S. Air Force Scientific Advisory Board was unable to finalize its agenda in time to publish notice of its meeting in the **Federal Register** for the 15-calendar days required by 41 CFR 102–3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. 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 United

States Air Force Scientific Advisory Board meeting will take place on Tuesday, October 7th, and Wednesday, October 8th, 2008 at the SAF/AQ Conference and Innovation Center, 1560 Wilson Blvd, Rosslyn, VA 22209. The meeting on Tuesday, October 7th, will be from 8 a.m.–4:30 p.m. The meeting on Wednesday, October 8th, will be from 8 a.m.–11:15 a.m.

The purpose of the meeting is to hold the United States Air Force Scientific Advisory Board quarterly meeting to introduce the FY09 Scientific Advisory Board study topics that will be tasked by the Secretary of the Air Force and listen to speakers who will address relevant subjects to the Scientific Advisory Board mission. The briefings and discussions will include presentations from senior Air Force leadership, leadership from the defense industry, and technology leaders from the other military branches.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Administrative Assistant of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined in writing that the public interest requires that all sessions of the United States Air Force Scientific Advisory Board meeting be closed to the public because they will be concerned with classified information and matters covered by sections 5 U.S.C. 552b(c)(1) and (4).

Any member of the public wishing to provide input to the United States Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the United States Air Force Scientific Advisory Board until its next meeting. The Designated Federal Officer will review all timely submissions with the United States Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the United States Air Force Scientific Advisory Board before the meeting that is the subject of this notice.

FOR FURTHER INFORMATION CONTACT: The United States Air Force Scientific Advisory Board Executive Director and Designated Federal Officer, Lt Col David J. Lucia, 703–697–8288, United States Air Force Scientific Advisory Board, 1080 Air Force Pentagon, Room 4C759, Washington, DC 20330–1080, *david.lucia@pentagon.af.mil.*

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8–22769 Filed 9–26–08; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Federal Property Suitable for Exchange

AGENCY: Department of the Army, Department of Defense (DOD).

ACTION: Notice.

SUMMARY: This notice identifies real property under the administrative jurisdiction of the United States Army which has been determined to be not required for DOD. The Army intends to exchange the real property to carry out a land acquisition under an agreement entered into under 10 U.S.C. 2684a to limit encroachments and other constraints on military training, testing, and operations at Fort Campbell, KY.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Bradley III, Office of the Staff Judge Advocate, Bldg 125, Forest Road, Fort Campbell, KY 42262, Telephone: 270–798–0729.

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. § 2869(d)(1), the Army is publishing this Notice to identify Federal real property that the Army has reviewed for suitability to dispose of in exchange for real property or interests therein which are beneficial to the Army to limit encroachments and other constraints on military training, testing, and operations at Fort Campbell, KY. The property was screened within the DOD and no DOD agencies have expressed an interest in the property.

The Army real property consists of the following:

Approximately 55.6 acres at Fort Campbell, Kentucky.

Comments: The property consists of eight non-contiguous parcels created by the realignment of State Highway 79. These parcels are situated on the opposite side of the State Highway 79 from Fort Campbell and total approximately 55.6 acres.

The Army will exchange the above real property for:

Property of equal value subject to an agreement entered into under 10 U.S.C. § 2684a with an eligible entity in support of the Army Compatible Use Buffer (ACUB) program at Fort Campbell, which addresses the use or development of real property in the vicinity of, or ecologically related to, Fort Campbell.

Comments: Fort Campbell is located on the Kentucky-Tennessee border, approximately 50 miles north-east of Nashville, TN. Fort Campbell's mission is to support training, mobilization, deployment and redeployment of mission-ready forces. While Fort Campbell primarily supports the 101st Airborne Division and other assigned active component combat units, over 50,000 military personnel train at Fort Campbell annually. To maintain the required level of mission readiness, they require the ability to conduct realistic ground training and aviation operations on and around the installation—particularly at night.

The ACUB program at Fort Campbell seeks to establish protective buffers around the installation training area perimeter, preventing incompatible land uses from occurring within designated high noise zones and aircraft over-flight areas. Approved in 2006, the Fort Campbell ACUB goal is to protect almost 80,000 acres over a 10-year period.

The proposed exchange of these 55.6 acres will directly support Fort Campbell's goal of protecting these 80,000 acres. In doing so, the Army will ensure its ability to train and maintain combat readiness into the future.

Craig E. College,

Deputy Assistant Chief of Staff for Installation Management.

[FR Doc. E8–22757 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Inventory of Contracts for Services Pursuant to Section 807 of the National Defense Authorization Act for Fiscal Year 2008

AGENCY: Department of the Army, DoD.

ACTION: Notice of publication.

SUMMARY: In accordance with section 2330a of Title 10 United States Code as amended by the National Defense Authorization Act for Fiscal Year 2008 (NDAA 08) Section 807, the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA)), in cooperation with the Deputy Assistant

Secretary of the Army (Procurement) (DASA (P)), and in coordination with the Deputy Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing (DPAP/SS) will publicize its Inventory of Contracts for Services. Publication is required not later than 30 days after the date on which the inventory is submitted to Congress. The inventory will be published on the ASA(M&RA) Web site at the following location: *http://www.asamra.army.mil/insourcing/*.

DATES: Inventory to be made publically available within October 29, 2008.

ADDRESSES: Send written comments and suggestions concerning this inventory to Dr. John Anderson, Headquarters Department of the Army, Assistant Secretary of the Army (Manpower and Reserve Affairs), Attn: Force Management Directorate (SAMR–TRM), Army Pentagon, Washington, DC 20310. Telephone (703) 693–2119 or E-mail at *John.Anderson@hqda.army.mil.*

FOR FURTHER INFORMATION CONTACT: Dr. John Anderson, (703) 693–2119 or e-mail at *John.Anderson@hqda.army.mil.*

SUPPLEMENTARY INFORMATION: NDAA 08, Section 807 amends section 2330a of Title 10 United States Code to require annual inventories and reviews of activities performed under services contracts. The Deputy Under Secretary of Defense (Acquisition and Technology) (DUSD (A&T)) set forth a phased plan to implement Section 807 requirements. In the memorandum entitled ''Inventories and Review of Contracts for Services'' (May 16, 2008), the DUSD (A&T) required the U.S. Army to develop a prototype inventory list. The Army developed and provided the prototype inventory list by pulling data from the Contractor Manpower Reporting Application, the Federal Procurement Data System—Next Generation, and the Army Contracting Business Intelligence System. The inventory does not include contract numbers, contractor identification or other proprietary or sensitive information as this data can be used to disclose a contractor's proprietary proposal information.

Additional information about the Army inventory will be provided on the ASA(M&RA) Web site at the following location: *http://www.asamra.army.mil/insourcing/*.

Timothy D. Dixon,

Deputy Assistant Secretary of the Army (Procurement).

[FR Doc. E8–22756 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3. 140 through 160), the Department of the Army announces the following subcommittee meeting:

Name of Committee: U.S. Army Command & General Staff College Subcommittee.

Date: October 28–29, 2008.

Place: U.S. Army Command and General Staff College, Ft. Leavenworth, KS, Lewis & Clark Center, 66027.

Time: 8:30 a.m. to 4 p.m. (October 28, 2008); 8:30 a.m. to 12 p. m. (October 29, 2008).

Proposed Agenda: Starting point of the meeting will be an overview of the CGSC, as well as its constituent schools, the Command and General Staff School and the School of Advanced Military Studies. Subcommittee members will gather information from students, staff and faculty. General deliberations leading to provisional findings for referral to the Army Education Advisory Committee will follow on 29 October beginning at about 0900.

FOR FURTHER INFORMATION CONTACT: For information, please contact Dr. Robert Baumann at *robert.f.baumann@us.army.mil.* Written submissions are to be submitted to the following address: U.S. Army Command and General Staff College Subcommittee, ATTN: Alternate Designated Federal Officer (Baumann), Lewis & Clark Center, U.S. Army Command and General Staff College, Ft. Leavenworth, KS 66027.

SUPPLEMENTARY INFORMATION: Meeting of the Advisory subcommittee is open to the public. Attendance will be limited to those persons who have notified the Advisory Subcommittee Management Office at least 10 calendar days prior to the meeting of their intention to attend.

Filing Written Statement: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak, however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Alternate Designated Federal Officer (ADFO) at the address listed (see **FOR FURTHER INFORMATION CONTACT**). Written statements not received at least 10 calendar days prior to the meeting, may not be provided to or considered by the subcommittees until its next meeting.

The ADFO will review all timely submissions with the Chairperson, and ensure they are provided to the members of the respective subcommittee before the meeting. After reviewing written comments, the Chairperson and the ADFO may choose to invite the submitter of the comments to orally present their issue during open portion of this meeting or at a future meeting.

The ADFO, in consultation with the Chairperson, may allot a specific amount of time for the members of the public to present their issues for review and discussion.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–22758 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Educational Advisory Committee

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the following meeting notice is announced:

Name of Committee: U.S. Army War College Subcommittee of the Army Education Advisory Committee.

Date of Meeting: October 30, 2008.

Place of Meeting: U.S. Army War College, 122 Forbes Avenue, Carlisle, PA, Command Conference Room, Root Hall, Carlisle Barracks, PA 17013.

Time of Meeting: 7 a.m.–5 p.m.

Proposed Agenda: Receive information briefings; conduct discussions with the Commandant and staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, assemble a working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of federal accreditation success and guarantee

compliance with regional accreditation standards.

FOR FURTHER INFORMATION CONTACT: To request advance approval or obtain further information, contact Colonel Scott Horton at 717–245–3907.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Interested persons may submit a written statement for consideration by the U.S. Army War College Subcommittee. Written statements should be no longer than two type-written pages and must address: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals submitting a written statement must submit their statement to the Designated Federal Officer at U.S. Army War College, ATTN: Joint Education Office, 122 Forbes Avenue, Carlisle, PA 17013, 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 U.S. Army War College Subcommittee until its next open meeting.

The Designated Federal Officer will review all timely submissions with the U.S. Army War College Subcommittee Chairperson, and ensure they are provided to members of the U.S. Army War College Subcommittee before the meeting that is the subject of this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The Designated Federal Officer, in consultation with the U.S. Army War College Subcommittee Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the U.S. Army War College Subcommittee.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–22765 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of a Final Integrated Feasibility Report and Environmental Impact Statement for the Mid-Chesapeake Bay Island Ecosystem Restoration Project in Dorchester County, on Maryland's Eastern Shore

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

ACTION: Notice of availability.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Baltimore District has prepared a Final Integrated Feasibility Report and Environmental Impact Statement (EIS) for the Mid-Chesapeake Bay Island Ecosystem Restoration Project in Dorchester County, on Maryland's Eastern Shore. Approximately 90 to 95 million cubic yards of material, primarily dredged during maintenance of the Chesapeake Bay approach channels to Baltimore Harbor, would be placed behind dikes at James Island. Material placed at Barren Island would be from authorized maintenance dredging of Federal navigation channels in the Honga River. After placement, the material would be shaped and planted to provide 2,144 acres of island habitat at James and Barren Islands as well as protect existing island ecosystem habitat, including critical submerged aquatic vegetation. A Record of Decision may be signed no earlier than 30 days after the EPA Notice of Availability for the Final document.

FOR FURTHER INFORMATION CONTACT: U.S. Army Corps of Engineers, Baltimore District, Attn: Dr. Angie Sowers at CENAB–PL–P, P.O. Box 1715, Baltimore, MD 21203–1715, electronically at *Angela.Sowers@usace.army.mil* or by telephone at (410) 962–7440 or (800) 295–1610.

SUPPLEMENTARY INFORMATION: The Mid-Chesapeake Bay Ecosystem Restoration was one of three actions specifically recommended by the USACE-Baltimore District's, *Dredged Material Management Plan (DMMP) and Final Tiered Environmental Impact Statement* (December 2005). The USACE is making the Final Mid-Chesapeake Bay Island Ecosystem Restoration Integrated Feasibility Report and EIS known through a Notice of Availability published in the **Federal Register**. The recommendations of the draft Mid-Chesapeake Bay report and EIS are:

- Construction of a 2,072-acre fill area at James Island, consisting of approximately 55 percent tidal wetland habitat and 45 percent upland island habitat;
- Construction and backfilling of sills at Barren Island to protect both the current acreage of the island and the adjacent submerged aquatic vegetation (SAV)/shallow water habitat, providing approximately 72 acres of wetland habitat on the northern and western portions of the island; and
- If deemed necessary to protect the SAV, construction at Barren Island of a maximum of 8,200 feet of breakwater extending South from the southern tip of the existing island at a maximum height of plus 6 feet MLLW. The Draft and Final Integrated Feasibility reports and EISs have been prepared in accordance with (1) NEPA of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), and (3) USACE regulations implementing NEPA (ER–200–2–2).
- James and Barren Islands have been identified by the U.S. Fish and Wildlife Service, and other natural resource management agencies as a valuable nesting and nursery area for many species of wildlife, including bald eagles, diamondback terrapins, and potentially horseshoe crabs. The project would restore James Island and protect Barren Island from further erosion. The reports and EISs document the NEPA compliance and information specific to the actions for the proposed Mid-Chesapeake Bay project.

You may view the EIS and related information on the USACE Web page at *http://www.nab.usace.army.mil/publications/non-reg_pub.htm*. USACE has distributed copies of the Final Integrated Feasibility Report and EIS to appropriate members of Congress, State and local government officials, Federal agencies, and other interested parties. Copies are also available for public review at the following locations:

Copies are available for public review at the following public reading rooms:

(1) Corbin Memorial Library, 4 East Main Street, Crisfield, MD 21817.

(2) Dorchester County Public Library, 303 Gay Street, Cambridge, MD 21613.

(3) Kent County Public Library, 408 High Street, Chestertown, MD 21620.

(4) Maryland State Law Library, Court of Appeals Building, 361 Rowe Boulevard, Annapolis, MD 21401.

(5) Queen Anne's County Public Library, Stevensville Branch, 200 Library Circle, Stevensville, MD 21666.

(6) Somerset County Library, 11767 Beechwood Street, Princess Anne, MD 21853.

(7) Talbot County Public Library, Easton Branch, 100 West Dover Street, Easton, MD 21601.

(8) Wicomico County Free Library, 122 S. Division Street, Salisbury, MD 21801.

A Notice of Intent (NOI) to prepare a draft EIS was published by the U.S. Environmental Protection Agency (EPA) in the **Federal Register** on January 17, 2003 (68 FR 2532). USACE filed the Draft document with EPA on September 1, 2006 for the publication of a Notice of Availability in the September 8, 2006 **Federal Register**. Two public meetings were held on the Draft EIS and Report.

Amy M. Guise,

Chief, Civil Project Development Branch.

[FR Doc. E8–22764 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–41–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Exchange of Government Property at Soldier Systems Center (SSC), Natick, MA, to a Development Company (To Be Selected) for Future Development

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: In accordance with 10 United States Code 2869, the Department of the Army intends to enter into an Exchange Agreement with a Development Company (to be selected) for the exchange of three (3) separate parcels (totaling 94.79+/−acres) of Government owned land at Soldier Systems Center, Natick, Massachusetts, in exchange for the construction and renovation to several buildings at Soldier Systems Center. The purpose of this notice is to effect the exchange pursuant to provisions of 10 U.S.C. 2869.

This is a partial transfer of the entire acreage located at the facility. Additional information is on file with the U.S. Army Engineer District, Corps of Engineers, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Penn, 410–962–3000.

ADDRESSES: Documents are on file at U.S. Army Engineer District, Baltimore, Corps of Engineers, 10 South Howard Street, Baltimore, Maryland 21201–1715.

SUPPLEMENTARY INFORMATION: None.

Dated: September 17, 2008.

Bob Penn,

Assistant Chief, Real Estate Division, Baltimore District, U.S. Army Corps of Engineers.

[FR Doc. E8–22759 Filed 9–26–08; 8:45 am]

BILLING CODE 3710–41–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 29, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 23, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: New Collection.

Title: College Access Challenge Grant Program (CACGP) Annual Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 1,680.

Abstract: The U.S. Department of Education is collecting this information to ensure that grantees are making significant progress in meeting goals and objectives of the grant and that funds are being sent in an allowable, and reasonable manner. The CACG statute requires grantees to submit an APR that contains activities and services that have been implemented, the cost of providing such activities and services, the number of participating students, and contributions from private organizations.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3763. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E8–22738 Filed 9–26–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 28, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 24, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: Student Aid Report (SAR).

Frequency: Weekly; Monthly; Annually.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 17,123,392.

Burden Hours: 5,678,454.

Abstract: The Free Application for Federal Student Aid (FAFSA) collects the data necessary to determine a student's eligibility for participation in the following federal student assistance programs identified in the Higher Education Act (HEA): The Federal Pell Grant Program; the Campus-Based Programs; the William D. Ford Federal Direct Loan Program; the Federal Family Education Loan Program; the Academic Competitiveness Grant; and the National Science and Mathematics Access to Retain Talent (SMART) Grant. The Student Aid Report (SAR) is the ouput document for the FAFSA. FAFSA applicants use the SAR to review and confirm the information provided on their FAFSA, as required by law.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3847. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *SAR.comments@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *SAR.comments@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E8–22899 Filed 9–26–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The EIA has submitted the Energy Information Administration's Natural Gas Data Collection Program Package collections to the Office of Management and Budget (OMB) for revision and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*, at 3507(h)(1)).

DATES: Comments must be filed by October 29, 2008. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX at 202–395–7285 or e-mail to *Nathan_J._Frey@omb.eop.gov* is recommended. The mailing address is 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7345. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202–586–5271) or e-mail (*grace.sutherland@eia.doe.gov*) is also recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 586–6264.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collections submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if

applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. EIA–176, EIA–191, EIA–757, EIA–857, EIA–895, EIA–910, and EIA–912.

2. Energy Information Administration.

3. OMB Number 1905–0175.

4. Revision and Three-year extension.

5. All forms are mandatory except EIA–895, which is voluntary.

6. The purpose of the Natural Gas Data Collection Program Package is to collect basic and detailed data to meet EIA's mandates and energy data users' needs. Adequate evaluation of the industry requires production, processing, transmission, distribution, storage, marketing, consumption, and price data. The data collected by EIA on these forms are unique. While somewhat similar or related data may be available from private and/or industry sources, as well as from other Federal agencies, such data are not reasonable alternatives for the data provided by the Natural Gas Data Collection Program Package survey forms. Data from the forms in the Natural Gas Data Collection Program Package are published in the *Annual Energy Outlook, Annual Energy Review, Natural Gas Annual, Natural Gas Monthly, Natural Gas Weekly Market Update Report, Weekly Natural Gas Storage Report, Monthly Energy Review, Short-Term Energy Outlook, State Energy Data Report,* and numerous other EIA publications.

7. Business or other for-profit.

8. 50,749.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, September 23, 2008.

Stephanie Brown,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. E8–22785 Filed 9–26–08; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0719, FRL–8722–1]

Agency Information Collection Activities; Proposed Collection; Comment Request; NPDES and Sewage Sludge Monitoring Reports; EPA ICR No. 0229.17; OMB Control No. 2040–0004.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit a request to renew and consolidate existing approved Information Collection Requests (ICRs) and to update the burden in those estimates to include the burden associated with EPA's upcoming Vessels General Permit (VGP) to the Office of Management and Budget (OMB). Two of these ICRs (NPDES and Sewage Sludge Monitoring Reports ICR, OMB 2040–0004 and CSO Control Policy, OMB 2040–0170) are scheduled to expire on September 30, 2008. All of the burden will be consolidated under the NPDES and Sewage Sludge Monitoring Reports ICR (OMB 2040–0004). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before November 28, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2008–0719, by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: ow-docket@epa.gov* (Identify Docket ID No. EPA–HQ–OW–2008–0719 in the subject line).
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of three copies.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments identified by the Docket ID No. EPA–HQ–OW–2008–0719. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

FOR FURTHER INFORMATION CONTACT: Amelia Letnes, State and Regional Branch, Water Permits Division, *OWM Mail Code*: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number*: (202) 564–5627; *e-mail address*: *letnes.amelia@epa.gov*.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2008–0719, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Water 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 Water Docket is 202–566–2426.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of technical information/data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected Entities: Entities potentially affected by this action are most facilities required to have NPDES permit coverage, including but not limited to publicly owned treatment works (POTWs), privately owned treatment works (PrOTWs), manufacturing and commercial dischargers, mining operation, Concentrated Animal Feeding Operations (CAFOs), stormwater dischargers, and vessels.

Title: NPDES and Sewage Sludge Monitoring Reports.

ICR Number: EPA ICR No. 0229.17, OMB Control No. 2040–0004.

ICR Status: This ICR is currently scheduled to expire on September 30, 2008. 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 purpose of this ICR is to consolidate, streamline, and update EPA's NPDES-related ICRs into the currently approved ICR for NPDES and Sewage Sludge Monitoring Reports (OMB Control No.: 2040–0004). EPA identified 15 NPDES-related ICRs consisting of program-based (i.e., Pretreatment Program), activity-based (i.e., Applications, Discharge Monitoring Reports [DMRs]), and rule-based (i.e., Cooling Water Intake-Phase II, Stormwater Program Phase II) ICRs. Historically, EPA identified the five activity-based ICRs as representing the base NPDES program. Those ICRs include: (1) Applications ICR (OMB Control No. 2040–0086); (2) DMR ICR (OMB Control No. 2040–0004); (3) Modification/Variance ICR (OMB Control No. 2040–0068); (4) Compliance Assessment/Certification ICR (OMB Control No. 2040–0110); and (5) State Program ICR (OMB Control No. 2040–0057). Several additional ICRs include activities that contain similar activities to those identified in the five base NPDES program ICRs and as such, are being consolidated into this ICR. Those four ICRs include: (1) Stormwater Program Phase II (OMB Control No. 2040–0211); (2) Stormwater discharges associated with construction activities (OMB Control No. 2040–0188); (3) CSO Control Policy (OMB Control No. 2040–0170); and (4) NPDES Great Lakes Water Quality Guidance (OMB Control No. 2040–0180). In addition, the revised ICR will account for the burden related to EPA's upcoming Eligible Commercial and Other Non-recreational Vessels General Permit.

Burden Statement: The individual ICRs provide a detailed explanation of the Agency's estimate, which is briefly summarized here on Tables 1 and 2. The frequency of response for these ICRs varies from once to daily.

TABLE 1—ICRS RESPONSES, BURDEN, AND COST SUMMARY

OMB ICR No.	EPA ICR No.	Title	Annual number of responses	Annual burden (hours)	Annual cost burden (dollars)
2040–0004	0229.16	NPDES and Sewage Sludge Monitoring Reports (DMR).	583,987	14,193,543	11,816,288
2040–0057	0168.08	NPDES and Sewage Sludge Management State Programs.	19,405	1,013,802	0
2040–0068	0029.08	NPDES Modification and Variance Requests	23,610	280,224	0
2040–0086	0226.17	Applications for the NPDES Discharge Permits and the Sewage Sludge Management Permits	249,494	1,359,497	5,380,000

TABLE 1—ICRS RESPONSES, BURDEN, AND COST SUMMARY—Continued

OMB ICR No.	EPA ICR No.	Title	Annual number of responses	Annual burden (hours)	Annual cost burden (dollars)
2040–0110	1427.07	NPDES Compliance Assessment/Certification Information.	507,585	2,066,677	0
2040–0170	1680.04	CSO Control Policy	1,286	400,542	156,000
2040–0180	1639.05	NPDES Great Lakes Water Quality Guidance	1,257	84,537	0
2040–0188	1842.04	Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under an NPDES General Permit	157,546	8,247,638	0
2040–0211	1820.03	NPDES Stormwater Program Phase II	135,908	3,696,276	0
N/A	N/A	Eligible Commercial and Other Non-recreational Vessels General Permit	209,019	126,706	0

TABLE 2—ICRS RESPONDENTS AND AVERAGES SUMMARY

OMB ICR No.	EPA ICR No.	Title	Number of potential respondents	Average number of responses for each respondent	Average hours per response
2040–0004	0229.16	NPDES and Sewage Sludge Monitoring Reports (DMR).	81,988	7.1	24.3
2040–0057	0168.08	NPDES and Sewage Sludge Management State Programs.	618	31.4	52.2
2040–0068	0029.08	NPDES Modification and Variance Requests.	11,831	2.0	11.9
2040–0086	0226.17	Applications for the NPDES Discharge Permits and the Sewage Sludge Management Permits	249,494	1.0	5.4
2040–0110	1427.07	NPDES Compliance Assessment/Certification Information.	450,471	1.1	4.1
2040–0170	1680.04	CSO Control Policy	776	1.7	311.5
2040–0180	1639.05	NPDES Great Lakes Water Quality Guidance.	3,795	0.3	67.3
2040–0188	1842.04	Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under an NPDES General Permit	157,546	1.0	52.4
2040–0211	1820.03	NPDES Stormwater Program Phase II	135,908	1.0	27.2
N/A	N/A	Eligible Commercial and Other Non-recreational Vessels General Permit	65,625	3.2	0.6

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.

Change in Burden: The current burden approved by OMB for the ICRs being consolidated is 31,342,736 hours. Apart from the additional burden related to EPA's upcoming Eligible Commercial and Other Non-recreational Vessels General Permit, EPA does not anticipate that the resulting burden for the consolidated ICR will be significantly different than the sum of the individual ICRs. Any changes are expected to be the result of fluctuations in the permitted universe.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 17, 2008.

James A. Hanlon,

Director, Office of Wastewater Management.

[FR Doc. E8–22801 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8722–3; Docket ID No. EPA–HQ–OAR–2007–1145]

Extension of Public Comment Periods: Draft Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria and Annexes and Draft Risk and Exposure Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Public Comment Periods.

SUMMARY: The EPA is announcing extensions of the public comment periods for the draft documents titled, ''Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria; Second External Review Draft'' (EPA 600/R–08/082), ''Annexes for the Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria; Second External Review Draft'' (EPA 600/R–08/083), and ''Risk and Exposure Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur'' (EPA–452/P–08–005a).

These documents were prepared as part of the Agency's review of the secondary (welfare-based) national ambient air quality standards (NAAQS) for nitrogen dioxide (NO_2.) and sulfur dioxide (SO_2). EPA is releasing these draft documents solely for the purpose of seeking comment from the public and the Clean Air Scientific Advisory Committee (CASAC). The documents are being distributed solely for the purpose of pre-dissemination review under applicable information quality guidelines. They do not represent and should not be construed to represent any Agency policy, viewpoint, or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The public comment period began on August 12, 2008 (73 FR 46908), for document EPA/600/R–08/082 and August 26, 2008 for document EPA 600/R–08/083. This notice announces the extension of the deadline for public comment from October 1, 2008, to October 10, 2008, for both of these documents. Comments must be received on or before October 10, 2008.

The public comment period began on August 29, 2008 (73 FR 50965), for document EPA–452/P–08–005a. This notice announces the extension of the deadline for public comment from October 15, 2008, to November 15, 2008. Comments must be received on or before November 15, 2008.

ADDRESSES: The ''Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria; Second External Review Draft'' (EPA/600/R–08/082) and Annexes (EPA/600/R–08/083) will be available primarily via the Internet on the National Center for Environmental Assessment's home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of CD–ROM or paper copies will be available. Contact Ms. Ellen Lorang by phone (919–541–2771), fax (919–541–5078), or e-mail (*lorang.ellen@epa.gov*) to request either of these, and please provide your name, your mailing address, and the document title to facilitate processing of your request.

For information on submitting comments to the docket, please see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: For information on the draft ''Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria'', contact Dr. Tara Greaver, NCEA; *telephone:* 919–541–2435; *fax:* 919–541–5078; or *e-mail: greaver.tara@epa.gov.*

For information on the draft ''Risk and Exposure Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur'', contact Dr. Anne Rea, OAQPS; *telephone:* 919–541–0053; *fax:* 919–541–0840; or *e-mail: rea.anne@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Documents

Section 108(a) of the Clean Air Act directs the Administrator to identify certain pollutants that ''may reasonably be anticipated to endanger public health and welfare'' and to issue air quality criteria for them. These air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air.''

Under section 109 of the Act, EPA is then to establish national ambient air quality standards (NAAQS) for each pollutant for which EPA has issued criteria. Section 109(d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. EPA is also to revise the NAAQS, if appropriate, based on the revised air quality criteria.

Oxides of nitrogen and sulfur are two of six principal (or ''criteria'') pollutants for which EPA has established air quality criteria and NAAQS. EPA periodically reviews the scientific basis for these standards by preparing an Integrated Science Assessment (ISA) (formerly called an Air Quality Criteria Document). The ISA and supplementary annexes, in conjunction with additional technical and policy assessments, provide the scientific basis for EPA decisions on the adequacy of a current NAAQS and the appropriateness of new or revised standards. The Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established pursuant to section 109 of the Clean Air Act and part of the EPA's Science Advisory Board (SAB), provides independent scientific advice on NAAQS matters, including advice on EPA's draft ISAs.

EPA formally initiated its current review of the criteria for oxides of nitrogen and sulfur in December 2005 (70 FR 73236) and May 2006 (71 FR 28023) respectively, requesting the submission of recent scientific information on specified topics. In the initial stages of the criteria reviews, EPA recognized the merit of integrating the science assessment for these two pollutants due to their combined effects on atmospheric chemistry, deposition processes, and environment-related public welfare effects. In July 2007 (72 FR 34004), a workshop was held to discuss, with invited scientific experts, initial draft materials prepared in the development of the ISA and supplementary annexes for oxides of nitrogen and sulfur. EPA's ''Draft Plan for Review of the Secondary National Ambient Air Quality Standards for Nitrogen Dioxide and Sulfur Dioxide'' was made available in September 2007 for public comment and was discussed by the CASAC via a publicly accessible teleconference consultation on October 30, 2007 (72 FR 57568). The Plan was made available on EPA's Web site *http://www.epa.gov/ttn/naaqs/standards/no2so2sec/cr_pd.html.* The draft ''Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria; First External Review Draft'' was released for review on December 21, 2007 (72 FR 72719). The CASAC reviewed the draft document at a public peer review meeting on April 2–3, 2008; comments from the CASAC and the public have

been addressed in this second external review draft document. The draft ''Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Environmental Criteria; Second External Review Draft'' and the draft ''Risk and Exposure Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur'' will be discussed by CASAC at a public peer review meeting on October 1–2, 2008; public comments that have been received prior to the public meeting will be provided to the CASAC review panel.

II. How To Submit Technical Comments to the Docket at www.regulations.gov

Submit your comments, identified by Docket ID No. Docket ID EPA–HQ–OAR–2007–1145 by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: a-and-r-Docket@epa.gov.*
- *Fax: 202–566–9744.*
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–1145. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late'', and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hardcopy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: September 23, 2008.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. E8–22798 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8720–7; EPA–HQ–OW–2005–0007]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA Regions 1, 2, 3, 5, 6, 9, and 10 today are finalizing EPA's NPDES general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). The MSGP consists of thirty four (34) separate Regional EPA permits that may vary from each other based on State or Tribal water quality-based requirements. This permit replaces the existing permits that expired on October 30, 2005. As with the earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities in accordance with the terms and conditions described therein. Industrial dischargers have the choice to seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in the permit.

DATES: This permit is effective today, September 29, 2008. This effective date is necessary to provide dischargers with the immediate opportunity to comply with Clean Water Act requirements in light of the expiration of the MSGP 2000 on October 30, 2005. In accordance with 40 CFR Part 23, this permit shall be considered issued for the purpose of judicial review on October 13, 2008. Under section 509(b) of the Clean Water Act, judicial review of this general permit can be had by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of notices of intent are provided in Part 1.4 of the MSGP. This permit also provides additional dates for compliance with the terms of these permits.

EPA will host a Web cast presentation on Wednesday, November 5 from 12 noon to 2 p.m. (Eastern Standard Time) to explain the new permit requirements.

Registration information will be available on *http://www.epa.gov/npdes/training* two weeks before the Web cast.

FOR FURTHER INFORMATION CONTACT: For further information on this final NPDES general permit, contact the appropriate EPA Regional Office listed in section I.D, contact Greg Schaner, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202–564–0721, or send questions via e-mail to EPA's stormwater permit mailbox: *SWpermit@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Final Permit Apply To Me?

If a discharger chooses to seek coverage under this MSGP to be authorized to discharge stormwater from industrial activities, the MSGP provides specific requirements for preventing contamination of stormwater discharges from industrial facilities listed in the sectors shown below:

Sector A—Timber Products.
Sector B—Paper and Allied Products Manufacturing.
Sector C—Chemical and Allied Products Manufacturing.
Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubrican Manufacturers.
Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
Sector F—Primary Metals.
Sector G—Metal Mining (Ore Mining and Dressing).
Sector H—Coal Mines and Coal Mining-Related Facilities.
Sector I—Oil and Gas Extraction and Refining.
Sector J—Mineral Mining and Dressing.
Sector K—Hazardous Waste Treatment Storage or Disposal.
Sector L—Landfills and Land Application Sites.
Sector M—Automobile Salvage Yards.
Sector N—Scrap Recycling Facilities.
Sector O—Steam Electric Generating Facilities.
Sector P—Land Transportation.
Sector Q—Water Transportation.
Sector R—Ship and Boat Building or Repairing Yards.
Sector S—Air Transportation Facilities.
Sector T—Treatment Works.
Sector U—Food and Kindred Products.
Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
Sector W—Furniture and Fixtures.
Sector X—Printing and Publishing.
Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
Sector Z—Leather Tanning and Finishing.
Sector AA—Fabricated Metal Products.
Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
Sector AC—Electronic, Electrical, Photographic and Optical Goods.
Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

B. How Can I Get Copies of This Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action under Docket ID No. OW–2005–0007. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Publicly available docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

2. Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

Electronic versions of the final permit and fact sheet are available at EPA's Web site *http://www.epa.gov/npdes/stormwater/msgp.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.regulations.gov/fdmspublic/component/main* view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search'', then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in section I.B.1.

Response to public comments. EPA received 92 comments on the proposed permit from industry (52), government (20), and the public (20). EPA has responded to all significant comments received and has included these responses in a separate document in the public docket for this permit. See the document titled *Proposed MSGP: EPA's Response to Public Comments.*

C. Public Meeting

EPA held an informal public meeting at EPA headquarters in Washington, DC, on December 20, 2005. The public meeting was attended by a wide variety of stakeholders including representatives from industry, government agencies, and environmental organizations. The public meeting included a presentation covering the major provisions of the proposed permit and a question and answer session. The presentation can be found in the public docket for this permit.

D. Who Are the EPA Regional Contacts for This Permit?

For EPA Region 1, contact Thelma Murphy at tel.: (617) 918–1615 or e-mail at *murphy.thelma@epa.gov.*
For EPA Region 2, contact Stephen Venezia at tel.: (212) 637–3856 or e-mail at *venezia.stephen@epa.gov* or for Puerto Rico, Sergio Bosques at tel.: (787) 977–5838 or e-mail at bosques.sergio@epa.gov.
For EPA Region 3, contact Garrison Miller at tel.: (215) 814–5745 or e-mail at *miller.garrison@epa.gov.*
For EPA Region 5, contact Brian Bell at tel.: (312) 886–0981 or e-mail at *bell.brianc@epa.gov.*
For EPA Region 6, contact Brent Larsen at tel.: (214) 665–7523 or e-mail at: *larsen.brent@epa.gov.*
For EPA Region 9, contact Eugene Bromley at tel.: (415) 972–3510 or e-mail at *bromley.eugene@epa.gov.*
For EPA Region 10, contact Misha Vakoc at tel.: (206) 553–6650 or e-mail at *vakoc.misha@epa.gov.*

II. Background

Section 405 of the Water Quality Act of 1987 (WQA) added section 402(p) of the Clean Water Act (CWA), which directed the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published a final regulation on the first phase on this program on November 16, 1990,

establishing permit application requirements for ''stormwater discharges associated with industrial activity.'' See 55 FR 48063. EPA defined the term ''stormwater discharge associated with industrial activity'' in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). EPA is issuing the MSGP under this statutory and regulatory authority.

Dischargers choosing to be covered by the MSGP must certify in their notice of intent (NOI) that they meet the requisite eligibility requirements, described in Part 1 of the permit. In addition, dischargers must install and implement control measures to meet the effluent limits required in Part 2 and develop a stormwater pollution prevention plan (SWPPP) consistent with Part 5 describing their control measures used to achieve the effluent limits. Under the MSGP, a facility is required to take corrective action (Part 3) to modify or replace control measures in order to eliminate certain unauthorized releases, or conditions giving rise to violations of effluent limits or exceedances above applicable water quality standards. Facilities are also required to conduct quarterly site inspections (Part 4.1), quarterly visual assessments of the stormwater discharge (Part 4.2), and annual comprehensive site inspections (Part 4.3). Permitted facilities are required to submit to EPA quarterly benchmark monitoring results (Part 6.2.1), and, where applicable, stormwater effluent data relating to impaired waters (Part 6.2.4) and compliance with numeric effluent limitations guidelines (Part 6.2.2). EPA notes that Part 6.2.1 emphasizes that the benchmark thresholds used for monitoring are not effluent limits, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of the control measures and to assist in understanding when corrective action(s) may be necessary. In addition, permittees are required to submit an annual report that includes the findings of the facility's comprehensive site inspection and a summary of any corrective actions required during the past year.

III. Scope and Applicability of the Multi-Sector General Permit

The MSGP 2000 expired at midnight, October 30, 2005. Dischargers that were previously covered by the MSGP 2000 have been covered by an administrative continuance in the interim period until they are authorized for coverage under this permit.

A. Geographic Coverage

This permit provides coverage for sectors of industrial point source discharges that occur in areas not covered by an approved State NPDES program. The geographic coverage of this permit is listed in Appendix C of this permit. EPA notes that unlike the MSGP 2000, facilities located in Regions 4 and 8 will not be covered by this permit because they are issuing their own NPDES general permit. EPA also notes that because certifications required by section 401 of the Clean Water Act were not received in time, coverage under this permit is not yet available in the following areas:

- The State of Alaska, except Indian Country lands;
- The State of Idaho, except Indian Country lands;
- Indian Country lands within the State of Idaho, except Duck Valley Reservation lands;
- Indian Country lands within the State of Oregon, except Fort McDermitt Reservation lands;
- Indian Country lands within the State of Washington; and
- Federal facilities in the State of Washington, except those located on Indian Country lands.

EPA will announce the availability of coverage under the MSGP for these areas in a separate **Federal Register** notice as soon as possible after the certifications are completed.

B. Categories of Facilities Covered

This permit regulates stormwater discharges from industrial facilities in 29 sectors, as shown above in section I.A., in the five states and other areas (e.g., federal facilities, Indian Country lands, and U.S. territories) where EPA remains the permitting authority. See Appendix D of the final MSGP and the MSGP fact sheet for more complete information.

C. Summary of Significant Changes from 2000 Multi-Sector General Permit

This permit replaces the MSGP 2000 that was issued for a five-year term on October 30, 2000 (65 FR 64746). The MSGP 2000 was subsequently corrected on January 9, 2001 (66 FR 1675–1678) and March 23, 2001 (66 FR 16233–16237). On April 16, 2001 (66 FR 19483–19485), EPA re-issued the permit, as corrected, for facilities in certain areas of Regions 8 and 10.

This permit is structured in nine parts: General requirements that apply to all facilities (e.g., eligibility of discharges, effluent limitations, storm water pollution prevention plan (SWPPP) requirements, monitoring and reporting requirements (Parts 1–7)), industrial sector-specific conditions (Part 8), and specific requirements applicable to facilities within individual States or on Indian Country lands (Part 9). Additionally, the appendices provide forms for the Notice of Intent (NOI), the Notice of Termination, the Conditional No Exposure Exclusion, and the annual report, as well as step-by-step procedures for determining eligibility with respect to protecting historic properties and endangered species, and for calculating site-specific, hardness-dependent benchmarks.

EPA made a number of changes to the permit from the MSGP 2000. These changes are summarized below and are discussed in more detail in the MSGP fact sheet.

Distinction Between Effluent Limits and SWPPP Requirements

The permit clearly distinguishes between the effluent limitations (or effluent limits) from the requirements relating to the development of the SWPPP. Effluent limits (in Part 2, and for select industrial sectors, in Part 8) are qualitative and quantitative control requirements to which all permittees are subject, while the SWPPP is a planning document that must be prepared by all facility operators that describes the site and the pollutants potentially discharged in stormwater, and documents the control measures selected, designed, installed, and implemented to meet the effluent limitations. Additionally, the SWPPP requirements were modified to separate the provisions required for the initial document developed prior to NOI submittal and the requirements for the additional documentation of actions taken (e.g., inspections, training, correction actions, etc.) during the permit term. Finally, the effluent limits themselves were reorganized to more clearly distinguish those that are technology-based from those that are water quality-based.

Discharge Authorization Time Frame

The waiting period for operators who have correctly completed and submitted their NOIs is 30 days (or, in some cases, 60 days) to provide for sufficient review by the Fish & Wildlife Service and/or the National Marine Fisheries Service to determine if the permit's authorization to a particular discharger raises any significant concerns with respect to any federally-listed species or critical habitat. During this period, the public may review this information as well. The waiting period begins after EPA posts the operator's NOI on the eNOI Web site. The duration of the waiting

period depends on when the operator commenced or proposes to commence discharging.

Electronic Systems for Submittal of Notices of Intent (NOIs), Water Locator Tool, and Reporting of Monitoring Data

EPA is launching an updated electronic system for submitting NOIs. This ''eNOI'' system is available to all operators, and can be accessed at *http://www.epa.gov/npdes/eNOI.* The system helps industrial operators fill in answers quickly and correctly, and should better facilitate an operator's coverage under the permit. EPA encourages all operators to use this system. Authorized permittees will be notified by email of their authorization and their specific monitoring requirements.

EPA has added a new web-based tool, the Water Locator, that will help operators determine their latitude and longitude, their receiving water, relevant total maximum daily loads (TMDLs), and pollutants of particular concern (i.e., those for which there is a specific criterion in the receiving water, and those for which a receiving water is impaired). The Water Locator can be accessed at *http://www.epa.gov/npdes/stormwater/msgp.*

In addition, operators will now be able to report all monitoring data electronically through the eNOI system. This system for electronic reporting will be available in the next 6 months. All electronic reporting will be through EPA's on-line eNOI system, available at *http://www.epa.gov/npdes/eNOI.* EPA has delayed implementation of required monitoring for 6 months to ensure that the electronic reporting system is ready when monitoring begins.

Information Required for Notices of Intent (NOIs)

This permit specifies the information that is required to be provided in NOIs so that EPA can determine whether any further water quality-based requirements are necessary and to enable the eNOI system to automatically inform the operator of its specific monitoring requirements. Operators are required to provide more specific information regarding their receiving waterbody, including whether the waterbody is impaired, and, if so, for which pollutant it is impaired and whether there is an approved or established TMDL for the waterbody, and whether the waterbody is designated by a State or Tribal Authority as Tier 2 or 2.5 for antidegradation purposes. The operator also needs to identify if it is a new discharger, the size of its property, and which effluent guidelines it is subject to (if any). In addition, to enhance protection of endangered species, if the operator is certifying eligibility under Criterion E of Appendix E, then he/she will need to provide additional information supporting this certification. In addition, the operator is asked to specify if its facility will be inactive and unstaffed during the permit term, and, if so, for how long.

Water Quality-Based Effluent Limits

The permit contains water quality-based effluent limits (WQBELs) to ensure that discharges are controlled as necessary to meet water quality standards in receiving waters.

- Discharges to Impaired Waters—The permit contains different requirements for new and existing dischargers and for those that are discharging to impaired waters with a completed total maximum daily load (TMDL) as compared to those without a TMDL. New dischargers are only eligible for discharge authorization if they document that either there is no exposure to stormwater of the pollutant for which the water is impaired at the site, or the impairment pollutant is not present at the operator's site, or that the discharge is not expected to cause or contribute to a water quality standards exceedance. For existing discharges to impaired waters with a completed TMDL, EPA will inform the operator of any additional effluent limits or controls that are necessary for the discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL. The permittee is also required to monitor its discharge for any pollutant(s) for which the waterbody is impaired. For existing discharges to impaired waters without a completed TMDL, the permittee is required to control its discharge as necessary to meet water quality standards and to monitor for the pollutant(s) causing the impairment.
- Antidegradation Requirements—EPA has clarified how operators can meet antidegradation requirements in order to be authorized to discharge. If an NOI indicates that an operator is seeking coverage for a new discharge to a Tier 2 water (or a water considered to be a Tier 2.5 water), EPA will then determine if additional requirements are necessary to be consistent with the applicable antidegradation requirements, or if an individual permit application is necessary. Furthermore, operators are not eligible for coverage under this permit if they are discharging to waters designated by a State or Tribe as Tier 3 for antidegradation purposes.

Protection of Endangered Species

During EPA's consultation with the Fish & Wildlife Service and National Marine Fisheries Service (''the Services'') pursuant to section 7(a)(2) of the Endangered Species Act (ESA), modifications have been made to the directions provided to operators in Appendix E regarding steps that must be followed to properly certify eligibility under Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection). In addition, certain benchmarks have been revised to provide greater protection to listed species. EPA revised the ammonia benchmark from 19 mg/L to 2.14 mg/L to provide a better indicator of the adverse impact to endangered mussel species. EPA selected this benchmark based on a level that is considered protective of mussel species in waters up to pH 8; it will also be protective of other species in waters with a pH up to 8.5.

Also, EPA adjusted the benchmarks for six hardness-dependent metals (i.e., silver, cadmium, lead, nickel, copper, and zinc) so that the benchmark concentrations are site-specific depending on the hardness levels in the receiving water. This change affects 12 sectors. Where a permittee is required to monitor for a hardness-dependent metal, he/she must first determine the hardness value of the receiving water. The benchmark concentration is then determined by comparing the table of hardness ranges (see Appendix J) to the actual, measured value for hardness in the receiving water. This change will provide better protection to some listed species and will further ensure that discharges do not cause or contribute to exceedances of water quality standards with numeric criteria expressed as hardness-dependent values.

Corrective Actions

This permit specifies corrective actions required of permittees. The provisions in Part 3 specify the types of conditions at the site that trigger corrective action requirements, what must be done to address such conditions and ensure that the permittee remains in compliance with the permit, or promptly returns to compliance in the case of violations, and the deadlines for completing corrective action. The permit also clarifies that not conducting required corrective action is a permit violation in and of itself, in addition to any underlying violation that may have triggered the requirement for corrective action. A summary of all corrective actions initiated and/or completed each year must be reported to EPA in the

annual comprehensive site inspection report.

Monitoring

Several of the changes made in this permit to the monitoring requirements of the MSGP 2000 are listed below.

• Inactive and unstaffed sites may exercise a waiver for benchmark monitoring and quarterly visual assessments as long as there are no industrial materials or activities exposed to stormwater at the sites. Because of the difficulty of accessing remote sites, operators of mining operations that are inactive and unstaffed may continue to exercise this waiver without demonstrating that its industrial materials or activities are not exposed to stormwater, but EPA may impose alternate, site-specific requirements where necessary for the protection of water quality standards.

• Unless subject to a waiver, or an alternative schedule for climates with irregular stormwater runoff, permittees must monitor quarterly during year 1 for benchmarks. Following 4 quarters of benchmark monitoring, if the average of the 4 monitoring values does not exceed the benchmark for that specific parameter, the permittee has fulfilled his/her benchmark monitoring requirements for that parameter for the permit term. If the average of the 4 quarters of monitoring values exceeds the benchmark, the permittee is required to perform corrective action and conduct an additional 4 quarters of monitoring, unless, the permittee determines (and documents in the SWPPP) that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the effluent limits in Part 2 of the permit. If such a determination is made, the permittee may reduce monitoring for that pollutant to once-per-year for the duration of the permit term. At any time prior to completion of the first 4 quarters of monitoring, if the permittee determines that it is mathematically certain that his/her average after 4 quarters will exceed the benchmark (e.g., the sum of results to date exceeds 4 times the benchmark), the permittee must review its control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data. If after the permittee has modified his/her control measures and conducted 4 additional quarters of monitoring, the average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), the permittee must again review his/her control measures and either resample an additional 4 times or document that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the effluent limits in Part 2 of the permit.

• A permittee who discharges a pollutant causing an impairment to an impaired waterbody must monitor once-per-year for that pollutant during a stormwater event if there is no TMDL for the waterbody. Monitoring may be waived after one year if the pollutant was not detected in the sample and the permittee documents that the pollutant is not exposed to stormwater at the site. Monitoring may also be waived if the permittee documents that the presence of a pollutant of concern in its discharge is attributable to natural background pollutant levels in stormwater runoff, and not to the activities of the permittee. If the discharge is to a waterbody for which a TMDL has established a WLA applicable to the facility, EPA will inform the permittee of specific monitoring instructions, including the pollutant(s) for which monitoring is to be conducted and the required frequency.

• Follow-up monitoring requirements have been added when results indicate a permittee's discharge exceeds a numeric effluent limitation to verify that control measures have been modified to control the discharge as necessary to meet the effluent limit. If the follow-up monitoring also exceeds the limit, the permittee must submit an exceedance report to EPA within 30 days of receiving the analytical data, documenting the reason for the exceedance and the corrective action taken to eliminate it, including a corrective action schedule where applicable.

• EPA has added provisions enabling dischargers to avoid corrective action and subsequent monitoring requirements if the exceedance of a benchmark is attributable solely to natural background levels of that pollutant in stormwater runoff. In order to use this provision, the discharger must: (1) Have benchmark results that show pollutant levels are less than or equal to the concentration of that pollutant in the natural background; (2) document the supporting rationale for concluding that benchmark exceedances are attributable solely to natural background pollutant levels; and (3) notify EPA in the fourth benchmark monitoring report that benchmark exceedances are attributable solely to natural background pollutant levels.

Annual Report

Permittees are now required to submit to EPA an annual report that includes the findings from their annual comprehensive site inspection report and a summary of corrective actions required and taken during the reporting period. EPA has provided a recommended form for each permittee to use in filing its annual report. See Appendix I.

Industry Sector-Specific Requirements

The following key elements of the permit are included in Part 8, which describes requirements specific to particular industry sectors:

• For many sectors, general requirements to address pollutant discharges from materials handling areas, fueling areas, etc. were consolidated in the technology-based effluent limits in Part 2.1 that are applicable to all sectors.

• Mining Sectors G, H, and J—The permit now specifically includes coverage for construction and exploration activities under this permit, where in the past those activities were required to be covered separately under the Construction General Permit (CGP). To facilitate such coverage, additional requirements have been added regarding site map preparation; management, inspection, maintenance, and cessation of clearing, grading, and excavation activities; monitoring frequency; and temporary and final stabilization. These new requirements largely mirror those in the CGP for these activities. The scope of coverage has also been clarified, and an exception provided to the requirement that inactive and unstaffed sites have no industrial materials or activities exposed to stormwater in order to exercise applicable monitoring and inspection waivers.

• Sector P—Text has been added to include illicit plumbing connections among the potential pollutant sources addressed, and a requirement has been added to document specific good housekeeping control measures used in each of the facility areas.

• Sector S—Requirements have been added emphasizing control measures, facility inspections, good housekeeping, vehicle and equipment washwater, and monitoring during the deicing season and for implementing controls to collect or contain contaminated melt water from collection areas used for disposal of contaminated snow.

• Sector AC—Electrical and electronic equipment and components has been added as a new subsector.

D. Permit Appeal Procedures

In accordance with 40 CFR part 23, this permit shall be considered issued for the purpose of judicial review on October 13, 2008. Under section 509(b) of the Clean Water Act, judicial review of this general permit can be had by filing a petition for review in the United States Court of Appeals with 120 days after the permit is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. In addition, rather than submitting an NOI to be covered under this permit, persons may apply for an individual permit as specified at 40 CFR 122.21 (and authorized at 40 CFR 122.28), and then petition the Environmental Appeals Board to review any conditions of the individual permit (40 CFR 124.19 as modified on May 15, 2000, 65 FR 30886).

IV. Compliance with the Regulatory Flexibility Act for General Permits

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The legal question of whether a general permit (as opposed to an individual permit) qualifies as a ''rule'' or as an ''adjudication'' under the Administrative Procedure Act (APA) has been the subject of periodic litigation. In a recent case, the court held that the CWA section 404 Nationwide general permit before the court did qualify as a ''rule'' and therefore that the issuance of the general permit needed to comply with the applicable legal requirements for the issuance of a ''rule.'' *National Ass'n of Home Builders* v. *U.S. Army Corps of Engineers*, 417 F.3d 1272, 1284–85 (DC Cir. 2005) (Army Corps general permits under section 404 of the Clean Water Act are rules under the APA and the Regulatory Flexibility Act; ''Each NWP [nationwide permit] easily fits within the APA's definition of a 'rule.'* * * As such, each NWP constitutes a rule * * *'').

As EPA stated in 1998, ''the Agency recognizes that the question of the applicability of the APA, and thus the RFA, to the issuance of a general permit is a difficult one, given the fact that a large number of dischargers may choose to use the general permit.'' 63 FR 36489, 36497 (July 6, 1998). At that time, EPA ''reviewed its previous NPDES general permitting actions and related statements in the **Federal Register** or elsewhere,'' and stated that ''[t]his review suggests that the Agency has generally treated NPDES general permits effectively as rules, though at times it has given contrary indications as to whether these actions are rules or permits.'' *Id.* at 36496. Based on EPA's further legal analysis of the issue, the Agency ''concluded, as set forth in the proposal, that NPDES general permits are permits [i.e., adjudications] under the APA and thus not subject to APA rulemaking requirements or the RFA.'' *Id.* Accordingly, the Agency stated that ''the APA's rulemaking requirements are inapplicable to issuance of such permits,'' and thus ''NPDES permitting is not subject to the requirement to publish a general notice of proposed rulemaking under the APA or any other law * * * [and] it is not subject to the RFA.'' *Id.* at 36497.

However, the Agency went on to explain that, even though EPA had concluded that it was not legally required to do so, the Agency would voluntarily perform the RFA's small-entity impact analysis. *Id.* EPA explained the strong public interest in the Agency following the RFA's requirements on a voluntary basis: ''[The notice and comment] process also provides an opportunity for EPA to consider the potential impact of general permit terms on small entities and how to craft the permit to avoid any undue burden on small entities.'' *Id.* Accordingly, with respect to the NPDES permit that EPA was addressing in that **Federal Register** notice, EPA stated that ''the Agency has considered and addressed the potential impact of the general permit on small entities in a manner that would meet the requirements of the RFA if it applied.'' *Id.*

Subsequent to EPA's conclusion in 1998 that general permits are adjudications, rather than rules, as noted above, the DC Circuit recently held that Nationwide general permits under section 404 are ''rules'' rather than ''adjudications.'' Thus, this legal question remains ''a difficult one'' (*supra*). However, EPA continues to believe that there is a strong public policy interest in EPA applying the RFA's framework and requirements to the Agency's evaluation and consideration of the nature and extent of any economic impacts that a CWA general permit could have on small entities (e.g., small businesses). In this regard, EPA believes that the Agency's evaluation of the potential economic impact that a general permit would have on small entities, consistent with the RFA framework discussed below, is relevant to, and an essential component of, the Agency's assessment of whether a CWA general permit would place requirements on dischargers that are appropriate and reasonable. Furthermore, EPA believes that the RFA's framework and requirements provide the Agency with the best approach for the Agency's evaluation of the economic impact of general permits on small entities. While using the RFA framework to inform its assessment of whether permit requirements are appropriate and reasonable, EPA will also continue to ensure that all permits satisfy the requirements of the Clean Water Act.

Accordingly, EPA hereby commits that the Agency will operate in accordance with the RFA's framework and requirements during the Agency's issuance of CWA general permits (in other words, the Agency commits that it will apply the RFA in its issuance of general permits as if those permits do qualify as ''rules'' that are subject to the RFA). In satisfaction of this commitment, during the course of this MSGP permitting proceeding, the Agency conducted the analysis and made the appropriate determinations that are called for by the RFA. In addition, and in satisfaction of the Agency's commitment, EPA will apply the RFA's framework and requirements in any future MSGP proceeding as well as in the Agency's issuance of other NPDES general permits. EPA anticipates that for most general permits the Agency will be able to conclude that there is not a significant economic impact on a substantial number of small entities. In such cases, the requirements of the RFA framework are fulfilled by including a statement to this effect in the permit fact sheet, along with a statement providing the factual basis for the conclusion. A quantitative analysis of impacts would only be required for permits that may affect a substantial number of small entities, consistent with EPA guidance regarding RFA certification [1].

[1] EPA's current guidance, entitled Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as Amended by the Small Business Regulatory

Continued

V. Quantitative Analysis of Economic Impacts of the MSGP

EPA has determined, in consideration of the discussion in section IV above, that the issuance of the MSGP potentially could affect a substantial number of small entities. Therefore, to determine what, if any, economic impact this permit may have on small businesses, EPA conducted an economic assessment of this general permit. Based on this assessment, EPA concludes that this permit will not have a significant economic impact on a substantial number of businesses, including small businesses. The estimated increased compliance cost per permittee ranges from a low of $8.37 per year to a high of $28.27 per year. All cost estimates are presented in 2005 dollars. As a percentage of annual sales, the expected incremental burden of these estimated costs is small. The cost-to-sales ratios are small across all MSGP sectors, with the largest impacts observed in Sectors I (0.003 percent) and P (0.003 percent).

These cost estimates reflect the incremental monitoring, documentation and reporting costs imposed by this permit, relative to the comparable costs for compliance with MSGP 2000. They do not include the costs of additional control measures that may be required as a result of more rigorous documentation and reporting requirements (e.g., for corrective action). EPA recognizes that these costs may be significant for some facilities, but believes that relatively few facilities will have significantly increased costs relative to MSGP 2000 because in most cases the underlying standards of control have not changed. EPA was unable to quantify these costs because EPA is not able to predict what site-specific additional control measures may be necessary in these limited cases.

Based on EPA's analysis, the Agency concludes that this permit will not result in a significant economic impact on a substantial number of small businesses. The factual basis for this conclusion is included in the economic analysis for the permit, available as part of the docket for this permit, and summarized above.

1. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 17, 2008.

Robert W. Varney,

Regional Administrator, EPA Region 1.

2. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 17, 2008.

Carl-Axel P. Soderberg,

Division Director, Caribbean Environmental Protection Division, EPA Region 2.

3. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 16, 2008.

Jon M. Capacasa,

Director, Water Protection Division, EPA Region 3.

4. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 16, 2008.

Timothy C. Henry,

Acting Director, Water Division, EPA Region 5.

5. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 17, 2008.

Miguel I. Flores,

Director, Water Quality Protection Division, EPA Region 6.

6. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 16, 2008.

Alexis Strauss,

Director, Water Division, EPA Region 9.

7. Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 16, 2008.

Christine Psyk,

Deputy Director, Office of Water and Watersheds, EPA Region 10.

[FR Doc. E8–22555 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

Enforcement and Fairness Act, was issued in November 2006 and is available on EPA's Web site: *http://www.epa.gov/sbrefa/documents/rfafinalguidance06.pdf.* After considering the Guidance and the purpose of CWA general permits, EPA concludes that general permits affecting less than 100 small entities do not have a significant economic impact on a substantial number of small entities.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8722–6]

Science Advisory Board Staff Office; Notification of a Public Teleconference of the Homeland Security Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference for the Agency and its federal partners to brief the Homeland Security Advisory Committee (HSAC) on their progress in developing the *Environmental Response Technical Assistance Document for Bacillus anthracis Terrorism Incidents (ERTAD).*

DATES: The public teleconference will be held on Wednesday, October 15, 2008, from 1 p.m. to 3 p.m. (Eastern time).

Location: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information regarding this public teleconference meeting should contact Ms. Vivian Turner, Designated Federal Officer, by telephone: (202) 343–9697 or e-mail at *turner.vivian@epa.gov.* The SAB mailing address is U.S. EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. General information about the SAB as well as any updates concerning this request for nominations may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice to the EPA Administrator on the technical basis for Agency policies and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. The SAB HSAC provides scientific and technical advice to the EPA Administrator through the chartered SAB on scientific matters pertaining to EPA's mission in protecting against the environmental and health consequences of terrorism.

EPA's Office of Solid Waste and Emergency Response (OSWER) is charged with preserving and restoring the land by using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by harmful substances. EPA has a major role in reducing the risk to human health and the environment posed by accidental or intentional releases of harmful substances. For emergency preparedness, response and homeland security, EPA works closely with sixteen other federal agencies on the Federal Government National Response Team (NRT). The NRT has asked OSWER to request consultative advice from the SAB HSAC on the *Environmental Response Technical Assistance Document for Bacillus anthracis Terrorism Incidents (ERTAD) (Formerly known as the Draft Federal Inter-Agency Anthrax Technical Assistance Document (TAD)).* The TAD was initially an interim technical resource document developed in

response to the 2001 anthrax incidents (Draft Federal Inter-Agency Anthrax Technical Assistance Document). The NRT requested the Weapons of Mass Destruction (WMD) Subcommittee to the Science and Technology Committee to revise the TAD based on consultative advice from the SAB. In response to OSWER's request, the SAB Staff Office solicited public nominations (73 FR no 61, page 16679–80) of experts with specific experience in the microbiology of anthrax to augment the SAB Homeland Security Advisory Committee (HSAC), who will conduct the consultation. The purpose of the teleconference is for the NRT to brief the HSAC on the ERTAD.

Availability of Meeting Materials: EPA's background materials for this briefing will be posted on a link on the front page of National Response Team Web site at *http://www.nrt.org*—under the Hot Topics Section.

The EPA technical contact for the ERTAD is Captain Colleen F. Petullo, USPHS, detailed to EPA's Office of Solid Waste and Emergency Response. Captain Petullo may be contacted by telephone at (702) 784–8004 or via e-mail at *petullo.colleen@epa.gov*. The agenda and other briefing materials for the upcoming public meeting will be posted on the SAB Web site at *http://www.epa.gov/sab.*

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the SAB Committee to consider on the topics under review. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public conference call will be limited to three minutes per speaker, with no more than a total of one half hour for all speakers. Interested parties should contact Ms. Turner, DFO, in writing (preferably via e-mail) at the contact information noted above, by October 10, 2008 to be placed on a list of public speakers for the meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by October 10, 2008 so that the information may be made available to the SAB Panel members for their consideration. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Ms. Turner at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: September 24, 2008.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. E8–22791 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8722–4]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations in New Jersey, New York, Puerto Rico and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between December 1, 2004 and June 30, 2008, the Region 2 Office of the Environmental Protection Agency (EPA), issued 11 final determinations, the New Jersey Department of Environmental Protection (NJDEP) issued 2 final determinations and the New York State Department of Environmental Conservation (NYSDEC) issued 3 final determinations pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21.

DATES: The effective dates for the above determinations are delineated in the chart at the end of this notice (*see* **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Frank Jon, Environmental Engineer of the Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, NY 10007–1866, at (212) 637–4085.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the Region 2 Office of the USEPA, the NJDEP, and the NYSDEC have made final PSD determinations relative to the facilities listed below:

Name	Location	Project	Agency	Final action	Date
Ecoelectrica, L.P.	Peñuelas, Puerto Rico.	Revision of existing PSD permit to include an updated ammonia slip monitoring method, some requirements related to auxiliary diesel generators, New Source Performance Standards (NSPS) related monitoring changes and a change affecting the timeline for reporting violations. These changes did not result in any increase in emissions or cause any adverse air quality impacts.	EPA ...	PSD Administrative Amendment.	February 11, 2005.
Amerada Hess Corp.	Port Reading, New Jersey.	Modifications to increase Fluid Catalytic Cracking Unit capacity by 4% from 62,500 barrels/day to 65,000 barrels/day. Additionally, Hess proposed a number of other projects and changes to provide for this increase in capacity and improve efficiency of operation and product quality.	NJDEP	PSD Permit Revision.	March 1, 2005.

Name	Location	Project	Agency	Final action	Date
Trigen-Nassau Energy Corporation.	Uniondale, New York.	A new 79.9 MW electric generating facility adjacent to the existing Trigen Central Utility Plant located in Uniondale, New York. The project consists of one General Electric (GE) LM6000 Sprint combustion turbine, a supplementally-fired heat recovery steam generator and a wet cooling tower. The turbine will primarily combust natural gas with low sulfur distillate oil as a backup and will be equipped with a selective catalytic reduction (SCR) system to control nitrogen oxide emissions and an oxidation catalyst to control emissions of carbon monoxide and volatile organic compounds and good combustion controls and low sulfur fuels to limit PM–10 emissions.	EPA ...	New PSD Permit.	March 31, 2005.
HOVENSA, L.L.C.	Christiansted, U.S. Virgin Islands.	Construction of a low sulfur fuels (LSF) unit and a hydrogen plant. Increase FCCU capacity from 150,000 BPD to 165,000 BPD. Modification of the existing petroleum refinery to produce gasoline and diesel meeting the new Tier 2 low sulfur gasoline and ultra low sulfur diesel requirements.	EPA ...	PSD Permit Modification.	July 21, 2005.
Besicorp-Empire Development Company, LLC.	Rensselaer, New York.	NYSDEC issued the original PSD permit on September 23, 2004. Due to financial reasons the company requested that the PSD permit be bifurcated into two separate, financially-independent facilities: (1) The Besicorp—Empire Power Generating Facility, a nominal 505 MW combined-cycle power plant; and (2) The Besicorp-Empire Recycled Newsprint Facility, a 330,000 metric ton-per-year recycled newsprint facility. This facility will also include an auxiliary boiler to supply steam for the processes.	NYSDEC.	PSD Permit Bifurcation.	December 8, 2005.
Besicorp-Empire Power Company, LLC.	Rensselaer, New York.	A proposed 505 MW combined-cycle cogeneration power plant. PSD permit revision to extend the permit expiration date to March 23, 2007.	NYSDEC.	PSD Permit Extension.	May 1, 2006.
Besicorp-Empire Newsprint, LLC.	Rensselaer, New York.	A proposed 330,000 metric ton-per-year recycled newsprint facility. PSD permit revision to extend the permit expiration date to March 23, 2007.	NYSDEC.	PSD Permit Extension.	May 1, 2006.
Puerto Rico Electric Power Authority (PREPA)—Cambalache Plant.	San Juan, Puerto Rico.	Removal of the Selective Catalytic Reduction (SCR) system due to the production of ammonia in excess of 100 ppm. In addition, lower the permitted fuel bound nitrogen in the fuel oil from 0.1% to 0.55%; lower the permitted PM and PM_{10} emission rates based on actual stack test data; add a limit of 780 startups per year; and allow operational flexibility by replacing a spinning reserve limit of 2,000 hours for each of the three turbines with a limit of 6,000 hours of spinning reserve for all three turbines combined.	EPA ...	PSD Permit Modification.	July 5, 2006.
CEMEX de Puerto Rico, Inc (formerly known as Puerto Rico Cement).	San Juan, Puerto Rico.	Replacement of the electrostatic precipitators (ESPs), the particulate controls for the kilns and associated equipment with baghouses. Co-combust tire derived fuel (TDF). These modifications will not result in any emission increases or have any effect on air quality.	EPA ...	PSD Administrative Amendment.	July 10, 2006.
Manchester Renewable Power Corporation.	Manchester Township, New Jersey.	Construction of six identical 2,233 brake horsepower, lean-burn reciprocating internal combustion engines and an electrical generator set (9.6 MW–Hour).	NJDEP	New PSD Permit.	October 4, 2006.
Besicorp-Empire Power Company, LLC.	Rensselaer, New York.	A proposed 505 MW combined-cycle cogeneration power plant. PSD permit revision to extend the permit expiration date to March 23, 2008.	EPA ...	PSD Permit Extension.	May 17, 2007.
Besicorp-Empire Newsprint, LLC.	Rensselaer, New York.	A proposed 330,000 metric ton-per-year recycled newsprint facility. PSD permit revision to extend the permit expiration date to March 23, 2008.	EPA ...	PSD Permit Extension.	May 17, 2007.
HOVENSA, L.L.C.	Christiansted, U.S. Virgin Islands.	Construction of a selective catalytic reduction (SCR) system to control NO_X from the low sulfur gasoline unit process heater and construction of an oxidation catalyst to control formaldehyde emissions from the combustion turbine. HOVENSA requested this modification due to changes in heater control efficiency guarantees and turbine model availability.	EPA ...	PSD Permit Modification.	November 27, 2007.
Cornell University.	Ithaca, New York.	New PSD permit to construct two 8 MW combined-cycle combustion turbine generators with supplemental firing at the central heating plant on the Cornell University campus.	EPA ...	New PSD permit.	June 3, 2008.

Name	Location	Project	Agency	Final action	Date
HOVENSA, L.L.C.	Christiansted, U.S. Virgin Islands.	The initial PSD permit issued on July 21, 2005 required HOVENSA to conduct a NO_X minimization program study. Based on the findings of this study HOVENSA requested a change in the NO_X limit for the FCCU. The original permit required a NO_X limit of 44 ppmvd @ 0% O_2 (365-day basis). This modification will reduce NO_X from the FCCU to 25 ppmvd @ 0% O_2 (365-day basis). NO_X emissions from the facility will be decreasing while all other pollutant emissions will remain the same.	EPA ...	PSD Administrative Amendment.	June 5, 2008.

This notice lists only the facilities that have received final PSD determinations. Anyone who wishes to review these determinations and related materials should contact the following offices:

EPA Actions: U.S. Environmental Protection Agency, Region 2 Office, Air Programs Branch—25th Floor, 290 Broadway, New York, New York 10007–1866.

NJDEP Actions: New Jersey Department of Environmental Protection, Division of Environmental Quality, Air Quality Permitting Element, Bureau of Preconstruction Permits, 401 East State Street, Trenton, New Jersey 08625.

NYSDEC Actions: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Stationary Sources, 625 Broadway, Albany, New York 12233–3251.

If the prerequisite in 40 CFR 124.19(e) has been met, judicial review of these determinations under section 307(b)(1) of the Clean Air Act (the Act) may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register**. Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: August 5, 2008.

Alan J. Steinberg,

Regional Administrator, Region 2.

[FR Doc. E8–22797 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8722–2; Docket ID No. EPA–HQ–OAR–2008–0699]

Notice of Workshop and Call for Information on Integrated Science Assessment for Ozone

AGENCY: Environmental Protection Agency.

ACTION: Notice; call for information.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing that the Office of Research and Development's National Center for Environmental Assessment (NCEA) is preparing an Integrated Science Assessment (ISA) as part of the review of the National Ambient Air Quality Standards (NAAQS) for ozone (O_3). This is intended to update the scientific assessment presented in the ''Air Quality Criteria for Ozone and Related Photochemical Oxidants'' (EPA 600/P–05/004aF–cF), published in February 2006. Interested parties are invited to assist the EPA in developing and refining the scientific information base for the review of the O_3 NAAQS by submitting research studies that have been published, accepted for publication, or presented at a public scientific meeting.

The EPA is also announcing that a workshop entitled, ''Workshop to Discuss Policy-Relevant Science to Inform EPA's Integrated Plan for the Ozone NAAQS,'' is being organized by NCEA and the EPA Office of Air and Radiation's Office of Air Quality Planning and Standards (OAQPS). The workshop will be held October 29–30, 2008, in Research Triangle Park, North Carolina. The workshop will be open to attendance by interested public observers on a first-come, first-served basis up to the limits of available space.

DATES: The workshop will be held on October 29 and 30, 2008. The pre-registration deadline is October 17, 2008. In response to the call for information, all communications and information should be received by EPA by November 3, 2008.

ADDRESSES: The workshop will be held at U.S. EPA, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina. An EPA contractor, E.H. Pechan & Associates, Inc., is providing logistical support for the workshop. To register, please use the on-line registration form at: *http://projects.pechan.com/epa/o3review/.* Please direct questions regarding workshop registration or logistics to E. H. Pechan & Associates at 919–493–3144, ext. 119, or Tricia Crabtree at 919–541–5688, or *e-mail: workshop.o3review@pechan.com.* For specific questions regarding technical aspects of the workshop see the section of this notice entitled **FOR FURTHER INFORMATION CONTACT**.

Information in response to the call for information may be submitted electronically, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions as provided in the section of this notice entitled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: For details on the period for submission of research information from the public, contact the Office of Air and Radiation (OAR) Docket, telephone: 202–566–1752, *facsimile*: 202–566–9744, or *e-mail*: *a-and-r-Docket@epa.gov*.

For technical information, contact James Brown, NCEA, *telephone*: 919–541–0765, *facsimile*: 919–541–1818, or *e-mail*: *brown.james@epa.gov*; or contact David McKee, OAQPS, *telephone*: 919–541–5288, or *e-mail*: *mckee.dave@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Information About the Project

Section 108 (a) of the Clean Air Act directs the Administrator to issue ''air quality criteria'' for certain air pollutants. These air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutants in the ambient air. * * *'' Under section 109 of the Act, EPA is then to establish National Ambient Air Quality Standards (NAAQS) for each pollutant for which EPA has issued criteria. Section 109 (d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. EPA is also to revise the NAAQS, if appropriate, based on the revised air quality criteria.

Ozone (O_3) is one of six principal (or ''criteria'') pollutants for which EPA has

established NAAQS. Periodically, EPA reviews the scientific basis for these standards by preparing an Integrated Science Assessment (ISA), formerly called an Air Quality Criteria Document (AQCD). The ISA and supplementary annexes are the scientific basis for the additional technical and policy assessments that form the basis for EPA decisions on the adequacy of a current NAAQS and the appropriateness of new or revised standards. Early steps in this process include announcing the beginning of this periodic NAAQS review and the development of the ISA, and NCEA requesting that the public submit scientific literature that they want to bring to the attention of the Agency as it begins this process. The Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee mandated by the Clean Air Act and part of the EPA's Science Advisory Board (SAB), is charged with independent/expert scientific review of EPA's draft ISAs. As the process proceeds, the public will have opportunities to review and comment on draft O_3 ISAs. These opportunities will also be announced in the **Federal Register**.

The Agency is interested in obtaining additional information, particularly concerning toxicological studies of effects of controlled exposure to O_3 on laboratory animals, humans, and *in vitro* systems, as well as epidemiologic (observational) studies of health effects associated with ambient exposures of human populations to O_3. EPA also seeks recent information in other areas of O_3 research such as chemistry and physics, sources and emissions, analytical methodology, transport and transformation in the environment, ambient concentrations, and effects on public welfare or the environment. This and other selected literature relevant to a review of the NAAQS for O_3 will be assessed in the forthcoming O_3 ISA.

As part of this review of the O_3 NAAQS, EPA intends to sponsor a workshop on October 29–30, 2008, to highlight significant new and emerging O_3 research, and to make recommendations to the Agency regarding the design and scope of the review for the primary (health-based) and secondary (welfare) O_3 standards to ensure that it addresses key policy-relevant issues and considers the new science that is relevant to informing our understanding of these issues. In addition, other opportunities for submission of new peer-reviewed, published (or in-press) papers will be possible as part of public comment on the draft ISAs that will be reviewed by CASAC. The workshop will provide an opportunity for internal and external experts to highlight significant new and emerging O_3 research, and to make recommendations to the Agency regarding the design and scope of the review for the O_3 standards to ensure that it addresses key policy-relevant issues and considers the new science relevant to informing our understanding of these issues. We intend that workshop discussions will build upon three prior publications or events:

1. National Ambient Air Quality Standards for Ozone: Final Rule (73 FR 16436, March 27, 2008). The preamble to the final rule included detailed discussions of policy-relevant issues central to the last review.

2. Air Quality Criteria for Ozone and Related Photochemical Oxidants (EPA 600/P–05/004aF–cF, February 2006). Please see *http://www.epa.gov/ttn/naaqs/standards/o3/s_o3_index.html* to obtain a copy of the 2006 Air Quality Criteria Document, the notice of final rulemaking from 2008, and other related documents.

3. December 2006 workshop sponsored by NCEA, entitled ''Interpretation of Epidemiologic Studies of Multi-pollutant Exposure and Health Effects.'' The workshop dealt with important issues relevant to this review, such as the interpretation and understanding of criteria air pollutant health effects analyses in population-level epidemiologic studies, with a focus on multi-pollutant exposures (71 FR 67566, November 22, 2006). Workshop participants are encouraged to review each of these documents and/or supporting materials thoroughly before the meeting begins, as they provide important insights into new scientific advances and key policy-relevant questions.

Based in large part on the input received during this workshop, EPA will develop a draft integrated O_3 NAAQS review plan that will outline the schedule, process, and approaches for evaluating the relevant scientific information and addressing the key policy-relevant issues to be considered in this review. The CASAC will be asked to conduct a consultation with the Agency on the draft integrated plan early next year, and the public will have the opportunity to comment on it as well. The final integrated plan will be used to frame each of the major elements of the O_3 review under the new NAAQS process: an integrated science assessment document, a risk/exposure assessment report, and a policy assessment to be published as an advance notice of proposed rulemaking (ANPR).

II. How To Submit Technical Comments to the Docket at www.regulations.gov

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0699 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-Docket@epa.gov*.
- *Fax*: 202–566–9744.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery*: The OEI Docket is located in the EPA Headquarters Docket Center, Room 3334 EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2008–0699. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *www.regulations.gov*, including any personal information provided, unless a 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 *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the

comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm*.

Docket: Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: September 23, 2008.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. E8–22799 Filed 9–26–08; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting

ACTION: Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

TIME AND PLACE: Tuesday, September 30, 2008 at 1 p.m. The meeting will be held at Ex-Im Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

OPEN AGENDA ITEM: PEFCO Secured Note Issues Resolutions.

PUBLIC PARTICIPATION: The meeting will be open to public participation for Item No. 1 only.

FOR FURTHER INFORMATION CONTACT: For further information, contact: Office of the Secretary, 811 Vermont Avenue, NW., Washington, DC 20571 (Telephone 202–565–3336).

Howard A. Schweitzer,

General Counsel.

[FR Doc. E8–22665 Filed 9–26–08; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 23, 2008.

SUMMARY: The Federal Communications Commission (Commission or FCC), as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 28, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. mail. To submit your comments by e-mail, send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, send them to Jerry Cowden, Federal Communications Commission, Room 1–B135, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) contact Jerry Cowden via e-mail at *PRA@fcc.gov* or at 202–418–0447.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Information Collection for the Preparation of Annual Reports to Congress regarding the Collection and Expenditure of Fees or Charges for the Support or Implementation of 911 or Enhanced 911 (E911) Services as set forth in the NET 911 Improvement Act of 2008, Public Law 110–283.

Form No.: Not applicable.

Type of Review: New collection.

Respondents: State, local or tribal government.

Number of Respondents and Responses: 56 respondents; 56 responses.

Estimated Time per Response: 30 hours (range of 10 to 50 hours).

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is NET 911 Improvement Act of 2008, Public Law 110–283.

Total Annual Burden: 1,680 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: This information collection does not affect individuals or households, and therefore a privacy impact assessment is not required.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Federal Communications Commission (Commission) is directed by statute (New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110–283, 122 Stat. 2620 (2008) (NET 911 Act)) to submit an annual ''Fee Accountability Report'' to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives ''detailing the status in each State of the collection and distribution [of] fees or charges'' for ''the support or implementation of 911 or enhanced 911 services,'' including ''findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.'' (NET 911 Act, 122 Stat. at 2622) The statute directs the Commission to submit its first annual report within one year after the date of enactment of the NET 911 Act. Given that the NET 911 Act was enacted on July 23, 2008, the first annual report is due to Congress on July 22, 2009.

Description of Information Collection: The Commission will collect

information for the annual preparation of the Fee Accountability Report via a Web-based survey that appropriate State officials (e.g., State 911 Administrators and Budget Officials) will be able to access to submit data pertaining to the collection and distribution of fees or charges for the support or implementation of 911 or enhanced 911 services, including data regarding whether their respective state collects and distributes such fees or charges, the nature (*e.g.*, amount and method of assessment or collection) and the amount of revenues obligated or expended for any purpose other than the purpose for which any such 911 or enhanced 911 service fees or charges are specified. Consistent with Sections 6(f) of the NET 911 Act, the Commission will request that state officials report this information with respect to the fees and charges in connection with implementation of 911 or E–911 services within their state, including any political subdivision, Indian tribe and/or village and regional corporation serving any region established pursuant to the Alaska Native Claims Settlement Act that otherwise lie within their state boundaries. In addition, consistent with the definition of ''State'' set out in 47 U.S.C. 153 (40) of the Communications Act, the Commission will collect this information from states as well as the District of Columbia and the inhabited U.S. Territories and possessions.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E8–22807 Filed 9–26–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Items from September 25, 2008 Open Meeting

September 25, 2008.

The following items have been deleted from the list of Agenda items scheduled for consideration at the September 25, 2008, Open Meeting and previously listed in the Commission's Notice of September 18, 2008, 73 FR 55082, September 24, 2008. Items 1 through 2, items 4 through 14, and item 16 have been adopted by the Commission.

Item No.	Bureau	Subject
1	Media	*Title:* Nameloc, Inc. (Assignor) and ABC, Inc. (Assignee) Application for Assignment of License of Station KDIS-FM (formerly KYFX(FM)), Little Rock, Arkansas. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning Applications for Review and Motions for Stay by Namloc, Inc. and Arkansas Regional Minority Supplier Development Council, *et al.*
2	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chillicothe and Ashville, Ohio) (MM Docket No. 99–322; RM–9762). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Franklin Communications, Inc., North American Broadcasting, Co., and WCLT Radio Incorporated.
4	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Emmetsburg, Sanborn and Sibley, Iowa, and Brandon, South Dakota) (MM Docket No. 01–65; RM–10078, RM–10188, RM–10189). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Saga Communications of Iowa, LLC.
5	Media	*Title:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vinton, Louisiana, Crystal Beach, Lumberton and Winnie, Texas) (MB Docket No. 02–212; RM–10516, RM–10618). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Charles Crawford.
6	Media	*Title:* Reexamination of the Comparative Standards for Noncommercial Educational Application (MM Docket No. 95–31). *Summary:* The Commission will consider a Memorandum Opinion and Third Order on Reconsideration concerning petitions for reconsideration against the Reexamination of the Comparative Standards for Noncommercial Educational Applicants.
7	Media	*Title:* Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation to Time Warner Cable Inc.; Adelphia Communications Corporation to Comcast Corporation; Comcast Corporation to Time Warner Inc.; Time Warner Inc. to Comcast Corporation (MB Docket No. 05–192). *Summary:* The Commission will consider an Order on Reconsideration concerning a Petition for Reconsideration by IBC Worldwide, Ltd.
8	Media	*Title:* RB Schools Applications for Construction Permit for New Noncommercial Educational FM Stations and Health Radio, Inc. Application for Construction Permit for a New Noncommercial Educational FM Station on Channel 216 at Knoxville, Tennessee. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning Applications for Review by RB Schools and Health Radio, Inc.
9	Media	*Title:* Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Caro and Cass City, Michigan) (MM Docket No. 01–33; RM–10060). *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Edward Czelada.
10	Media	*Title:* Oral Roberts University and Community Television Education, Inc. Applications for a Construction Permit for a New Noncommercial Educational Television Station on DTV Channel *26, Tulsa, OK. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning mutually exclusive permit applications for a construction permit for a new noncommercial educational DTV television station.
11	Media	*Title:* Edward A. Schober Application for a Construction Permit for a New FM Translator Station at Manahawkin, New Jersey.

Item No.	Bureau	Subject
12	Media	*Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Greater Philadelphia Radio, Inc. *Title:* Eagle Broadcasting Company, Inc. and Eagle II Broadcasting Company, Inc. and Saga Communications of New England, LLC Applications for Assignment of License of WHCU(AM), WYXL(FM), WNYY(AM), and WQNY(FM), Ithaca, New York. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Finger Lakes Alliance for Independent Media.
13	Media	*Title:* Royce International Broadcasting, Co., KM Communications, Inc., James K. Zahn, and Susquehanna Radio Corp. Applications for New AM Broadcast Stations. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Susquehanna Radio Corp. and a Petition for Reconsideration by James K. Zahn.
14	Media	*Title:* An Inquiry into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification (MM Docket No. 93–177). *Summary:* The Commission will consider a Second Report and Order and a Second Further Notice of Proposed Rulemaking concerning proposed changes to rules regarding AM directional antenna field strength measurements.
15	Media	*Title:* Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations (MB Docket No. 07–172; RM–11338). *Summary:* The Commission will consider a Report and Order concerning proposed changes to service rules for FM translators.
16	General Counsel	*Title:* A Freedom of Information Act (FOIA) request for inspection of records by Mary O'Grady and a request for confidential treatment by Fusion Telecommunications International, Inc. *Summary:* The Commission will consider an application for review of a ruling by the International Bureau granting a Freedom of Information Act request by Mary O'Grady and denying a request for confidentiality by Fusion Telecommunications International, Inc. regarding certain telecommunications agreements between Fusion and Telecommunications d'Haiti.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–22931 Filed 9–25–08; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Items From September 25, 2008 Open Meeting

September 25, 2008.

The following items have been deleted from the list of Agenda items scheduled for consideration at the September 25, 2008, Open Meeting and previously listed in the Commission's Notice of September 18, 2008, 73 FR 55082, September 25, 2008. Item 3 has been adopted by the Commission.

3	Media	*Title:* Kidd Communications and Pamplin Broadcasting-Oregon, Inc. Applications for a Construction Permit for New AM Station at Truckee, California and Jacksonville, Oregon. *Summary:* The Commission will consider a Memorandum Opinion and Order concerning an Application for Review by Kidd Communications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–22933 Filed 9–25–08; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 08–2090]

DIRS Reporting Data To Be Shared With Federal ESF–2 Agencies

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces that, in all future Disaster Information Reporting System (DIRS) activations, the Federal Communications Commission (FCC or Commission) will share DIRS data with the National Communications System (NCS) as well as with other Federal agencies authorized to participate in Emergency Support Function 2 (ESF–2) activities.

DATES: On September 11, 2008, the Commission announced that it will share DIRS reporting data with all other Federal ESF–2 agencies.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Chief Communications Systems Analysis Division, Public Safety and Homeland Security Bureau, Federal Communications Commission at (202) 418–1096 or *Jeffery.Goldthorp@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Public Safety & Homeland Security Bureau's Public Notice, DA 08–2090, released on September 11, 2008. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via e-mail at *FCC@BCPIWEB.COM.* Alternative

formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by sending an e-mail to *FCC504@fcc.gov* or calling the Consumer and Government Affairs Bureau at (202) 418–0530, TTY (202) 418–0432. This document is also available on the Commission's Web site at *http://www.fcc.gov.*

Synopsis of the Public Notice

On September 11, 2007, the Public Safety and Homeland Security Bureau (PSHSB) of the Federal Communications Commission (FCC or Commission) launched the Disaster Information Reporting System (DIRS), a voluntary, efficient, Web-based system that communications companies, including wireless, wireline, broadcast and cable providers, can use to report communications infrastructure status and situational awareness information during times of crisis. In the event of a DIRS activation, participating communications providers that serve areas affected by a disaster voluntarily submit information regarding, *inter alia,* the status of their communications equipment, restoration efforts, power (*i.e.*, whether they are using commercial power, generator or battery), and access to fuel. The Commission then compiles this data into reports which it shares with the National Communications System (NCS) in support of NCS's role as the primary agency for Emergency Support Function-2 (ESF–2) (Communications) of the National Response Framework. Because the information that communications companies input into DIRS is sensitive, for national security and/or commercial reasons, DIRS filings are non-public, and are considered presumptively confidential upon filing.

DIRS has had its initial activations during this 2008 hurricane season, first in response to Tropical Storm Fay, and then in response to Hurricane Gustav. In both cases, the information collected by DIRS was of significant value. It has become evident that sharing the data with other Federal government agencies involved in ESF–2 functions directly would enhance the value of DIRS by streamlining the reporting process and facilitating the accurate assessment of any damage to carrier infrastructure and the rapid restoration of that infrastructure. Accordingly, in future DIRS activations, the FCC will share DIRS data with NCS as well as with other Federal agencies authorized to participate in ESF–2 activities. The distribution of DIRS data to Federal agencies involved in ESF–2 does not alter the presumptively confidential nature of DIRS filings. DIRS data will remain non-public, and any Federal agency to which DIRS data is distributed must, under Federal law, respect the confidential nature of DIRS filings. *See* 44 U.S.C. 3510. The Commission's decision to enhance the value of DIRS by expanding its reach to all Federal government agencies on the ESF–2 team is a further example of the Commission's commitment to promoting the safety of life and property through the use of wire and radio communication, as required by the Communications Act of 1934, as amended, as well as to ensuring the continued effectiveness of ESF–2 and the National Response Framework.

Federal Communications Commission.

Derek K. Poarch,

Chief, Public Safety & Homeland Security Bureau.

[FR Doc. E8–22806 Filed 9–26–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY:

Background

Notice is hereby given of the final approval of proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Michelle Shore—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

OMB Desk Officer—Kimberly P. Nelson—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Report

Report title: The Recordkeeping and Disclosure Requirements in Connection with Regulation M (Consumer Leasing).

Agency form number: Reg M.

OMB control number: 7100–0202.

Frequency: On occasion.

Reporters: Consumer lessors.

Annual reporting hours: Disclosures, 533 hours; and advertising, 40 hours.

Estimated average hours per response: Disclosures, 6.5 minutes; and advertising, 25 minutes.

Number of respondents: 24.

General description of report: This information collection is mandatory (sections 105(a) and 187 of TILA (15 U.S.C. 1604(a) and 1667f)) and is not given confidential treatment.

Abstract: The Consumer Leasing Act and Regulation M are intended to provide consumers with meaningful disclosures about the costs and terms of leases for personal property. The disclosures enable consumers to compare the terms for a particular lease with those for other leases and, when appropriate, to compare lease terms with those for credit transactions. The act and regulation also contain rules about advertising consumer leases and limit the size of balloon payments in consumer lease transactions. The information collection pursuant to Regulation M is triggered by specific events. All disclosures must be provided to the lessee prior to the consummation of the lease and when the availability of consumer leases on particular terms is advertised.

Current actions: On July 14, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 40349) requesting public comment for 60 days on the extension, without revision, of this information collection. The comment period for this notice expired on September 12, 2008. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System.

Dated: September 24, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–22773 Filed 9–26–08; 8:45 am]

BILLING CODE 6210–01–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 October 14, 2008.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Randall E. Streifel, Powers Lake, North Dakota, to acquire voting shares of Liberty Bancorporation, Inc., and thereby indirectly acquire voting shares of Liberty State Bank, both of Powers Lake, North Dakota.

Board of Governors of the Federal Reserve System, September 24, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–22763 Filed 9–26–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 24, 2008.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. BHCB Holding Company, to become a bank holding company by acquiring 100 percent of the voting shares of Black Hills Community Bank, N.A., *a de novo bank*, both of Rapid City, South Dakota.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. First Artesia Bancshares, Inc., Artesia, New Mexico, to merge with AmFin Holding Company, and thereby indirectly acquire voting shares of AmBank, both of Silver City, New Mexico.

Board of Governors of the Federal Reserve System, September 24, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–22762 Filed 9–26–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act. The Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comments on its proposal to extend through October 31, 2011, the current OMB clearance for the information collection requirements contained in its Amplifier Rule. That clearance expires on October 31, 2008.

DATES: Comments must be filed by October 29, 2008.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Amplifier Rule: FTC File No. P974222'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room H-135, Annex J, 600 Pennsylvania Ave., NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Moreover, because paper mail in the Washington area and at the Agency is subject to delay, please consider submitting your comments in electronic form, as prescribed below. If, however, the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.''[1]

Comments filed in electronic form should be submitted via the following weblink: (*https://secure.commentworks.com/ftc-AmplifierRule*) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink: (*https://secure.commentworks.com/ftc-AmplifierRule*). If this notice appears at *www.regulations.gov*, you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it.

Comments should also be submitted to: Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission. Comments should be submitted via facsimile to (202) 395-6974 because U.S. Postal Mail is subject

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

to lengthy delays due to heightened security precautions.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, NJ-2122, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, (202) 326-2984.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501-3520, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. On June 18, 2008, the FTC sought comment on the information collection requirements pertaining to the Commission's Amplifier Rule (OMB Control Number 3084-0105).[2] No comments were received. Pursuant to the OMB regulations that implement the PRA (5 CFR Part 1320), the FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the Commission's Amplifier Rule. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before October 29, 2008.

The Amplifier Rule assists consumers by standardizing the measurement and disclosure of power output and other performance characteristics of amplifiers in stereos and other home entertainment equipment. The Rule also specifies the test conditions necessary to make the disclosures that the Rule requires.

Estimated annual hours burden: 450 hours (300 testing-related hours; 150 disclosure-related hours).

The Rule's provisions require affected entities to test the power output of amplifiers in accordance with a specified FTC protocol. The Commission staff estimates that approximately 300 new amplifiers and receivers come on the market each year. High fidelity manufacturers routinely conduct performance tests on these new products prior to sale. Because manufacturers conduct such tests, the Rule imposes no additional costs except to the extent that the FTC protocol is more time-consuming than alternative testing procedures. In this regard, a warm-up (''precondition'') period that the Rule requires before measurements are taken may add approximately one hour to the time testing would otherwise entail. Thus, staff estimates that the Rule imposes approximately 300 hours (1 hour x 300 new products) of added testing burden annually.

In addition, the Rule requires disclosures if a manufacturer makes a power output claim for a covered product in an advertisement, specification sheet, or product brochure. This requirement does not impose any additional costs on manufacturers because, absent the Rule, media advertisements, as well as manufacturer specification sheets and product brochures, would contain a power specification obtained using an alternative to the Rule-required testing protocol. The Rule, however, also requires disclosure of harmonic distortion, power bandwidth, and impedance ratings in manufacturer specification sheets and product brochures that might not otherwise be included.

Staff assumes that manufacturers produce one specification sheet and one brochure each year for each new amplifier and receiver. The burden of disclosing the harmonic distortion, bandwidth, and impedance information on the specification sheets and brochures is limited to the time needed to draft and review the language pertaining to the aforementioned specifications. Staff estimates the time involved for this task to be a maximum of fifteen minutes for each new specification sheet and brochure for a total of 150 hours ([300 new products x 1 specification sheet) + (300 new products x 1 brochure)] x 15 minutes).

The total annual burden imposed by the Rule, therefore, is approximately 450 burden hours for testing and disclosures.

Estimated annual cost burden: $19,000, rounded to the nearest thousand.[3]

Generally, electronics engineers perform the testing of amplifiers and receivers. Staff estimates a labor cost of $12,300 for such testing (300 hours for testing x $41 per hour). Staff assumes advertising or promotions managers prepare the disclosures contained in product brochures and manufacturer specification sheet and estimates a labor cost of $6,600 (150 hours for disclosures x $44 per hour). Accordingly, staff estimates the total labor costs associated with the Rule to be approximately $19,000 per year, rounded to the nearest thousand ($12,300 for testing + $6,600 for disclosures).

The Rule imposes no capital or other non-labor costs because its requirements are incidental to testing and advertising done in the ordinary course of business.

William Blumenthal,

General Counsel.

[FR Doc. E8–22811 Filed 9–26–08: 8:45 am]

[BILLING CODE 6750–01–S]

[2] 73 FR 34750.

[3] Staff's labor cost estimates are based on recent data from the Bureau of Labor and Statistics found here: (*http://www.bls.gov/news.release/pdf/ocwage.pdf*).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2895–FN]

Medicare and Medicaid Programs; Approval of Det Norske Veritas Healthcare, Inc. for Deeming Authority for Hospitals

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

ACTION: Final notice.

SUMMARY: This notice announces our decision to approve Det Norske Veritas Healthcare, Inc. (DNVHC) for recognition as a national accreditation program for hospitals seeking to participate in the Medicare or Medicaid programs.

DATES: *Effective Date:* This final notice is effective September 26, 2008 through September 26, 2012.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson, (410) 786–0310. Patricia Chmielewski (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered

services in a hospital provided certain requirements are met. The regulations specifying the Medicare conditions of participation (CoPs) for hospitals are located at 42 CFR part 482. These conditions implement section 1861(e) of the Social Security Act (the Act), which specifies services covered as hospital care and the conditions that a hospital program must meet in order to participate in the Medicare program. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to the activities relating to the survey and certification of facilities are at 42 CFR part 488.

Generally, in order to enter into a provider agreement, a hospital must first be certified by a State survey agency as complying with the conditions set forth in the statute and part 482 of the regulations. Then, the hospital is subject to routine surveys by a State survey agency to determine whether it continues to meet the Medicare requirements.

There is, however, an alternative to State compliance surveys. Certification by a nationally recognized accreditation program can substitute for ongoing State review. Section 1865(a)(1) of the Act (as amended by section 125(a) of the Medicare Improvements for Patients and Providers Act of 2008, Public Law 110–275, July 15, 2008) (MIPPA)) provides that, if a provider entity demonstrates through accreditation by an approved national accreditation organization that all applicable Medicare conditions are met or exceeded, we may ''deem'' those provider entities as having met the requirements. Accreditation by an accreditation organization is voluntary and is not required for Medicare participation.

If an accreditation organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, a provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. A national accreditation organization applying for approval of deeming authority under part 488, subpart A must provide us with reasonable assurance that the accreditation organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions.

II. Deeming Applications Approval Process

Section 1865(a)(3)(A) of the Act (as amended) provides a statutory time table to ensure that our review of deeming applications is conducted in a timely manner. The Act provides us with 210 calendar days after the date of receipt of a complete application, with any documentation necessary to make a determination, to complete our survey activities and application review process. Within 60 days of receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accreditation body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish an approval or denial of the application.

III. Provisions of the Proposed Notice and Response to Comments

On April 25, 2008, we published a proposed notice in the **Federal Register** (73 FR 22420) announcing DNVHC's request for approval as a deeming organization for hospitals. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act (as amended) and our regulations at § 488.4 (Application and reapplication procedures for accreditation organizations), we conducted a review of DNVHC's application in accordance with the criteria specified by our regulation, which include, but are not limited to the following:

- An onsite administrative review of DNVHC's (1) corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and, (5) survey review and decision-making process for accreditation;
- A comparison of DNVHC's hospital accreditation standards to our current Medicare hospital CoPs; and,
- A documentation review of DNVHC's survey processes to:
  - Determine the composition of the survey team, surveyor qualifications, and DNVHC's ability to provide continuing surveyor training;
  - Compare DNVHC's processes to those of State survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities;
  - Evaluate DNVHC's procedures for monitoring providers or suppliers found to be out of compliance with DNVHC program requirements. The monitoring procedures are used only when DNVHC identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at § 488.7(d);
  - Assess DNVHC's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner;
  - Establish DNVHC's ability to provide us with electronic data and reports necessary for effective validation and assessment of DNVHC's survey process;
  - Determine the adequacy of staff and other resources;
  - Review DNVHC's ability to provide adequate funding for performing required surveys;
  - Confirm DNVHC's policies with respect to whether surveys are announced or unannounced; and,
  - Obtain DNVHC's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with former section 1865(b)(3)(A) of the Act, (now section 1865(a)(3)(A) of the Act), the April 25, 2008 proposed notice also solicited public comments regarding whether DNVHC's requirements met or exceeded the Medicare CoPs for hospitals. We received 33 public comments in response to our proposed notice.

The majority of commenters expressed support for DNVHC's application for hospital deeming authority. Many of these commenters stated that it is important for hospitals to have alternatives for accreditation. Other commenters specifically voiced support for DNVHC's integration of the Medicare CoPs and the ISO 9001 quality management systems. These commenters stated that DNVHC's accreditation program provides hospitals with a unique, refreshing approach to ensure compliance with the Medicare requirements and facilitates continuous improvement.

Comment: One commenter stated that it would be inappropriate to issue DNVHC exclusive deeming authority to certify hospitals using the ISO 9001 standards and the Medicare CoPs.

Response: As a CMS approved national accreditation organization, DNVHC does not have exclusive deeming authority for hospitals based on a program that integrates the ISO 9001 standards and the Medicare hospital CoPs. Any accreditation organization that can demonstrate that its accreditation program meets or exceeds the Medicare requirements can apply for deeming authority. CMS' application process for deeming authority is outlined in the Code of Federal Regulations at § 488.4.

Comment: One commenter stated that although he agrees with DNVHC's premise, he believes that a single,

standardized, regulatory approach to healthcare is necessary.

Response: The Medicare CoPs are the minimum health and safety requirements that all hospitals must meet to participate in the Medicare program and serves as a single, standardized federal regulatory approach. Accreditation by an accreditation organization is voluntary and is not required for Medicare participation. A hospital may opt for routine surveys by a State survey agency to determine whether it meets the Medicare requirements.

Comment: One commenter stated that it is CMS' responsibility to review DNVHC's application thoroughly to ensure DNVHC will meet the intent of the regulations. This commenter also expressed concerns related to a potential conflict of interest issue as DNVHC currently provides Joint Commission readiness consulting services to prepare hospitals for a Joint Commission accreditation survey.

Response: All deeming applications are reviewed in accordance with the requirements at § 488.4 and § 488.8 to ensure that the applicant's accreditation program meets or exceeds Medicare's requirements. In terms of the conflict of interest issue raised by the commenter, DNVHC has provided a written statement as part of its application that this consultative service will be discontinued when DNVHC is approved as a nationally recognized accreditation organization for hospitals.

IV. Provisions of the Final Notice

A. Differences Between DNVHC's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared DNVHC's hospital accreditation requirements and survey process with the Medicare hospital CoPs and survey process as outlined in the State Operations Manual (SOM). Our review and evaluation of DNVHC's deeming application, which were conducted as described in section III of this final notice, yielded the following:

- DNVHC modified its policies related to the effective date of participation in Medicare for new providers in accordance with requirements at § 489.13;
- DNVHC modified its policies regarding time frames for sending and receiving a required plan of correction, and the required elements of an approved plan of correction in accordance with section 2728 of the SOM;
- DNVHC developed and conducted training for its surveyors to ensure that all deficiencies cited contain a regulatory reference, a clear and detailed description of the deficient practice and relevant finding;
- In accordance with § 488.3(a) and Appendix A of the SOM, DNVHC modified its policies to ensure that all off-campus provider based locations, satellite locations and services provided at remote locations that are under the hospital's CCN number will be surveyed at least once every three years;
- To meet the Medicare requirements at § 488.20(a) and § 488.28(a), DNVHC developed a policy regarding our requirements for submission of a plan of correction by the hospital and the completion of an onsite follow-up survey to determine compliance with Medicare CoPs after citing condition level noncompliance during a recertification survey;
- DNVHC developed a policy regarding condition level noncompliance identified during an initial certification survey for participation in Medicare in accordance with section 2005A2 of the SOM;
- DNVHC modified its policies regarding complaint investigation activities with appropriate licensing bodies and ombudsmen programs in accordance with the requirements at § 488.4(a)(6);
- DNVHC amended its interpretive guidance and surveyor tool to include the survey methods its surveyors would use to determine compliance with the requirements at § 482.12(f)(2), § 482.23(a), and § 482.23(c)(1);
- DNVHC amended its interpretive guidance and surveyor tools to meet the requirements at § 482.13(c)(3), § 488.22(c)(3), § 482.23(c)(3), § 482.24(c)(1)(iii), § 482.25(b)(2)(i), § 482.25(b)(6), § 482.25(b)(7), § 482.30(b)(3)(i), § 482.43(e), § 482.45(a)(1), § 482.51(a), § 482.52, § 482.53(b), § 482.54, § 482.54(a), and § 482.56;
- DNVHC added language to its standards, and interpretive guidance to address the requirements at § 482.13(e)(9), § 482.30, and § 482.30(b)(1)(ii)(A)–(B);
- DNVHC amended its policies by eliminating recommendations referred to as ''opportunities for improvement'' from the written survey findings to meet the requirements at § 488.28(a) and Section 2726 of the SOM.

B. Term of Approval

Based on the review and observations described in section III of this final notice, we have determined that DNVHC's requirements for hospitals meet or exceed our requirements. Therefore, we approve DNVHC as a national accreditation organization for hospitals that request participation in the Medicare program, effective September 26, 2008 through September 26, 2012.

V. Collection of Information Requirements

This document does not impose information collection and record keeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Authority: Section 1865 of the Social Security Act (42 U.S.C. 1395bb).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773, Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplemental Medical Insurance Program)

Dated: August 21, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E8–22585 Filed 9–25–08; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Plan for States/Territories for FFY 2010–2011 (ACF–118).

OMB No.: 0970–0114.

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for States and Territories is required from each CCDF Lead agency in accordance with Section 658E of the Child Care and Development Block Grant Act of 1990, as amended (Pub. L. 101–508, Pub. L. 104–193, and 42 U.S.C. 9858). The implementing regulations for the statutorily required Plan are set forth at 45 CFR 98.10 through 98.18. The Plan, submitted on the ACF–118, is required biennially, and remains in effect for two years. The Plan provides ACF and the public with a description of, and assurance about, the States or the Territories child care program. The ACF–118 is currently approved through June 30, 2009, making it available to States and Territories needing to submit Plan Amendments through the end of the FY 2009 Plan Period. However, in July 2009, States and Territories will be required to submit their FY 2010–2011

Plans. Consistent with the statute and regulations, ACF requests extension of the ACF–118 with minor corrections and modifications. The Tribal Plan (ACF–118a) is not affected by this notice.

Respondents: State and Territorial CCDF Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	0.50	162.57	4,551.96

Estimated Total Annual Burden Hours: 4,551.96

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 23, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8–22722 Filed 9–26–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Methodology for Determining Whether an Increase in a State's Child Poverty Rate Is the Result of the TANF Program—NPRM.

OMB No.: 0970–0186.

Description: In accordance with Section 413(i) of the Social Security Act and 45 CFR part 284, the Department of Health and Human Services (HHS) intends to reinstate the following information collection requirements. For instances when Census Bureau data show that a States child poverty rate increased by 5 percent or more from one year to the next, a State may submit independent estimates of its child poverty rate. If HHS determines that the States independent estimates are not more reliable than the Census Bureau estimates, HHS will require the State to submit an assessment of the impact of the TANF program(s) in the State on the child poverty rate. If HHS determines from the assessment and other information that the child poverty rate in the State increased as a result of the TANF program(s) in the State, HHS will then require the State to submit a corrective action plan.

Respondents: The respondents are the 50 States and District of Columbia; when reliable Census Bureau data become available for the Territories, additional respondents might include Guam, Puerto Rico and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Optional Submission of Data on Child Poverty from an Independent Source	54	1	8	432
Assessment of the Impact of TANF on the Increase in Child Poverty	54	1	120	6,480
Corrective Action Plan	54	1	160	8,640

Estimated Total Annual Burden Hours: 15,552.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

comments and suggestions submitted within 60 days of this publication.

Dated: September 24, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8–22752 Filed 9–26–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Protection and Advacacy (P&A) Voting Access Application and Annual Report.

OMB No.: 0970–0326.

Description: This is a revision to include the application for the previously cleared Help America Vote Act (HAVA) Annual report.

An application is required by Federal statute (the Help America Vote Act (HAVA) of 2002, Pub. L. 107–252, Section 291, Payments for Protection and Advocacy Systems, 42 U.S.C. 15461). Each State Protection & Advocacy (P&A) System must prepare an application in accordance with the program announcement.

There is no application kit; the P&As application may be in the format of its choice. It must, however, be signed by the P&As Executive Director or the designated representative, and contain the assurances as outlined under Part I.C. Use of Funds. The P&As designated representatives may signify their agreement with the conditions/assurances by signing and returning the assurance document Attachment B, found in Part IV of this Instruction. The assurance document signed by the Executive Director of the P&A, or other designated person, should be submitted with the application to the Administration on Developmental Disabilities.

An annual report is required by Federal statute (the Help America Vote Act (HAVA) of 2002, Pub. L. 107–252, Section 291, Payments for Protection and Advocacy Systems, 42 U.S.C. 15461). Each State Protection & Advocacy (P&A) System must prepare and submit an annual report at the end of every fiscal year. The report addresses the activities conducted with the funds provided during the year. The information from the annual report will be aggregated into an annual profile of how HAVA funds have been spent. The report will also provide an overview of the P&A goals and accomplishments and permit the Administration on Developmental Disabilities to track progress to monitor grant activities.

Respondents: Protection & Advocacy Systems—All States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, American Samoa, and Guam.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Protection and Advocacy (P&A) Voting Access Annual Report	55	1	16	880
Protection and Advocacy (P&A) Voting Access Application	55	1	20	1,100

Estimated Total Annual Burden Hours: 1,980.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 24, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8–22754 Filed 9–26–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0500]

Agency Information Collection Activities; Proposed Collection; Comment Request; Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the

notice. This notice solicits comments on the information collection provisions of FDA's requirements on content and format of labeling for human prescription drug and biological products.

DATES: Submit written or electronic comments on the collection of information by November 28, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3792.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products (OMB Control Number 0910–0572)—Extension

FDA's final rule entitled ''Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products'' (the final rule), which published on January 24, 2006 (71 FR 3922), and was effective on June 30, 2006, amended FDA's regulations governing the format and content of labeling for human prescription drug and biological products to require that the labeling of new and recently approved products contain highlights of prescribing information, a table of contents for prescribing information, reordering of certain sections, minor content changes, and minimum graphical requirements. These revisions were intended to make it easier for health care practitioners to access, read, and use information in prescription drug labeling; to enhance the safe and effective use of prescription drug products; and to reduce the number of adverse reactions resulting from medication errors due to misunderstood or incorrectly applied drug information.

A. Summary of Prescription Drug Labeling Content and Format Requirements That Contain Collections of Information

Section 201.56 (21 CFR 201.56) requires that prescription drug labeling contain certain information in the format specified in either § 201.57 (21 CFR 201.57) or § 201.80 (21 CFR 201.80), depending on when the drug was approved for marketing.

Section 201.56(a) sets forth general labeling requirements applicable to all prescription drugs. Section 201.56(b) specifies the categories of new and more recently approved prescription drugs subject to the revised content and format requirements in §§ 201.56(d) and 201.57. Section 201.56(c) sets forth the schedule for implementing these revised content and format requirements. Section 201.56(e) specifies the sections and subsections, required and optional, for the labeling of older prescription drugs not subject to the revised format and content requirements.

Section 201.57(a) requires that prescription drug labeling for new and more recently approved prescription drug products include ''Highlights of Prescribing Information.'' Highlights provides a concise extract of the most important information required under § 201.57(c) (the Full Prescribing Information (FPI)), as well as certain additional information important to prescribers. Section 201.57(b) requires a table of contents to prescribing information, entitled ''Full Prescribing Information: Contents,'' consisting of a list of each heading and subheading along with its identifying number to facilitate health care practitioners' use of labeling information. Section 201.57(c) specifies the contents of the FPI. Section 201.57(d) mandates the minimum specifications for the format of prescription drug labeling and establishes minimum requirements for key graphic elements such as bold type, bullet points, type size, and spacing.

Older drugs not subject to the revised labeling content and format requirements in § 201.57 remain subject to labeling requirements at § 201.80 (in the final rule, former § 201.57 was redesignated as § 201.80). Section 201.80(f)(2) requires that within 1 year, any FDA-approved patient labeling be referenced in the ''Precautions'' section of the labeling of older products and either accompany or be reprinted immediately following the labeling.

B. Estimates of Reporting Burden

The PRA information collection analysis in the final rule (71 FR 3964 through 3967) (currently approved under OMB Control Number 0910–0572) estimated the reporting burden for a multi-year period. We are requesting that OMB extend approval for the information in this collection as described below, which will continue to be submitted to FDA during this multi-year period.

Annual Burden for Prescription Drug Labeling Design, Testing, and Submitting to FDA for New Drug Applications (NDAs) and Biologics License Applications (BLAs) (§§ 201.56 and 201.57) (Table 1)

New drug product applicants must: (1) Design and create prescription drug labeling containing Highlights, Contents, and FPI, (2) test the designed labeling (e.g., to ensure that the designed labeling fits into carton-enclosed products), and (3) submit it to FDA for approval. Based on the projected data estimated in the final rule, FDA estimates that it takes applicants approximately 3,349 hours to design, test, and submit prescription drug labeling to FDA as part of an NDA or BLA under the revised regulations. Approximately 85 applicants submit approximately 107 new applications (NDAs and BLAs) to FDA per year, totaling 358,343 hours.

Burden Associated with Labeling Supplements for Applications Approved Within 5 Years Prior to the Effective Date of the Rule (§ 201.57) (Table 2)

The final rule required that prescription drug applications approved during the 5 years before, or pending on, the effective date conform to format and content requirements at § 201.57. For these products, applicants must redesign and negotiate the labeling, including Highlights and Contents, test the redesigned labeling, and prepare and submit that labeling to FDA for approval. Based on the projected data estimated in the final rule, labeling supplements for a total of approximately 344 innovator products are expected to be submitted to FDA over a 5-year period (beginning in year 3 and ending in year 7 after the effective date of the final rule). Approximately 172 applicants submit these labeling supplements, and the time required for redesigning, testing, and submitting the labeling to FDA is approximately 196 hours per application, totaling 67,424 hours.

Burden Associated with Revised Labeling Efficacy Supplements Submitted on or After the Effective Date of the Rule (§§ 201.56(d) and 201.57) (Table 2)

Efficacy supplemental applications for older drugs submitted to FDA on or after the effective date of the final rule are subject to the content and format requirements of §§ 201.56(d) and 201.57. To meet these requirements, applicants must revise the existing labeling for these products. Each year an increasing number of innovator drug labeling will have been revised, and over time, very few efficacy supplements independently will generate labeling revisions. Based on the projected data estimated in the final rule, the number of affected efficacy supplements over 10 years, beginning with year 3, is 186, with a decreasing number each year over the period. Approximately 172 applicants will trigger approximately 186 efficacy supplements, each one requiring approximately 196 hours to revise the labeling in the application, totaling 36,456 hours. (As stated in the final rule, in addition to this burden, a minimal annual reporting burden (fewer than 7) will continue indefinitely).

Burden Associated with Revised Labeling for Efficacy Supplements for Generic Drug Products (§ 201.57) (Table 2)

Based on the projected data estimated in the final rule, beginning in year 3 and continuing throughout the 10-year period analyzed, approximately 42 generic applicants per year must submit labeling supplements. Approximately 336 already approved generic drug applications must submit labeling supplements over the 10-year period after the effective date of the rule. The time required to revise and submit this labeling to FDA is approximately 27 hours per application, totaling 9,072 hours. (As stated in the final rule, in addition to this burden, a minimal annual reporting burden associated with a very small number of generic applications referencing older drugs may continue indefinitely).

C. Capital Costs

As discussed in the final rule, a small number of carton-enclosed products may require new packaging to accommodate longer inserts. As many as 5 percent of the existing products affected by the final rule (i.e., products with new efficacy supplements, products approved in the 5 years prior to the effective date of the rule, and affected abbreviated new drug applications) may require equipment changes at an estimated cost of $200,000 each product.

TABLE 1.—ESTIMATED REPORTING BURDEN FOR NEW DRUG APPLICATIONS[1]

Category (21 CFR Section)	No. of Respondents	No. of Responses per Respondent	Total Responses	Hours per Response	Total Hours
Annual Burden for Labeling Requirements in §§ 201.56 and 201.57	85	1.26	107	3,349	358,343
Total					358,343

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED REPORTING BURDENS FOR LABELING REVISIONS TO ALREADY-APPROVED DRUG PRODUCTS[1]

Category (21 CFR Section)	Year(s) In Which Burdens Occur After June 30, 2006	No. of Respondents	No. of Responses per Respondent	Total Responses	Hours per Response	Total Hours	Total Capital Costs
Burden associated with revised labeling for applications approved within 5 years prior to June 30, 2006 (§ 201.57)	Beginning year 3, ending year 7	172	2	344	196	67,424	$3.3 million
Burden associated with revised labeling for efficacy supplements submitted on or after June 30, 2006 (§§ 201.56(d) and 201.57)	Beginning year 3, diminishing over time	172	1.08	186	196	36,456	$2.5 million

TABLE 2.—ESTIMATED REPORTING BURDENS FOR LABELING REVISIONS TO ALREADY-APPROVED DRUG PRODUCTS[1]—Continued

Category (21 CFR Section)	Year(s) In Which Burdens Occur After June 30, 2006	No. of Respondents	No. of Responses per Respondent	Total Responses	Hours per Response	Total Hours	Total Capital Costs
Burden associated with revised labeling for efficacy supplements for generic drug products (§ 201.57)	Beginning year 3, continuing annually thereafter	42	8	336 (for years 1–10)	27	9,072	$2.5 million
Total						112,952	Up to $8.3 million

[1] There are no operating and maintenance costs associated with this collection of information.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations.gov*.

Dated: September 17, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–22731 Filed 9–26–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*.). To request a copy of the clearance requests submitted to OMB for review, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Office at (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Data Collection Tool for State Offices of Rural Health Grant Program: (New)

The mission of the Office of Rural Health Policy (ORHP) is to sustain and improve access to quality care services for rural communities. In its authorizing language (Sec. 711 of the Social Security Act [*42 U.S.C. 912*]), Congress charged ORHP with ''administer[ing] grants, cooperative agreements, and contracts to provide technical assistance and other activities as necessary to support activities related to improving health care in rural areas.''

The State Offices of Rural Health Grant Program (SORH) is authorized by Section 338J of the Public Health Service Act (42 U.S.C. 254r). The purpose of SORH is to assist States in strengthening their rural health care delivery systems by helping to support a focal point for rural health within each State. The program provides funding for an institutional framework that links rural hospitals, providers and communities with State and Federal resources to help develop long term solutions to rural health problems. The average annual award for each State based grantee is $150,000. The law provides for a Federal-State partnership, requiring a State funding match of $3 for each $1 of Federal funding. Over the past 16 years, this program has leveraged in excess of $200 million in State matching funds for rural health.

For SORH, program performance measures were drafted to provide data useful to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. ORHP seeks to collect information from grantees on their efforts to provide technical assistance to clients within their State. SORH grantees would be required to submit a Technical Assistance Report that includes: 1) The total number of technical assistance encounters provided directly by the grantee; and, 2) the total number of clients that received direct technical assistance from the grantee. Submission of the Technical Assistance Report would be done via e-mail to ORHP no later than 30 days after the end of each twelve month budget period.

The estimated average annual burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Technical Assistance Report	50	1	50	12.5	625
Total	50				625

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the ''attention of the desk officer for HRSA.''

Dated: September 22, 2008

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E8–22728 Filed 9–26–08; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Maternal and Child Health Services Title V Block Grant Program Guidance and Forms for the Title V Application/Annual Report (OMB No. 0915–0172): Revision

The Health Resources and Services Administration (HRSA) proposes to revise the *Maternal and Child Health Services Title V Block Grant Program—Guidance and Forms for the Application/Annual Report.* The guidance is used annually by the 50 States and 9 jurisdictions in making application for Block Grants under Title V of the Social Security Act, and in preparing the required annual report. The proposed revisions follow and build on extensive consultation received from a workgroup convened to provide suggestions to improve the guidance and forms.

The changes in this edition of the Maternal and Child Health Services Title V Block Grant Program Guidance and Forms for the Title V Application/Annual Report are primarily revisions to Section II—Needs Assessment. The purpose of these revisions is: (1) To provide more complete information on the Background and Conceptual Framework for the Needs Assessment Process (Part A); (2) to clarify what State grantees are to include in the Five Year Needs Assessment Document (Part B); (3) to better explain the information to include in the Annual Needs Assessment Summary/Update, both in the year when the five year Needs Assessment is conducted and in interim years (Part C); and (4) to update Figure 2, the Needs Assessment diagram, to reflect all aspects of the Needs Assessment process. In addition, other minor changes and clarifications are included throughout the document that primarily serves to make the instructions clearer for the respondent.

Such changes include the clarification of headings and the types of information that States may want to include in a particular section.

The estimated average annual burden is as follows:

Reporting document	Number of respondents	Responses per respondent	Total responses	Burden per response	Total burden hours	Cost per hour	Total hour cost
Application and Report without Needs Assessment (2009 & 2011)	59	1	59	270	15,930	$30	$477,900
Application with Needs Assessment (2010)	59	1	59	378.5	22,332	30	669,960
Total Average Annual Burden	59		59	306	18,054	30	541,620

The total estimate of annual burden is the average for the next three year period of Application submissions in which a Needs Assessment will be required once. The Application submissions (with and without the Needs Assessment) are based on the calendar year.

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 22, 2008.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E8–22729 Filed 9–26–08; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2008–0091]

Privacy Act of 1974; United States Citizenship and Immigration Services Benefits Information System

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate three legacy record systems: Justice/INS–013 INS Computer Linked Application Information Management System (CLAIMS) (67 FR 64132 October 17, 2002), Justice/INS–031 Redesigned Naturalization Application Casework System (RNACS) (67 FR 20996 April 29, 2002), and Justice/INS–033 I–551 Renewal Program Temporary Sticker Issuance I–90 Manifest System (SIIMS) (66 FR 6673 January 22, 2001) into one Department of Homeland Security/United States Citizenship and Immigration Services system of records notice titled, United States Citizenship and Immigration Services Benefits Information System. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been

consolidated and updated to better reflect the Department's immigration petition and application information record systems. This system will be included in the Department's inventory of record systems.

DATES: Written comments must be submitted on or before October 29, 2008. This new system will be effective October 29, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS–2008–0091 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–866–466–5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.
- *Docket:* For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Donald Hawkins (202–272–8000), USCIS Privacy Officer, 20 Massachusetts Avenue, NW., Washington, DC 20529. For privacy issues, please contact: Hugo Teufel III (703–235–0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107–296, Section 1512, 116 Stat. 2310 (November 25, 2002), the Department of Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act system of records notices for the maintenance of records that concern DHS/United States Citizenship and Immigration Services (USCIS) immigration application information record systems. As part of its mission, DHS implements United States immigration law and policy through the USCIS processing and adjudication of applications and petitions submitted for naturalization, request for lawful permanent residence, asylum, refugee status, and other immigrant and non immigrant benefits. USCIS also supports national security by preventing individuals from fraudulently obtaining immigration benefits and by denying applications submitted by individuals who pose national security or public safety threats.

USCIS receives and adjudicates petitions and applications for all United States immigrant and non immigrant benefits. This SORN covers the USCIS computer systems associated with processing all immigrant and non immigrant benefits applications and petitions except asylum, and refugee status. The following major computer systems maintain information covered by this SORN: CLAIMS 3, CLAIMS 4, the Redesigned Naturalization Application Casework System (RNACS); the Citizenship and Immigration Services Centralized Oracle Repository (CISCOR), the Interim Case Management System (ICMS), Integrated Voice Response System (IVRS), and the Integrated Card Production System (ICPS). These systems are referred to as the ''Benefits Information Systems'' throughout the remainder of this document.

System Information Use and Collection

Information in Benefits Information Systems includes information provided by the individual on the application and/or petition for an immigration benefits and non-immigrant benefits, and varies depending on the benefit. Additionally, these systems collect DHS transactional data that indicates which steps of the adjudication process have been completed such as an appointment to submit biometrics for a background check, other pending benefits, and/or whether the applicant is suspected of fraudulent activity that could bear on fitness or eligibility for the requested benefits.

Benefits Information Systems share information with many government systems internal and external to DHS. All information sharing is conducted within the parameters of existing Privacy Act of 1974 routine sharing requirements. All sharing is related to the purposes for which the information was originally collected.

In accordance with the Privacy Act of 1974, DHS is giving notice that it proposes to consolidate three legacy record systems: Justice/INS–013 INS Computer Linked Application Information Management System (CLAIMS) (67 FR 64132 October 17, 2002), Justice/INS–031 Redesigned Naturalization Application Casework System (RNACS) (67 FR 20996 April 29, 2002), and Justice/INS–033 I–551 Renewal Program Temporary Sticker Issuance I–90 Manifest System (SIIMS) (66 FR 6673 January 22, 2001) into one DHS/USCIS system of records notice titled, United States Citizenship and Immigration Services Benefits Information System. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been consolidated and updated to better reflect DHS/USCIS's immigration application information record systems. This system will be included in the DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where the systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency, to publish in the **Federal Register**, a description denoting the type and character of each system of records that the agency maintains, and the routine uses of information contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the Benefits Information Systems System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

System of Records:

DHS/USCIS–007

SYSTEM NAME:

United States Citizenship and Immigration Services Benefits Information System

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the United States Citizenship and Immigration Services Headquarters in Washington, DC and in field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include persons who have filed (for themselves or on the behalf of others) applications or petitions for immigration benefits (other than asylum and refugee) under the Immigration and Nationality Act, as amended, and/or who have submitted fee payments or received refunds from such applications or petitions; current, former and potential (e.g., fiancé) family members of applicants/petitioners; persons who complete immigration forms for applicants and petitioners (e.g., attorneys, form preparers); name of applicant's employer; and individuals who seek access to records retained in the Benefits Information System under the Freedom of Information/Privacy Acts (FOIA/PA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's name;
- Social Security Number (if applicable);
- A–Number (if applicable);
- Addresses;
- Telephone numbers;
- Birth and death information;
- Citizenship or nationality;
- Immigration status;
- Marital and family status;
- Personal characteristics (e.g., height and weight);
- Records regarding tax payment and financial matters;
- Records regarding employment;
- Medical records;
- Military and Selective Service records;
- Records regarding organization membership or affiliation;
- Biometric and other information collected to conduct background checks;
- DHS issued card serial numbers;
- Records regarding criminal history and other background check information; and
- Case processing information such as date applications were filed or received by USCIS; application/petition status, location of record, FOIA/PA or other control number when applicable, and fee receipt data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103; 8 U.S.C. 1363; and 31 U.S.C. 3512.

PURPOSE(S):

The purpose of this system is to assist in the automated processing of immigrant and nonimmigrant benefit petitions and applications. Both investigative and administrative records are maintained in this system to permit DHS/USCIS to function efficiently. Reports are also generated from the data within the system of records. This system of records notice enables DHS/USCIS to provide automated support to process applications and/or petitions for benefits; determine the status of pending applications and/or petitions for benefits; account for and control the receipt and disposition of any fees and refunds collected; conduct searches pursuant to FOIA and Privacy Act requests; and locate related physical and automated files to support DHS/USCIS responses to inquiries about these records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when:

1. DHS or any component thereof;

2. Any employee of DHS in his/her official capacity;

3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security 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 harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

I. To the Department of State for the purpose of assisting in the processing of petitions or applications for benefits

under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

J. To appropriate Federal, State, tribal, and local government law enforcement and regulatory agencies, foreign governments, and international organizations, for example: The Department of Defense; the Department of State; the Department of the Treasury; the Central Intelligence Agency; the Selective Service System; the United Nations; and the International Criminal Police Organization (INTERPOL); as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates to elicit information required by DHS to carry out its functions and statutory mandates.

K. To an appropriate Federal, State, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

L. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

M. To an attorney or representative (as defined in 8 CFR 1.1(j)) who is acting on behalf of an individual covered by this system of records in connection with any proceeding before DHS/USCIS or the Executive Office for Immigration Review.

N. To a Federal, State, tribal, or local government agency to assist such agencies in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the United States Government, or to obtain information that may assist USCIS in collecting debts owed to the United States Government; to a foreign government to assist such government in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to it provided that the foreign government in question:

1. Provides sufficient documentation to establish the validity of the stated purpose of its request; and

2. Provides similar information to the United States upon request.

O. To a coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

P. Consistent with the requirements of the Immigration and Nationality Act, to the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), or to any State or local health authorities, to:

1. Provide proper medical oversight of DHS-designated civil surgeons who perform medical examinations of both arriving aliens and of those requesting status as a lawful permanent resident; and

2. To ensure that all health issues potentially affecting public health and safety in the United States are being or have been, adequately addressed.

Q. To a Federal, State or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

R. To the Social Security Administration (SSA) for the purpose of issuing a Social Security number and card to an alien who has made a request for a Social Security number as part of the immigration process and in accordance with any related agreements in effect between the SSA, DHS and the Department of State entered into pursuant to 20 CFR 422.103(b)(3); 422.103(c); and 422.106(a), or other relevant laws and regulations.

S. To a former employee of DHS, in accordance with applicable regulations, for purposes of responding to an official inquiry by a Federal, State, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

T. To an individual's prospective or current employer to the extent necessary to determine employment eligibility.

U. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, or Executive Order.

V. To a Federal agency, where appropriate, to enable such agency to make determinations regarding the payment of Federal benefits to the record subject in accordance with that agency's statutory responsibilities.

W. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Through the Debt Management Center (DMC) at DHS, Benefits Information Systems information may be shared with credit reporting agencies. The primary mission of the DMC is to collect debts resulting from an individual's participation in DHS benefits programs. Benefits Information Systems share information with the DMC regarding fees charged during various application processes to ensure collection of debts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by individual's name and address, telephone numbers, birth and death information, A–Number, Social Security Number (SSN), records regarding citizenship, records regarding immigration status, marital and family status, personal characteristics (e.g., height and weight), records regarding tax payment and financial matters, records regarding employment, medical records, military and Selective Service records, records regarding organization

membership or affiliation, biometric and other information collected to issue immigration cards evidencing receipt of immigration benefits and to conduct background checks and necessary to determine the existence of criminal history or other history necessary to make immigration decisions. Records in the system may also include case processing information such as date applications were filed or received by USCIS, application/petition status, location of record, FOIA/PA or other control number when applicable, and fee receipt data, and by application/petition receipt number.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated system security access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

Electronic benefits information is archived and disposed of in accordance with the criteria approved by NARA. Electronic data pertaining to applications for naturalization will be deleted 15 years after the processing of the benefit being sought is completed. Information in the master file is destroyed 15 years after the last completed action with respect to the application. System documentation (e.g., manuals) are destroyed when the system is superseded, obsolete, or no longer needed for agency business.

Electronic records extracted from immigrant and nonimmigrant benefits applications and petitions other than naturalization, asylum, or refugee status completed by applicants or petitioners is destroyed after the data is transferred to the electronic master file and verified. Information in the master file is destroyed 15 years after the last completed action with respect to the application. Daily reports generated by associated information technology systems are maintained for 15 years by the service center that generated the reports and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Director, Office of Records Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Second Floor, Washington, DC 20529.

NOTIFICATION PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064–8010. Specific FOIA contact information can be found at *http://www.dhs.gov/foia* under ''Contacts.''

When seeking records about yourself from this system of records or any other USCIS system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information, USCIS will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the individuals covered by the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8–22802 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG 2006–25080]

Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials

ACTION: Notice of availability.

SUMMARY: The purpose of this notice is to announce the availability of the final version of a Navigation and Vessel Inspection Circular. This NVIC contains revised guidelines for evaluating the physical and medical conditions of applicants for merchant mariner's documents, licenses, certificates of registry and STCW endorsements, collectively referred to as ''credential(s).''

The new NVIC is numbered 04–08, and it is entitled ''Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials.'' It replaces NVIC 2–98, which is cancelled as of the effective date of NVIC 04–08.

DATES: NVIC 04–08 is effective on October 29, 2008.

ADDRESSES: NVIC 04–08 is available on the internet at *http://www.regulations.gov,* under this docket number [USCG 2006–25080]. It is also permanently available on the HOMEPORT internet Web site at: *http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-25023.*

The Department of Transportation Docket Management Facility maintains the public docket for this notice. All materials related to this NVIC are part of this docket and are 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. Copies of the docket may also be viewed on the Internet at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice or on NVIC 04–08, e-mail or call Captain Matthew D. Hall, MD, USPHS at the National

Maritime Center, 304–433–3551, e-mail: *matthew.d.hall@uscg.mil.*

For questions on viewing the docket, contact Renee V. Wright, Program Manager, Docket Operations, Office of Information Services, Office of the Assistant Secretary for Administration, Office of the Secretary, at M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone: 202–366–9826; e-mail: *renee.wright@dot.gov.*

SUPPLEMENTARY INFORMATION: On September 26, 2006, the Coast Guard published a notice announcing the availability of, and seeking public comment on, a draft Navigation and Vessel Inspection Circular (NVIC) to replace the existing NVIC 2–98, ''Physical Evaluation Guidelines for Merchant Mariner's Documents and Licenses.'' *See* 71 FR 56998. The contents of the draft NVIC (September 2006 draft NVIC) were developed from recommendations and input provided by the Merchant Marine Personnel Advisory Committee (MERPAC), the Towing Safety Advisory Committee (TSAC), and experienced maritime community medical practitioners. The public comment period ended on November 27, 2006.

The Coast Guard received comments from 46 mariners, 15 shipping companies, 6 pilots and pilot organizations, 2 government agencies, 8 advocacy groups, and 4 maritime unions.

The Coast Guard has made numerous changes to the draft NVIC based upon the public comments received, and further input provided by MERPAC and TSAC after the Notice of Availability for the draft NVIC published in the **Federal Register**. These changes have been incorporated into NVIC 04–08, entitled ''Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials,'' so as to create a guidance document that is more viable and responsive to the needs of the impacted community.

Discussion of the Changes From the Draft NVIC

We have revised the format of the NVIC to make it easier to understand and use, and we have added a direct link to the National Maritime Center (NMC) Medical Evaluations Web site on HOMEPORT. This Web site contains additional useful medical related information for credential applicants, such as recent articles and links to other relevant information.

There are now six enclosures instead of five to reflect a stand-alone enclosure for medications, and we have added a separate index and table of abbreviations for the medical conditions in enclosure (3) for ease of reference. We have also clarified, in the main body of the NVIC as opposed to only discussing it in the enclosures, that the guidance contained in the NVIC applies to applicants for original, renewal and raise in grade credentials.

Enclosure (1)—Medical Certification Standards

Minor changes were made to enclosure (1) to clarify a few concerns expressed in some comments. It was clarified that mariners with short-term conditions, such as a broken arm, have numerous flexible options at their disposal. They can request the credential be issued if they want to immediately deposit it with the Coast Guard until such time as they are healed. They may also choose not to apply for the credential until their condition has improved, or they may renew the credential for continuity purposes only until such time as their condition improves. We also added a warning in paragraph 10 of enclosure (1) advising that, under 18 U.S.C. 1001, criminal prosecution may result if false information is submitted to the Coast Guard with respect to the credential application process, by either the applicant or the medical practitioner responsible for the exams, tests, and/or physical demonstrations.

Finally, the information contained in the paragraphs of enclosure (1) was reorganized, at the recommendation of MERPAC, to make the enclosure flow more logically. Now, the first paragraph discusses original credentials, the second paragraph discusses renewals, the third paragraph discusses raises in grade, and the fourth and fifth paragraphs discuss STCW endorsements and certificates of registry, respectively.

Enclosure (2)—Physical Ability Guidelines

There were numerous changes made to this enclosure, starting with its title being changed from ''physical ability standards'' to ''physical ability guidelines'' at the request of TSAC and MERPAC. The physical ability guidelines listed in the table of enclosure (2) were significantly revised, based largely on input provided by TSAC. There were also three important changes made to the introductory text of the enclosure.

First, in response to multiple comments from vessel owner/operators expressing safety concerns related to obesity, we stated that if the examining medical practitioner doubts the applicant's ability to meet the guidelines contained within this table, and for all applicants with a Body Mass Index (BMI) of 40.0 or higher, the practitioner should require that the applicant demonstrate the ability to meet the guidelines. This does not mean, for example, that the applicant must actually don an exposure suit, pull an uncharged 1.5 inch diameter 50′ fire hose with nozzle to full extension, or lift a charged 1.5 inch diameter fire hose to fire fighting position. Rather, the medical practitioner may utilize alternative measures to satisfy himself or herself that the applicant possesses the ability to meet the guidelines in the third column. If an individual is unable to satisfactorily demonstrate the ability to meet these guidelines, a credential with appropriate limitations may be issued by the Coast Guard.

Second, in response to comments from the towing, offshore, and small passenger vessel industries expressing concern that the table (which is largely based upon Regulation I/9 and Table B–I/9–2 of the International Convention on Standards of Training, Certification & Watchkeeping for Seafarers, 1978 as (amended)) does not accurately reflect operating conditions on many ''smaller'' vessels, we clarified that applicants who cannot meet all of the physical ability standards contained in the table may propose suitable alternate standards that are reflective of their particular operating conditions. Such proposals will be given consideration by the Coast Guard on an individual case-by-case basis.

No consideration is being given to excluding broad classes of credential applicants from the guidance contained in the table, because for the most part, credentials issued by the Coast Guard are not vessel specific. They provide authority to work on different types and sizes of vessels, with each vessel having its own equipment and operating conditions.

Third, language was added to reflect the Coast Guard's understanding that all medical practitioners may not have the equipment necessary to test all of the tasks as listed in the third column of the table. In such cases, equivalent alternate testing methodologies may be used.

Various changes were made to the table itself to make compliance less burdensome for applicants. For example, the criterion listed in the third column of the table for ''participate in firefighting activities'' now states that the applicant should be able to pull an uncharged 1.5″ diameter, 50′ fire hose with nozzle to full extension, and to lift a charged 1.5″ diameter fire hose to fire fighting position. This criterion previously asked the applicant to

handle a 2.5″ diameter fire hose for a distance of 400′.

Enclosure (3)—Medical Conditions Subject to Further Review

First, at the request of MERPAC and TSAC, the title of enclosure (3) was changed and now more clearly reflects the Coast Guard's intended use of the information provided in enclosure (3). It is now called ''Medical Conditions Subject to Further Review'' instead of ''Potentially Disqualifying Medical Conditions.'' We also added the word ''recommended'' in front of ''evaluation data'' in the header of the table, so that it now reads ''recommended evaluation data.'' This change reflects the voluntary nature of this guidance document.

Moreover, this enclosure, which is the central component of the NVIC because it lists the medical conditions subject to further review, underwent substantial revision. Technical comments were received on specific medical conditions and were presented to MERPAC for review and recommendations. Many of the comments were implemented into this revision of the NVIC. Some of the significant changes to enclosure (3) are described below.

In the preface to enclosure (3), we clarified that the term ''history'' means a single previous diagnosis or treatment of a medical condition, even once in the applicant's life, unless otherwise specified in the table listing the medical conditions. For example, condition number 131 in the enclosure (3) table states ''history of invertebral disc surgery within the last 5 years.'' This means that invertebral disc surgery six years ago is not considered a medical condition which needs to be reported for review for purposes of this NVIC.

We also revised the discussion of evaluation data in the preface to enclosure (3). We clarified that all time frames specified in the table are measured from the date that the application is received by the Coast Guard. For example, if the table requires a medical test that is no more than 90 days old, the test should have been completed within the 90 days prior to the date that the application for the credential is received by the Coast Guard.

We also noted that for most conditions, the table does not contain a specific time frame as to how old a status report, evaluation report, or consultation (of whatever type) may be. For all active conditions, we added that the status report, evaluation report or consultation should have been completed no more than 1 year prior to the date the application is received by the Coast Guard. For conditions which are not active but for which the table indicates that a ''history of'' the condition should be reported, we added that the appropriate time frame depends on what is medically relevant given the individual circumstances of the applicant's condition. Medical providers may contact NMC, listed under **FOR FURTHER INFORMATION CONTACT**, if they have any question about how recent a status report, evaluation report, or consultation should be.

For example, an applicant with an acquired right bundle branch block (listed as condition number 54 under ''Heart'' in the enclosure (3) table) should submit a cardiology consultation that is no more than a year old at the time of application. An applicant with a prior history of gastrointestinal bleeding who is not currently suffering from, or under current treatment or observation for, the condition (listed as condition number 96 under ''Abdomen, Viscera and Anus Conditions'' in the enclosure (3) table), may be able to submit an internal medicine or gastroenterology consultation that is more than a year old if the report confirms that the applicant is free of symptoms and that the bleeding source has healed. In such a case, there would be no need for the applicant to undergo another consultation just for purposes of applying for a credential.

We also revised the respective evaluation data associated with the medical conditions to remove the word ''current'' that formerly preceded many of status reports, evaluation reports or consultations in the table. We discovered that in some places, the word ''current'' preceded the evaluation data, while in others it did not. As pointed out by MERPAC, this caused confusion as to how old the evaluation data may be because there is no definition of the term ''current'' in the NVIC.

We also clarified that medical providers may contact the NMC to discuss submitting acceptable alternate evaluation data to demonstrate that the applicant's medical status is appropriate for his/her duties and the limited scope of the credential being sought.

Finally, we added a paragraph explaining that the NMC may issue a letter specifying the extent of the evaluation data, if any, that should be submitted to the Coast Guard for any medical conditions that have been previously reported to, and evaluated by, the NMC. This means that an individual who has properly reported a medical condition, and provided the requisite evaluation data regarding it, may be excused from having to resubmit evaluation data for that condition in the future, but only if authorized by the NMC.

With respect to the table of medical conditions in enclosure (3), a number of changes were made to reduce unnecessary evaluations and clarify ambiguous criteria. The former condition number 111, pylonephrosis, was consolidated with condition number 110 and number 111 was deleted from the table. The former condition number 150, allergic encephalomyelitis, was also deleted from the table after it was determined, at the recommendation of MERPAC, that this condition was unnecessary.

A history of asthma symptoms was modified to episodes requiring emergency treatment in the past 2 years. A history of head trauma was revised to include only conditions within the last 10 years, and history of seizure disorder was changed to exclude febrile seizures prior to age 5. The criteria for asthma was changed to include only clinically significant moderate to severe asthma.

The supplemental evaluation information needed for cardiac conditions was clarified to include an exercise stress test versus a pharmacologic stress test. Mariners need to demonstrate adequate cardiopulmonary capacity to perform safety duties such as fire fighting and passenger evacuation. Pharmacologic stress tests evaluate coronary artery disease but do not provide information on cardiopulmonary capacity.

The recommended evaluation data for sarcoidosis, at the urging of certain maritime labor unions, was restated to be less extensive. The table now simply asks for pertinent medical records, pulmonology consultations, and names and dosages of medications.

In recognition of the distinction between substance or alcohol abuse and substance or alcohol dependence, conditions number 186 & 186a, respectively, in the enclosure (3) table were revised. Consistent with the medical diagnoses of these conditions, condition number 186 now covers history of substance or alcohol abuse, as defined in the current Diagnostic and Statistical Manual (DSM), within the last 5 years. Condition number 186a now covers history of substance or alcohol dependence, as defined in the current DSM, within the last 10 years. Reference to the Coast Guard standard of ''cure,'' which applies when credentials are subject to suspension and revocation but not necessarily when credentials are issued, has been deleted.

The evaluation data for these conditions has been accordingly changed to request only a current

evaluation report, including a determination that the individual is safe to return to work, from a DOT-qualified substance abuse professional (SAP), physician certified by the American Society of Addiction Medicine, or any other addiction specialist accepted by the Coast Guard, and reports from the rehabilitation clinic/center (if any). Documentation of at least 90 days of objectively measured and sustained total abstinence is also recommended evaluation data for dependence.

It was further modified that, for applicants with a history of substance abuse, if they are renewal and/or raise in grade applicants who have been subject to the dangerous drug testing requirements in 46 CFR Part 16 for at least 3 years, and if they have no verified non-negative drug test results for the entire time that they have held the credential being renewed and/or raised in grade, they need not submit any evaluation data for substance abuse.

Likewise, for applicants with a history of substance dependence, if they are renewal and/or raise in grade applicants who have been subject to the dangerous drug testing requirements in 46 CFR part 16 for at least 5 years, and if they have no verified non-negative drug test results for the entire time that they have held the credential being renewed and/or raised in grade, they need not submit any evaluation data for substance dependence.

This exception does not apply to alcohol abuse or dependence because there are no random, pre-employment, or periodic testing requirements for alcohol in 46 CFR Part 16 or 33 CFR part 95.

Enclosure (4)—Medications

The newly renumbered enclosure (4) contains information about illegal substances and intoxicants, and a non-exhaustive list of potentially disqualifying medications that may be subject to further medical review in accordance with enclosure (6). This information was a subset of the larger enclosure (3) in the September 2006 draft NVIC, but the Coast Guard agrees with the public comments and MERPAC input that there should be a separate enclosure dedicated to medications.

The information was also reorganized to make it a more useful reference. A definitions section has been added to the enclosure, and a new prohibitions section dealing with illegal substances and intoxicants has been included.

It was clarified that applicants, who complete a general medical exam, should report all prescription medications prescribed, filled or refilled and/or taken, and all non-prescription (over-the-counter) medications, including dietary supplements and vitamins, within 30 days prior to the date that they sign the CG–719K or approved equivalent form. The September 2006 draft NVIC stated that applicants should report all prescription and over-the-counter medications ''at the time of application,'' but the new language is much more precise in specifying what should be reported.

The non-exhaustive list of prescription and over-the-counter medications that may be subject to further medical review was also revised, primarily to eliminate redundancies in the medications listed and to adjust the allowable time frames for usage of some of the medications.

The use of motion sickness medications was also addressed to allow their use in accordance with directions. The use of anti-depressants for use in smoking cessation and other off-label indications was also allowed.

The Coast Guard understands the complexities associated with over-the-counter (OTC) medications and has revised the NVIC to strike a balance between the medical needs of mariners and public safety in response to comments. The Coast Guard intends to publish a guide for mariners on the use of OTC medications.

Enclosure (5)—Vision & Hearing Standards

The newly renumbered enclosure (5), which was previously enclosure (4) in the September 2006 draft NVIC, contains the same, unrevised vision standards from NVIC 2–98, but notes that the Coast Guard has proposed revising its vision standards in an ongoing rulemaking. The proposed vision standards would require applicants to meet vision acuity standards in one eye only rather than both eyes under the current rule. *See* 72 FR 3605, 3656 (Jan. 2007) (proposed 46 CFR 10.215(b)). The proposed vision standards would become the new visions standards for NVIC 04–08 if the proposed rule becomes an effective, final rule.

Color vision testing standards have also been clarified, with reference to the specific acceptable tests: 14 plate (which replaces the obsolete 16 plate), 24 plate, or 38 plate Ishihara plates tests, Farnsworth Lantern, or an alternative test approved by the NMC. We have also added an express reference to the 46 CFR 10.205(d)(2) prohibition on using color sensing lenses to assist applicants with passing the color vision test.

Finally, audiometer test hearing standards were adjusted from 20 decibels or less in each ear (unaided) to 30 decibels or less in the best ear (unaided). This allows for monaural hearing, provided the applicant has an unaided threshold of 30 decibels (unaided) in the ear. Applicants who are unable to meet the standards of the audiometer test, but who can pass the functional speech discrimination test, may be eligible for a waiver.

Enclosure (6)—Medical Review Process

Important changes were made to the newly renumbered enclosure (6), which was previously enclosure (5) in the September 2006 draft NVIC, in response to various public comments and MERPAC and TSAC input. Paragraph 2 of this enclosure was revised to clarify that a waiver may be granted in all cases, not necessarily limited to situations ''for a mariner with a borderline condition.'' Language was added at the end of paragraph 5.f. to expressly state that recommendations from private employers (and government agencies) made on behalf of applicants will be given full consideration by the NMC when considering a waiver.

Paragraph 7 was revised to clearly state that the NMC will review all information provided and make an appropriate determination as to one of the following outcomes: (a) Applicant is physically and medically qualified without any limitations, waivers and/or other conditions for issuance of the credential, (b) applicant is physically and medically qualified with limitations and/or other conditions for issuance of the credential, (c) applicant is not physically or medically qualified, but a credential may be issued with appropriate limitations, waivers and/or other conditions for issuance, (d) additional information is necessary to determine if applicant is physically and/or medically qualified, or (e) applicant is not physically and/or medically qualified.

Paragraph 8 was revised to clarify that the NMC will inform the applicant of the results of their waiver review. The appellate rights of applicants, who are affected by a waiver determination, are now fully explained in this paragraph as well. Likewise, in paragraph 9, the appellate rights of applicants who disagree with any conditions placed on their waivers are fully explained.

A new paragraph 10 was added to this enclosure to state that the NMC will, on a case-by-case basis, consider individual proposals from applicants (and their employers) for credentials to be issued with appropriate limitations, waivers, and/or other conditions in order to address concerns associated with

medical conditions (enclosure (3)) or the inability to meet the physical ability standards (enclosure (2)). This was added to articulate the Coast Guard's flexibility and willingness to consider the unique needs and work environments of individual mariners who are otherwise unable to meet the medical and/or physical standards specified in the NVIC.

Finally, at the request of both MERPAC and TSAC, a new paragraph 11 was added to this enclosure authorizing—but not requiring—the Coast Guard to designate certain medical practitioners as ''trusted agents'' to perform physical examinations on mariners. Physical examinations conducted by these designated trusted agents and/or their recommendations may be given more weight by the Coast Guard. The Coast Guard would specify the criteria for designation as a trusted agent if/when the Coast Guard initiates this program.

It is not anticipated that the NVIC will result in significantly higher rates of disqualification for mariners, nor in increased processing time for credential applications with physical and/or medical issues. To the contrary, the Coast Guard expects the process to be more consistent and less subjective, and that the application processing time will be reduced because all parties will know precisely what information is needed at the outset of the application process.

The Coast Guard did receive some comments that the NVIC may increase costs. Based on consultation with medical practitioners and MERPAC, we determined exams and documentation addressed by the NVIC are commonly required by current medical practice and will not represent a significant additional cost to the individual. The NVIC guidelines apply if the applicant has an underlying medical condition. The majority of medical evaluations and tests specified in the NVIC will be provided by the mariner's primary care provider or specialist as part of standard care.

Potential benefits associated with adoption of this NVIC include decreased credential application processing time and clearer medical and physical guidelines for merchant mariners. We also anticipate that public safety will improve as result of this NVIC, since mariners and the medical community would be aware of complete policy guidance that is consistent with current industry health care practice when evaluating medical conditions.

Dated: September 17, 2008.

J.G. Lantz,

Director of Commercial Regulations & Standards.

[FR Doc. E8–22724 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Landmarks Committee of the National Park System Advisory Board Meeting

AGENCY: National Park Service, U.S. Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act [5 U.S.C. Appendix (1988)], that a meeting of the Landmarks Committee of the National Park System Advisory Board will be held beginning at 1 p.m. on October 28, 2008 at the following location. The meeting will continue beginning at 9 a.m. on October 29.

DATES: October 28–29, 2008.

Location: The 2nd Floor Board Room of the National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Patricia Henry, National Historic Landmarks Program, National Park Service, 1849 C Street, NW. (2280), Washington, DC 20240; Telephone (202) 354–2216; e-mail *Patty_Henry@nps.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the National Park System Advisory Board of the qualifications of each property being proposed for National Historic Landmark (NHL) designation, and to make recommendations regarding the possible designation of those properties as National Historic Landmarks to the National Park System Advisory Board at its subsequent meeting at a place and time to be determined. The Committee also makes recommendations to the National Park System Advisory Board regarding amendments to existing designations and proposals for withdrawal of designation.

The members of the Landmarks Committee are:

Dr. Larry E. Rivers, Chair,
Dr. James M. Allan,
Dr. Cary Carson,
Ms. Mary Werner DeNadai, FAIA,
Dr. Alferdteen Brown Harrison,
Mr. E. L. Roy Hunt, J.D.,
Mr. Ronald James,
Dr. William J. Murtagh,
Dr. William D. Seale,
Dr. Jo Anne Van Tilburg.

The meeting will be open to the public. Pursuant to 36 CFR part 65, any member of the public may file, for consideration by the National Park System Advisory Board, written comments concerning the National Historic Landmarks nominations, amendments to existing designations, or proposals for withdrawal of designation. Comments should be submitted to J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street, NW. (2280), Washington, DC 20240; E-mail *Paul_Loether@nps.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.

The National Park System Advisory Board and Its Landmarks Committee may consider the following nominations:

Nominations

Arizona

- Sage Memorial Hospital School of Nursing, Ganado Mission, Ganado, AZ

California

- Steedman Estate/Casa del Herrero, Santa Barbara County, CA

Colorado

- Ludlow Tent Colony Site, Las Animas County, CO

Connecticut

- Richard Alsop IV House, Middletown, CT

Florida

- The Miami Circle at Brickell Point Site, Miami, FL

Illinois

- New Philadelphia Town Site, Pike County, IL

Minnesota

- Christ Church Lutheran, Minneapolis, MN

Pennsylvania

- Alfred Newton Richards Medical Research Laboratories and David

Goddard Laboratories Buildings, Philadelphia, PA

Wisconsin

• Aldo Leopold Shack and Farm, Fairfield & Lewiston Townships, WI

Proposals for Withdrawal of Designation

• Florence Mills House, New York City, NY

Dated: August 19, 2008.

J. Paul Loether,

Chief, National Historic Landmarks Program, National Park Service, Washington, DC.

[FR Doc. E8–22732 Filed 9–26–08; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2008–N0223; 96300–1671–0000 FY08 R4]

Request for Information and Recommendations on Species Proposals, Resolutions, Decisions, and Agenda Items for Consideration at the Fifteenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; U.S. Approach for the Meeting of the Conference of the Parties

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for information.

SUMMARY: To implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention), the Parties to the Convention meet periodically to review what species in international trade should be regulated and other aspects of the implementation of CITES. The fifteenth regular meeting of the Conference of the Parties to CITES (CoP15) is tentatively scheduled to be held in late January 2010 in Doha, Qatar. Therefore, with this notice we are soliciting recommendations for amending Appendices I and II of CITES at CoP15 as well as recommendations for resolutions, decisions, and agenda items for discussion at CoP15. We invite you to provide us with information and recommendations on animal and plant species that should be considered as candidates for U.S. proposals to amend CITES Appendices I and II. Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one Appendix to another, or the removal of species from Appendix II. We also invite you to provide us with information and recommendations on possible resolutions, decisions, and agenda items for discussion at the upcoming meeting. Finally, with this notice we also describe the U.S. approach to preparations for CoP15.

DATES: We will consider all information and comments received by November 28, 2008.

ADDRESSES: Send correspondence pertaining to species proposals to the Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 110, Arlington, Virginia 22203, or via e-mail to: *scientificauthority@fws.gov*. Comments and materials received pertaining to species proposals will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Division of Scientific Authority.

Send correspondence pertaining to resolutions, decisions, and agenda items to the Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203, or via e-mail at: *CoP15@fws.gov*. Comments and materials received pertaining to resolutions, decisions, and agenda items will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Division of Management Authority.

FOR FURTHER INFORMATION CONTACT: For information pertaining to species proposals: Rosemarie Gnam, Chief, Division of Scientific Authority, phone 703–358–1708, fax 703–358–2276, e-mail: *scientificauthority@fws.gov.*

For information pertaining to resolutions, decisions, and agenda items: Robert R. Gabel, Chief, Division of Management Authority, phone 703–358–2095, fax 703–358–2298, e-mail: *CoP15@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in the Appendices to CITES, which are available on the CITES Secretariat's Web site at *http://www.cites.org/eng/app/index.shtml*. Currently, 173 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by all the Parties at the meeting.

This is our first in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the U.S. submissions to and negotiating positions for the fifteenth regular meeting of the Conference of the Parties to CITES (CoP15). Our regulations governing this public process are found in 50 CFR 23.87.

Announcement of the Fifteenth Meeting of the Conference of the Parties

We hereby notify you of the convening of CoP15, which is tentatively scheduled to be held in late January 2010 in Doha, Qatar.

U.S. Approach for CoP15

What are the priorities for U.S. submissions to CoP15?

Priorities for U.S. submissions to CoP15 continue to be consistent with the overall objective of U.S. participation in the Convention: to maximize the effectiveness of the Convention in the conservation and sustainable use of species subject to international trade. With this in mind, we plan to consider the following factors in determining what issues to submit for inclusion in the agenda at CoP15:

(1) *Does the proposed action address a serious wildlife trade issue that the United States is experiencing as a range country for species in trade?* Since our primary responsibility is the conservation of our domestic wildlife resources, we will give native species highest priority. We will place particular emphasis on terrestrial and freshwater species with the majority of their range in the United States and its territories that are or may be traded in significant numbers; marine species that occur in U.S. waters or for which the United States is a major exporter; and threatened and endangered species for which we and other Federal and State agencies already have statutory responsibility for protection and recovery. We also consider CITES listings as a proactive measure to

monitor and manage trade in native species to preclude the need for the application of stricter measures, such as listing under the Endangered Species Act or inclusion in CITES Appendix I.

(2) *Does the proposed action address a serious wildlife trade issue for species not native to the United States?* As a major importer of wildlife and wildlife products, the United States has taken responsibility, by working in close consultation with range countries, for addressing cases of potential over-exploitation of foreign species in the wild. In some cases, the United States may not be a range country or a significant trading country for a species, but we will work closely with other countries to conserve species being threatened by unsustainable exploitation for international trade. We will consider CITES listings for species not native to the United States if those listings will assist in addressing cases of known or potential over-exploitation of foreign species in the wild, and in preventing illegal, unregulated trade, especially if the United States is a major importer. These species will be prioritized based on the extent of trade and status of the species, and also the role the species play in the ecosystem, with emphasis on those species for which a CITES listing would offer the greatest conservation benefits to the species, associated species, and their habitats.

(3) *Does the proposed action address difficulties in implementing or interpreting the Convention by the United States as an importing or exporting country, and would the proposed action contribute to the effective implementation of the Convention by all Parties?* Differences in interpretation of the Convention by 173 Party nations can result in inconsistencies in the way it is implemented. In addition, wildlife trade is dynamic and ever-changing, thus presenting problems when established procedures are not readily applicable to new situations. The United States experiences some of these problems and inconsistencies directly through its own imports and exports, but we also learn of these difficulties through our participation in various fora, such as the CITES Standing Committee and technical committees, and through discussions with other countries, non-governmental organizations, and the CITES Secretariat. When the United States cannot resolve these difficulties unilaterally or through bilateral discussions with trading partners, it may propose resolutions or decisions, usually in collaboration with other Parties, or have these topics included in the agenda of the meeting of the Conference of the Parties for discussion by all of the Parties.

(4) *Does the proposed action improve implementation of the Convention by increasing the quality of information and expertise used to support decisions by the Parties?* With increased complexity, sophistication, and specialization in the biological sciences and other disciplines, it is critical that the CITES Parties have the best available information upon which to base decisions that affect the conservation of wildlife resources. Where appropriate, the United States will recommend actions to ensure the availability of up-to-date and accurate information to the Parties, including through the establishment of relationships with relevant international bodies, including other conventions, interjurisdictional resource management agencies, and international non-governmental organizations with relevant expertise.

Request for Information and Recommendations for Amending Appendices I or II

One of the purposes of this notice is to solicit information and recommendations that will help us identify species that the United States should propose as candidates for addition to, removal from, or reclassification in the CITES Appendices, or to identify issues warranting attention by the CITES specialists on zoological and botanical nomenclature. This request is not limited to species occurring in the United States. Any Party may submit proposals concerning animal or plant species occurring in the wild anywhere in the world. We encourage the submission of information on species for possible inclusion in the Appendices if these species are subject to international trade that may be detrimental to the survival of the species. We also encourage you to keep in mind the U.S. approach to CoP15, described above in this notice, when determining what species the United States should propose for possible inclusion in the Appendices.

Complete proposals are not being requested at this time, but are always welcome. Rather, we are asking you to submit convincing information describing: (1) The status of the species, especially trend information; (2) conservation and management programs for the species, including the effectiveness of enforcement efforts; and (3) the level of international as well as domestic trade in the species, especially trend information. You may also provide any other relevant information, and we appreciate receiving a list of references.

The term ''species'' is defined in CITES as ''any species, subspecies, or geographically separate population thereof.'' Each species for which trade is controlled under CITES is included in one of three Appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic requirements for inclusion of species in the Appendices are contained in Article II of CITES. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in other CITES-listed species may be brought under effective control. Such listings frequently are necessary because of difficulty inspectors have at ports of entry or exit in distinguishing specimens of currently or potentially threatened species from other species. Because Appendix III only includes species that any Party may list unilaterally, we are not seeking input on possible U.S. Appendix-III listings with this notice, and we will not consider or respond to comments received concerning Appendix-III listings.

CITES specifies that international trade in any readily recognizable parts or derivatives of animals listed in Appendices I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organisms. With certain standard exclusions formally approved by the Parties, the same applies to the readily recognizable parts and derivatives of most plant species listed in Appendix II. Parts and derivatives usually not included (i.e., not regulated) for Appendix-II plants are: Seeds, spores, pollen (including pollinia), and seedlings or tissue cultures obtained in vitro and transported in sterile containers. You may refer to the CITES Appendices on the Secretariat's Web site at *http://www.cites.org/eng/app/index.shtml* for further exceptions and limitations.

In 1994, the CITES Parties adopted criteria for inclusion of species in Appendices I and II, which were revised at CoP14 (in Resolution Conf. 9.24 (Rev. CoP14)) in June 2007. These criteria apply to all listing proposals and are available from the CITES Secretariat's Web site at *http://www.cites.org*, or upon request from the Division of Scientific Authority at the above address. Resolution Conf. 9.24 (Rev.

CoP14) also provides a format for complete proposals.

What information should be submitted?

In response to this notice, to provide us with information and recommendations on species subject to international trade for possible proposals to amend the Appendices, please include as much of the following information as possible in your submission:

(1) Scientific name and common name;

(2) Population size estimates (including references if available);

(3) Population trend information;

(4) Threats to the species (other than trade);

(5) The level or trend of international trade (as specific as possible but without a request for new searches of our records);

(6) The level or trend in total take from the wild (as specific as reasonable); and

(7) A short summary statement clearly presenting the rationale for inclusion in or removal or transfer from one of the Appendices, including which of the criteria in Resolution Conf. 9.24 (Rev. CoP14) are met.

If you wish to submit more complete proposals for us to consider, please consult Resolution Conf. 9.24 (Rev. CoP14) for the format for proposals and a detailed explanation of each of the categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must also be in accordance with the precautionary measures described in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14).

What will we do with the information we receive?

One important function of the CITES Scientific Authority of each Party country is monitoring the international trade in plant and animal species, and ongoing scientific assessments of the impact of that trade on species. For native U.S. species listed in Appendices I and II, we monitor trade and export permits we authorize so we can prevent over-utilization and restrict exports if necessary. We also work closely with the States to ensure that species are correctly listed in the CITES Appendices (or not listed, if a listing is not warranted). We actively seek information about U.S. and foreign species subject to international trade. The information submitted will help us monitor trade and its impact, as well as help us decide if we should submit or co-sponsor a proposal to amend the CITES Appendices. However, there may be species that qualify for CITES listing but for which we may decide not to submit a proposal to CoP15. Our decision will be based on a number of factors, including available scientific and trade information, whether or not the species is native to the United States, and for foreign species, whether or not a proposal is supported or co-sponsored by at least one range country for the species. These factors and others are included in the U.S. approach to CoP15, described above in this notice. We intend to carefully consider all factors of the U.S. approach when deciding which species the United States should propose for possible inclusion in the Appendices.

We will consult range countries for foreign species, and for species we share with other countries, after receiving and analyzing the information provided by the public in response to this notice as well as other information available to us.

Request for Information and Recommendations on Resolutions, Decisions, and Agenda Items

Although we have not yet received formal notice of the provisional agenda for CoP15, we invite your input on possible agenda items that the United States could recommend for inclusion, or on possible resolutions and decisions of the Conference of the Parties that the United States could submit for consideration. Copies of the agenda and the results of the last meeting of the Conference of the Parties (CoP14) in The Hague, the Netherlands, in June 2007, as well as copies of all resolutions and decisions of the Conference of the Parties currently in effect, are available from the CITES Secretariat's Web site (*http://www.cites.org/*) or the Division of Management Authority at the above address.

Observers

Article XI, paragraph 7 of CITES provides: ''Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) International agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) National non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.''

National agencies or organizations within the United States must obtain our approval to participate in CoP15, whereas international agencies or organizations must obtain approval directly from the CITES Secretariat. We will publish information in a future **Federal Register** notice on how to request approved observer status. A fact sheet on the process is posted on our Web site at: *http://www.fws.gov/international/pdf/ob.pdf.*

Future Actions

The next regular meeting of the Conference of the Parties (CoP15) is tentatively scheduled to be held in late January 2010 in Doha, Qatar. We have developed a tentative U.S. schedule to prepare for that meeting. The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, and/or agenda items for discussion at CoP15, to the CITES Secretariat 150 days prior to the start of the meeting. In order to accommodate this deadline, we plan to publish a **Federal Register** notice approximately 10 months prior to CoP15 announcing tentative species proposals, draft resolutions, draft decisions, and agenda items to be submitted by the United States, and to solicit further information and comments on them.

Approximately 4 months prior to CoP15, we will post on our Web site an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP15. The deadline for submission of the proposals, draft resolutions, draft decisions, and agenda items to the Secretariat will be 150 days prior to the start of the meeting (tentatively late August 2009).

Through a series of additional notices and Web site postings in advance of CoP15, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at CoP15, and about how to obtain observer status from us. We will also publish announcements of public meetings tentatively to be held approximately 9 months prior to CoP15, and approximately 2 months prior to CoP15, to receive public input on our positions regarding CoP15 issues. The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined in 50 CFR 23.87. As noted,

we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the CoP and U.S. negotiating positions.

Author: The primary author of this notice is Anne St. John, Division of Management Authority, under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 10, 2008.

Pamela A. Matthes,

Acting Director.

[FR Doc. E8–22746 Filed 9–26–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on October 15–16, 2008 at the National Conservation Training Center, 698 Conservation Way, Shepherdstown, WV 25443. The meeting will be held in Room #161 Instructional West.

The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, has been established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—Changing Landscape White Paper.
—Geospatial Transition Paper.
—National Land Parcel Data Study.
—Imagery for the Nation Update.
—Geospatial Line of Business Update.
—NGAC Action Plan.

The meeting will include two opportunities for public comment. During the afternoon of October 15, comments specific to National Land Parcel Data may be offered. In addition, there will be a general public comment period during the morning of October 16. Comments may also be submitted to the NGAC in writing.

Members of the public who wish to attend the meeting must register in advance for clearance into the meeting site. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by October 10. While the meeting will be open to the public, seating may be limited due to room capacity.

Members of the public who cannot attend in person may listen to the meeting via conference call/web conference. Please register in advance for the conference call by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by October 10. Instructions will be provided. The number of participants may be limited by conference line capacity.

DATES: The meeting will be held on October 15 from 8:30 a.m. to 5 p.m. and on October 16 from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting are available at *http://www.fgdc.gov/ngac.*

Dated: September 19, 2008.

Ivan DeLoatch,

Staff Director, Federal Geographic Data Committee.

[FR Doc. E8–22761 Filed 9–26–08; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14907–K, F–14907–L, F–14907–N; AK–964–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to NANA Regional Corporation, Inc., Successor in Interest to Napaaktukmeut Corporation. The lands are in the vicinity of Noatak, Alaska, and are located in:

Kateel River Meridian, Alaska

T. 23 N., R. 18 W.,
Secs. 7 and 8;
Secs. 16 to 21, inclusive;
Secs. 28, 29, and 30.

Containing approximately 5,191 acres.

T. 26 N., R. 19 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 20, inclusive;
Secs. 21 and 22.

Containing approximately 10,111 acres.

T. 23 N., R. 20 W.,
Secs. 5 to 8, inclusive;
Secs. 18, 19, 30, and 31.

Containing approximately 4,600 acres.

T. 24 N., R. 20 W.,
Secs. 31, 32, and 33.

Containing approximately 1,787 acres.

T. 25 N., R. 20 W.,
Secs. 25 and 36.

Containing approximately 1,239 acres.

T. 26 N., R. 20 W.,
Secs. 1 and 2.

Containing approximately 1,246 acres.

T. 24 N., R. 21 W.,
Secs. 35 and 36.

Containing approximately 700 acres.

Aggregating approximately 24,874 acres.

The subsurface estate in these lands will be conveyed to NANA Regional Corporation, Inc. when the surface estate is conveyed to NANA Regional Corporation, Inc., Successor in Interest to Napaaktukmeut Corporation. Notice of the decision will also be published four times in the Arctic Sounder.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until October 29, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Michael Bilancione,

Land Transfer Resolution Specialist, Land Transfer Adjudication I.

[FR Doc. E8–22768 Filed 9–26–08; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before September 13, 2008. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by October 14, 2008.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARKANSAS

Cleburne County

Rector House, 603 West Quitman St., Heber Springs, 08001006

Johnson County

Hill, Taylor, Hotel, 409 Alabama St., Coal Hill, 08001007

COLORADO

La Plata County

Denver and Rio Grande Western Railroad Locomotive No. 315, 479 Main Ave., Durango, 08001008

Rio Grande County

Spruce Lodge, 29431 W. U.S. Hwy. 160, South Fork, 08001009

Routt County

Chamber of Commerce Building, 1201 Lincoln Ave., Steamboat Springs, 08001010

LOUISIANA

St. Martin Parish

Voorhies, D.W. House, 410 Washington St., St. Martinsville, 08001011

MARYLAND

Washington County

Tolson's Chapel, 111 E. High St., Sharpsburg, 08001012

Worcester County

St. Paul's by-the-sea Protestant Episcopal Church, 302 N. Baltimore St., Ocean City, 08001013

MONTANA

Flathead County

Lake McDonald Lodge Coffee Shop, Lake McDonald Lodge Blvd., Lake McDonald, 08001014

Wheeler Camp (Boundary Increase), (Glacier National Park MRA (AD)) Lake McDonald, Apgar, 08001015

NORTH CAROLINA

Wake County

Purefoy-Chappell House and Outbuildings, (Wake County MPS) 1255 S. Main St., Wake Forest, 08001016

OREGON

Linn County

Albany Monteith Historic District (Boundary Increase), Elm St. SW to Calapooia and 19th Ave. SW to 11th and 12th Aves. SW, Albany, 08001017

VIRGINIA

Arlington County

Aurora Highlands Historic District, (Historic Residential Suburbs in the United States, 1830–1960 MPS) Bounded by 16th St. S., S. Eads St., 26th St. S., and S. Joyce St., Arlington, 08001018

[FR Doc. E8–22733 Filed 9–26–08; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0050]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Identification Markings Placed on Firearms.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 28, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact John Spencer, Chief, Firearms Technology Branch, 244 Needy Road, Martinsburg, West Virginia 25405.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Identification Markings Placed on Firearms.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. *Other:* None. Each licensed firearms manufacturer or licensed firearm importer must legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number. Also, ATF requires minimum height and depth requirements for identification markings placed on firearms.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,962 respondents will take 5 seconds to mark the firearm.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: There are an estimated 2,500 annual total burden hours associated with this collection.

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

Dated: September 23, 2008.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E8–22788 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0029]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Records and Supporting Data: Daily Summaries, Records of Production, Storage, and Disposition, and Supporting Data by Licensed Explosives Manufacturers.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 28, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Shelia Hall, Explosives Industry Programs Branch, 99 New York Ave., NE., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Records and Supporting Data: Daily Summaries, Records of Production, Storage and Disposition and Supporting Data by Explosives Manufacturers.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. *Other:* None. These records show daily activities in the manufacture, use, storage, and disposition of explosive materials by manufacturers. The records are used to show where and to whom explosive materials are sent, thereby ensuring that any diversion will be readily apparent and, if lost or stolen, ATF will be immediately notified on discovery of the loss or theft. ATF requires that records be kept 5 years from the date a transaction occurs or until discontinuance of business or operations by the licensee.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,008 respondents will take 15 minutes to maintain each record.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 130,520 annual total burden hours associated with this collection.

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

Dated: September 23, 2008.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E8–22789 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Clean Diesel V

Notice is hereby given that, on August 26, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Clean Diesel V (''Clean Diesel V'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Wuxi Weifu Lida Catalytic Converter Co., Ltd., Jiangsu, PEOPLE'S REPUBLIC OF CHINA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Clean Diesel V intends to file additional written notifications disclosing all changes in membership.

On January 10, 2008, Clean Diesel V filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 25, 2008 (73 FR 10064).

The last notification was filed with the Department on June 24, 2008 and published in the **Federal Register** on July 29, 2008 (73 FR 43952).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8–22660 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Development and Evaluation of a Gas Chromatograph Testing Protocol

Notice is hereby given that, on August 26, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. (''the Act''), Southwest Research Institute—Cooperative Research Group on Development and Evaluation of a Gas Chromatograph Testing Protocol (''GCTP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, EffeTech, Ltd., Staffordshire, UNITED KINGDOM has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and GCTP intends to file additional written notifications disclosing all changes in membership.

On March 6, 2008, GCTP filed its original notification pursuant to Section6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 7, 2008 (73 FR 18813).

The last notification was filed with the Department on June 4, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 16, 2008 (73 FR 40882).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8–22663 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on August 28, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act'')/IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CREDU Co., Ltd., Seoul, REPUBLIC OF KOREA; DaulSoft Co., Ltd., Seoul, REPUBLIC OF KOREA; Laureate Online Education, Baltimore, MD; Miami-Dade College—Virtual College, Miami, FL; and Utah Valley University, Orem, UT have been added as parties to this venture. Also, Intrallect, Scotland, UNITED KINGDOM has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on June 10, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 21, 2008 (73 FR 42367).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8–22662 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Entertainment Content Ecosystem (DECE) LLC

Notice is hereby given that, on August 25, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Digital Entertainment Content Ecosystem (DECE) LLC (''DECE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Digital Entertainment Content Ecosystem (DECE) LLC, Culver City, CA. The nature and scope of DECE's standards development activities are: (1) To enable the delivery of digital entertainment content in a manner that allows for interoperability among digital formats and digital rights management systems; and (2) to develop specifications accordingly.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8–22661 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on August 18, 2008, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004–1412, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Cocaine (9041), a basic class of controlled substance listed in schedule II.

The company plans to import small quantities of ioflupane, in the form of three separate analogues of Cocaine, to validate production and QC systems; for a reference standard; and for producing material for future investigational new drug (IND) submission.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the

issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, VA 22152; and must be filed no later than October 29, 2008.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745), all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22873 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 24, 2008, Johnson Matthey Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066–1742, made application by letter to the Drug Enforcement Administration (DEA) as a bulk manufacturer of Gamma-Hydroxybutyric acid (2010), a basic class of controlled substance listed in schedule I.

The company plans on producing sodium oxybate for sale to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 28, 2008.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22874 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 19, 2008 and published in the **Federal Register** on May 27, 2008 (73 FR 30418), AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedule I and II:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Dextropropoxyphene, bulk (non-dosage form) (9273).	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers. In reference to drug code 7360 (Marihuana), the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic THC (7370). No other activity for this drug code is authorized for this registration.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of AMRI Rensselaer, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated AMRI Rensselaer, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22876 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 3, 2008 and published in the **Federal Register** on June 10, 2008 (73 FR 32736), Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import Phenylacetone for use as a precursor in the manufacture of amphetamine only.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Cambrex Charles City, Inc. to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cambrex Charles City, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of

the basic class of controlled substance listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22878 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 11, 2008 and published in the **Federal Register** on March 19, 2008 (73 FR 14839), AllTech Associates Inc., 2051 Waukegan Road, Deerfield, Illinois 60015, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Cocaine (9041)	II
Codeine (9050)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The company plans to import these controlled substances for the manufacture of reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of AllTech Associates Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated AllTech Associates Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22880 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 19, 2008 and published in the **Federal Register** on June 27, 2008 (73 FR 36572), Aptuit, 10245 Hickman Mills Drive, Kansas City, Missouri 64137, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Marihuana (7360), a basic class of controlled substance listed in schedule I.

The company plans to import a finished pharmaceutical product containing cannabis extracts in dosage form for packaging for a clinical trial study.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Aptuit to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Aptuit to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22881 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 19, 2008 and published in the **Federal Register** on June 27, 2008 (73 FR 36571), Aptuit (Allendale) Inc., 75 Commerce Drive, Allendale, New Jersey 07401, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Noroxymorphone (9668), a basic class of controlled substance listed in schedule II.

The company plans to import the basic class of controlled substance for clinical trials and research.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Aptuit (Allendale) Inc. to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Aptuit (Allendale) Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22882 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 19, 2008 and published in the **Federal Register** on March 28, 2008 (73 FR 16719), Alltech Associates Inc., 2051 Waukegan Road, Deerfield, Illinois 60015, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
4-Methylaminorex (cis isomer) (1590)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405)	I
4-Methoxyamphetamine (7411)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-Phenylcyclohexylamine (7460)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
Normorphine (9313)	I
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Dihydromorphine (9145)	II
Ecgonine (9180)	II
Meperidine intermediate-B (9233)	II
Noroxymorphone (9668)	II

The company plans to manufacture high purity drug standards used for analytical applications only in clinical, toxicological, and forensic laboratories.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Alltech Associates, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Alltech Associates Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22875 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 28, 2008 and published in the **Federal Register** on May 2, 2008 (73 FR 24313), Lin Zhi International Inc., 687 North Pastoria Avenue, Sunnyvale, California 94085, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
.....	
Tetrahydrocannabinols (7370)	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405).	I
Cocaine (9041)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II

The company plans to manufacture the listed controlled substances as bulk reagents for use in drug abuse testing.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Lin Zhi International Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Lin Zhi International Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22877 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 15, 2008 and published in the **Federal Register** on May 27, 2008 (73 FR 30418), Siegfried (USA), Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Oripavine (9330), a basic class of controlled substance listed in schedule II.

The company will use the above listed controlled substance in the manufacture of other controlled substance intermediates for sale to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Siegfried (USA), Inc. to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Siegfried (USA), Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: September 22, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E8–22879 Filed 9–26–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2008–0023]

Telecommunications; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the information collection requirement contained in the Standard on Telecommunications (29 CFR 1910.268). The purpose of this requirement is to ensure that employees have been trained as required by the Standard to prevent risk of death or serious injury.

DATES: Comments must be submitted (postmarked, sent, or received) by November 28, 2008.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2008–0023, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA–2008–0023). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled ''**SUPPLEMENTARY INFORMATION.**''

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of

occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Under the paperwork requirement specified by paragraph (c) of the Standard, employers must certify that his or her employees have been trained as specified by the performance-language training provision of the Standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collected would be used by employers as well as compliance officers to determine whether employees have been trained according to the requirements set forth in 29 CFR 1910.268(c).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirement contained in the Standard on Telecommunications (29 CFR 1910.268). In the existing ICR, the Agency calculated burden hours and cost for the training certification record for all employees working in the telecommunications industry. After further research, the Agency has found that this is not the case; only a percentage of employees in telecommunications customer service and all telecommunications equipment installers and repairers, and line installers and repairers are subject to the training requirement of the Standard. Therefore, OSHA is proposing to decrease the existing burden hour estimate for the collection of information requirement specified by the Standard from 4,202 hours to 1,507 hours, for a total decrease of 2,695 hours. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Telecommunications (29 CFR 1910.268).

OMB Number: 1218–0225.

Affected Public: Business or other for-profits; not-for-profit organizations; Federal Government; State, Local, or Tribal Government.

Number of Respondents: 668.

Frequency of Response: On occasion.

Average Time per Response: Three (3) minutes for an establishment to disclose training records and 3 minutes for the training record to be generated.

Estimated Total Burden Hours: 1,507.

Estimated Cost (*Operation and Maintenance*): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2008–0023). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2007 (72 FR 31159).

Signed at Washington, DC, on September 22nd, 2008.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8–22705 Filed 9–26–08; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering (1170).

Date/Time: October 15, 2008: 12 p.m. to 6:30 p.m.; October 16, 2008: 8 a.m.–12 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 375, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Shirah Pope, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22230.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Wednesday, October 15

Emerging Frontiers in Research and Innovation Update (EFRI)

Discussion of Potential Future ENG Topics
Overview of EHR Programs for Broadening Participation

Thursday, October 16

Report from Subcommittee on Broadening Participation and Discussion
Overview of the Division of Electrical Communications and Cyber Systems (ECCS)
ECCS Committee of Visitor's Report
Discussion with Arden Bement, Director and Kathie Olsen, Deputy Director, NSF

Dated: September 23, 2008.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E8–22753 Filed 9–26–08; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

U.S. Chief Financial Officer Council; Grants Policy Committee

ACTION: Notice of open stakeholder Webcast meeting and publication of draft Implementation Plan.

SUMMARY: This notice announces an open stakeholder Webcast meeting sponsored by the Grants Policy Committee (GPC) of the U.S. Chief Financial Officers (CFO) Council, as well as the publication of the Committee's draft Implementation Plan for public comment.

DATES: The GPC will hold a Webcast meeting on Tuesday, October 28, 2008 from 2–3:30 p.m., Eastern Time. The Webcast will be broadcast live. The GPC's draft Implementation Plan will be posted on *http://www.GPC.gov* as of the date of this notice and remain posted until at least November 7, 2008.

ADDRESSES: The GPC October 28 Webcast meeting will be broadcast from and held in Room B–180 of the U.S. Department of Housing and Urban Development (HUD), 451 7th Street, SW., Washington, DC 20410. Seating is limited—the first 50 people to respond, and receive confirmation of the response, can be part of the live audience. Both federal and non-federal employees must R.S.V.P. to reserve a seat by contacting Charisse Carney-Nunes at *GPCWebcast@nsf.gov.* All who have reserved seating must arrive at the HUD building fifteen minutes prior to broadcast (arrive on the North side of the building). You must have a government-issued photo ID to gain access and will have to go through security screening. The GPC encourages non-federal organizations staffs and members to attend the meeting in person or via Webcast.

Overview: This Webcast will serve several purposes: (1) To update the public on the latest news of the GPC; (2) to present the draft Implementation Plan to the public and allow for public comment; and (3) to update the public on the status of the pilot that will be conducted in furtherance of the Federal Financial Accountability and Transparency Act (Transparency Act) to collect federal grantee subaward data. Webcast presenters will be available for a question & answer period after the presentations.

Further Information about the GPC Webcast: Questions on the Webcast should be directed to Charisse Carney-Nunes, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; e-mail, *GPCWebcast@nsf.gov.* Information and materials that pertain to this Webcast meeting, including the call-in telephone number and the agenda will be posted on the Grants Policy Committee's Web site at *http://www.GPC.gov* on the ''Webcasts and Outreach'' page. The link to view the Webcast will be posted on this site, along with Webcast instructions. After the meeting, a link to its recording will be posted on *http://www.GPC.gov* for at least 90 days.

Comments Submission Information: You may submit comments during the Webcast meeting via telephone or e-mail. The call-in telephone number, which may be used only *DURING* the live Webcast, is 202–708–0995. The e-mail address for comments, which should be used only *DURING* the Webcast is *HUDTV@HUD.GOV.* After the Webcast, you may submit comments via e-mail through the close of business on Friday, November 7, 2008. The e-mail address for comments after the Webcast is *GPCWebcast@nsf.gov.*

SUPPLEMENTARY INFORMATION: This Webcast meeting has been made possible by the cooperation of the National Science Foundation, HUD, and the GPC.

Webcast Materials: Webcast materials including the agenda, the GPC's draft Implementation Plan, Webcast meeting slides, and feedback form are posted at *http://www.GPC.gov* on the Webcasts and Outreach page.

Purpose of the Webcast meeting: The purpose of the Webcast meeting is threefold: (1) To update the public on the latest news of the GPC; (2) to present the GPC's draft Implementation Plan to the public and allow for public comment; and (3) to update the public on the status of the pilot that will be conducted in furtherance of the Federal Financial Accountability and Transparency Act (Transparency Act) to collect federal grantee subaward data. Presenters will be available for a question and answer period after the presentations. A key purpose of the Webcast meeting is to seek stakeholder input into the language describing the GPC's planned implementation of its strategic plan, including the mapping of its potential products to fulfill the agreed-upon strategic objectives of the GPC. The Webcast materials are being offered to stimulate public input into the GPC's long-term planning and prioritization efforts and to receive input from stakeholders to inform government efforts as they relate to streamlining and stewardship of federal policy and practice relating to grants, cooperative agreements, and federal financial assistance.

Meeting structure and agenda: The October 28th Webcast meeting will have the following structure and agenda:

(1) Welcome;

(2) GPC Update;

(3) Draft Implementation Plan Presentation;

(4) Transparency Act Subaward Pilot update; and

(5) Participants' discussion, questions and comments.

Background: The GPC is a committee of the U.S. Chief Financial Officers (CFO) Council. The Office of Management and Budget (OMB) sponsors the GPC; its membership consists of grants policy subject matter experts from across the Federal Government. The GPC is charged with improving the management of federal financial assistance government-wide. To carry out that role, the committee recommends financial assistance policies and practices to OMB and coordinates related interagency activities. The GPC serves the public interest in collaboration with other Federal Government-wide grants initiatives.

Dated: September 23, 2008.

Thomas N. Cooley,

Director, Office of Budget, Finance and Award Management of the National Science Foundation and Chair of the Grants Policy Committee of the U.S. CFO Council.

Submitted for the National Science Foundation on September 23, 2008.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E8–22750 Filed 9–26–08; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG–5026.

FOR FURTHER INFORMATION CONTACT: Valerie Barnes, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 415–5944 or e-mail to *Valerie.Barnes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide in the agency's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, ''Fatigue Management for Nuclear Power Plant Personnel,'' is temporarily identified by its task number, DG–5026, which should be mentioned in all related correspondence. This regulatory guide provides a method that the staff of the NRC considers acceptable for complying with the Commission's regulations for managing personnel fatigue at nuclear power plants.

The regulations established by the NRC in Title 10, Part 26, of the Code of Federal Regulations (10 CFR part 26), ''Fitness for Duty Programs,'' establish requirements for ensuring that personnel are fit to safely and competently perform their duties. Subpart I, ''Managing Fatigue,'' of 10 CFR part 26 establishes requirements for managing personnel fatigue at nuclear power plants. The regulations in Subpart I provide a comprehensive and integrated approach to fatigue management, taking into account the multiple causes and effects of worker fatigue. The Commission recognizes that the potential for excessive fatigue is not solely based on extensive work hours, but also on other causal factors, such as stressful working conditions, sleep disorders, accumulation of sleep debt and the disruptions of circadian rhythms associated with shift work. These considerations are reflected in the requirements of the rule in order to ensure that licensees effectively manage worker fatigue and provide reasonable assurance that workers are able to safely and competently perform their duties.

A public meeting will be held on October 10, 2008 from 8:30 a.m. to 4:30 p.m. in room T10–A1 of the NRC headquarters building at Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852 to discuss this draft regulatory guide. For those unable to attend in person, they may participate via teleconference. The call in number is 1–888–469–0975 followed by the pass code 37181 and the # key.

II. Further Information

The NRC staff is soliciting comments on DG–5026. Comments may be accompanied by relevant information or supporting data, and should mention DG–5026 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from the comments. Comments may be submitted by any of the following methods:

1. *Mail to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

2. *E-mail to: nrcrep.resource@nrc.gov.*

3. *Hand-deliver to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

4. *Fax to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about DG–5026 may be directed to Valerie Barnes at (301) 415–5944 or e-mail to Valerie Barnes.

Comments would be most helpful if received by October 31, 2008. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG–5026 are available through the NRC's public Web site under Draft Regulatory Guides in the ''Regulatory Guides'' collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/.* Electronic copies are also available in ADAMS (*http://www.nrc.gov/reading-rm/adams.html*), under Accession No. ML081960515.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 22nd day of September, 2008.

For the Nuclear Regulatory Commission.

Stephen C. O'Connor,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E8–22780 Filed 9–26–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of September 29, October 6, 13, 20, 27, November 3, 2008.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 29, 2008

There are no meetings scheduled for the week of September 29, 2008.

Week of October 6, 2008—Tentative.

Monday, October 6, 2008

12:55 p.m. Affirmation Session (Public Meeting) (Tentative).

a. *Oyster Creek, Indian Point, Pilgrim*, and *Vermont Yankee* License Renewals, Docket Nos. 50–219–LR, 50–247–LR, 50–286–LR, 50–293–LR, 50–271–LR, Petition To Suspend Proceedings (Tentative).

b. *Pacific Gas and Electric Co.* (Diablo Canyon ISFSI), Docket No. 72–26–ISFSI, Decision on the Merits of San Luis Obispo Mothers for Peace's Contention 2 (Tentative).

c. *EnergySolutions* (Radioactive Waste Import/Export)—EnergySolutions'

Applications for Low-Level Radioactive Waste Import and Export Licenses (Tentative).

1 p.m. Discussion of Security Issues (Closed—Ex. 1 and 3).

Week of October 13, 2008—Tentative

There are no meetings scheduled for the week of October 13, 2008.

Week of October 20, 2008—Tentative

Wednesday, October 22, 2008

9:30 a.m. Briefing on New Reactor Issues—Construction Readiness, Part 1 (Public Meeting) (Contact: Roger Rihm, 301 415–7807).

1:30 p.m. Briefing on New Reactor Issues—Construction Readiness, Part 2 (Public Meeting) (Contact: Roger Rihm, 301 415–7807).

Both parts of this meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Week of October 27, 2008—Tentative

There are no meetings scheduled for the week of October 27, 2008.

Week of November 3, 2008—Tentative

Thursday, November 6, 2008

1:30 p.m. Briefing on NRC International Activities (Public Meeting) (Contact: Karen Henderson, 301 415–0202).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Friday, November 7, 2008

2 p.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Tanny Santos, 301 415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html*.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *darlene.wright@nrc.gov*.

Dated: September 24, 2008.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. E8–22906 Filed 9–25–08; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28388; 812–13529]

Morgan Stanley Series Funds, et al.; Notice of Application

September 23, 2008.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from rule 12d1–2(a) under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit funds of funds relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: Morgan Stanley Series Fund (the ''Trust''), Morgan Stanley Investment Advisors, Inc. (the ''Adviser''), Morgan Stanley Investment Management Ltd. (the ''Sub-Adviser'') and Morgan Stanley Distributors Inc. (the ''Distributor'').

FILING DATE: The application was filed on May 18, 2008 and amended on September 19, 2008.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 20, 2008 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, 522 Fifth Avenue, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Lewis Reich, Senior Counsel, at (202) 551–6919, or Janet M. Grossnickle, Assistant Director, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549–1520 (telephone (202) 551–5850).

Applicants' Representations

1. The Trust is organized as a Massachusetts business trust and is registered as an open-end management investment company under the Act. Applicants request the exemption to the extent necessary to permit any existing or future registered open-end management investment companies and their series advised by the Adviser or any entity controlling, controlled by, or under common control with, the Adviser that operate as ''funds of funds'' (the ''Applicant Funds'') and invest in other registered investment companies in reliance on section 12(d)(1)(G) of the Act and which is also eligible to invest in securities (as defined in section 2(a)(36) of the Act) in reliance on rule 12d1–2 under the Act (together with the Trust and its series, the ''Applicant Funds''), to also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').[1]

2. The Adviser and Sub-Adviser are both wholly-owned subsidiaries of Morgan Stanley registered as investment advisers under the Investment Advisers Act of 1940 (the ''Advisers Act''). The Adviser is the investment adviser for each series of the Trust. The Sub-Adviser serves as investment sub-

[1] Every existing entity that currently intends to rely on the requested order is named as an applicant. Any existing or future entity that relies on the order in the future will do so only in accordance with the terms and conditions in the application.

adviser to certain series of the Trust. The Distributor is a wholly-owned subsidiary of Morgan Stanley and a registered broker-dealer under the Securities Exchange Act of 1934. The Distributor provides marketing and distribution services to the Trust.

3. Consistent with its fiduciary obligations under the Act, each Applicant Fund's board of trustees or directors will review the advisory fees charged by the Applicant Fund's investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Applicant Fund may invest.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company (''acquiring company'') may acquire securities of another investment company (''acquired company'') if such securities represent more than 3% of the acquired company's outstanding voting stock or more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) The acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

3. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (1) Securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (2) securities (other than securities issued by an investment company); and (3) securities issued by a money market fund, when the investment is in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as defined in section 2(a)(36) of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act, or from any rule under the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

5. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1–2 under the Act, but for the fact that the Applicant Funds may invest a portion of their assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Applicant Funds to invest in Other Investments. Applicants assert that permitting the Applicant Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2) to the extent that it restricts any Applicant Fund from investing in Other Investments as described in the Application.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–22749 Filed 9–26–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58615; File No. SR–CBOE–2008–95]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend CBOE Rules Relating to Appointment Costs

September 22, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 16, 2008, the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make technical changes to the tables setting forth the appointment costs for option classes in CBOE's rules. 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.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to make technical changes to the tables setting forth the appointment costs for option classes in CBOE's rules.

In connection with CBOE's determination to trade options on the Morgan Stanley Retail Index Option class (MVR) on the Hybrid Trading System (''Hybrid'') commencing on September 23, 2008,[5] CBOE proposes to delete reference to MVR in the list of Hybrid 3.0 classes in the table contained in Rule 8.3(c)(iii). MVR then would be added to the table of Hybrid classes in paragraph (c)(i) of Rule 8.3 and placed in the AA Tier, which has been reconfigured to hold all option classes which have a fixed appointment cost. CBOE intends to maintain an appointment cost of .25 for MVR when it trades on Hybrid.

As noted above, CBOE also proposes to reconfigure the AA and A+ Tiers in Rule 8.3(c)(i) such that the AA Tier would hold all option classes which have a fixed appointment cost. The reference to an A+ Tier would be deleted, and the five option classes currently in the A+ Tier would be placed in the AA Tier.[6] The appointment cost of the existing AA Tier classes and the former A+ Tier classes would remain the same. CBOE is making this change for operational reasons.

CBOE believes that these changes to the tables are technical in nature and will facilitate CBOE's decision to trade MVR on the Hybrid Trading System.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) Act[7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, in that these proposed changes are technical in nature and enable the Exchange to trade MVR on Hybrid.

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 not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Under Rule 19b–4(f)(6) of the Act,[10] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative date. The Exchange states that waiving the 30 days will enable it to begin trading MVR options on Hybrid on September 23, 2008, which would promote competition and efficiency without undue delay. Based on these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and thus designates the proposal effective upon filing.[11]

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–2008–95 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR-CBOE–2008–95. 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 CBOE. 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

[5] MVR currently trades on the Hybrid 3.0 Platform.

[6] CBOE also proposes to make a technical change to Rule 8.85(e) and Rule 8.92(d) to delete the reference to the A+ Tier.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] *Id.*

[11] For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

submissions should refer to File Number SR–CBOE–2008–95 and should be submitted on or before October 20, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–22747 Filed 9–26–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Release No. 34–58616; File No. SR–CBOE–2008–99]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Chicago Board Options Exchange, Incorporated Relating to Transfer of Interim Trading Permits

September 22, 2008.

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 September 19, 2008, the Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the CBOE. CBOE has filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] 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 parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend the transfer provisions applicable to Interim Trading Permits. 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.

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

(a) Purpose

CBOE Rule 3.27(g) currently provides that Interim Trading Permits are non-transferable, except that in a form and manner prescribed by the Exchange (i) a member organization may change the designation of the nominee in respect of each Interim Trading Permit it holds and (ii) an individual Interim Trading Permit holder at any time after the issuance of that Interim Trading Permit may transfer that Interim Trading Permit to a member organization with which such individual is then associated.

The Exchange is proposing to amend Rule 3.27(g) to provide for a third circumstance in which an Interim Trading Permit may be transferred. Specifically, the Exchange proposes to amend Rule 3.27(g) to provide that the holder of an Interim Trading Permit may transfer the Interim Trading Permit to an organization which has succeeded, through statutory merger, exchange of stock, or acquisition of assets to the business of the transferor.

This proposed new provision is equivalent to CBOE Rule 3.14(c)(ii) which permits the owner of a transferable CBOE membership to transfer the membership to an organization which has succeeded, through statutory merger, exchange of stock, or acquisition of assets to the business of the transferor.

(b) Statutory Basis

The proposed rule change will allow for the business and trading operations of an Interim Trading Permit holder to continue without interruption when the business of that Interim Trading Permit holder is transferred to another organization and avoid a disruption to those trading operations that would result from the loss of the Interim Trading Permits that support those operations and the need for the successor organization to obtain other trading access to the Exchange, which may not be available at that time. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[5] and furthers the objectives of Section 6(b)(5) in particular,[6] in that it is designed to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 thirty days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[7] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

Under Rule 19b–4(f)(6) of the Act,[10] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] The Exchange has fulfilled this requirement.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] *Id.*

operative delay based upon CBOE's representation to the Commission that Lehman Brothers Inc. is seeking to transfer its trading operations on CBOE to Barclays Capital Inc. on an expeditious basis and that the waiver of the foregoing time period will help to facilitate the orderly transfer of these operations and avoid the disruption to those operations and to CBOE's market that would result if those operations needed to be curtailed because Barclays Capital Inc. would not have immediate use of the Interim Trading Permits used to support those operations. Although the foregoing is the impetus for this rule change, going forward any other Interim Trading Permit holder would also be able to avail themselves of the proposed transfer provision if desired. Based on these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and thus designates the proposal effective upon filing.[11]

At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate the 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–2008–99 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2008–99. 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 CBOE. 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–CBOE–2008–99 and should be submitted on or before October 20, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–22748 Filed 9–26–08; 8:45 am]

BILLING CODE 8010–01–P

[11] For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11437 and #11438]

West Virginia Disaster #WV–00010

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of West Virginia dated 09/22/2008.

Incident: Flea Market Fire.

Incident Period: 09/10/2008.

Effective Date: 09/22/2008.

Physical Loan Application Deadline Date: 11/21/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 06/22/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cabell.

Contiguous Counties:

West Virginia: Lincoln, Mason, Putnam, Wayne.

Ohio: Gallia, Lawrence.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11437 5 and for economic injury is 11438 0.

The States which received an EIDL Declaration # are West Virginia; Ohio.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 22, 2008.

Sandy K. Baruah,

Acting Administrator.

[FR Doc. E8–22774 Filed 9–26–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Suspension of Applications for the Small Disadvantaged Business Program

Correction

In notice document E8–22388 appearing on page 54881 in the issue of Tuesday, September 23, 2008, make the following correction:

In the first column, the subject line should read as set forth above.

[FR Doc. Z8–22388 Filed 9–26–08; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: System of Records

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

ACTION: Notice to modify a system of records.

SUMMARY: DOT proposes to modify a system of records under the Privacy Act of 1974. The system is FAA's Aviation Records on Individuals, which is being modified to reflect: (1) Eight new routine uses; (2) additions to the categories of records, (3) clarity to the purpose of the system, (4) changes to the titles of offices within the FAA. This system would not duplicate any other DOT system of records.

DATES: *Effective Date:* November 10, 2008. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

ADDRESSES: Address all comments concerning this notice to Carla Mauney, Department of Transportation, Federal Aviation Administration, (AES–200), 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–9895.

FOR FURTHER INFORMATION CONTACT: Habib Azarsina, Departmental Privacy Officer, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE., Washington, DC 20003, 202–366–1965 (telephone), *habib.azarsina@dot.gov* (Internet address).

SUPPLEMENTARY INFORMATION: The Department of Transportation system of records notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** and is available from the above mentioned address.

SYSTEM NUMBER: DOT/FAA 847

SYSTEM NAME:

Aviation Records on Individuals.

SECURITY CLASSIFICATION:

Sensitive, unclassified.

SYSTEM LOCATION:

• Federal Aviation Administration (FAA), Mike Monroney Aeronautical Center (MMAC), Oklahoma City, Oklahoma 73125: Civil Aerospace Medical Institute, Aerospace Medical Certification Division, AAM–300; Regulatory Support Division, AFS–600; and Civil Aviation Registry, Airmen Certification Branch AFS–760.

• Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591: Drug Abatement Division, AAM–800 or the local Compliance and Enforcement Centers of the Drug Abatement Division; Office of Security and Hazardous Materials; Flight Standards District Offices (FSDO's); Certificate Management Offices (CMO's); Certificate Management Field Offices (CMFO's); International Field Offices; Office of Security and Hazardous Materials Regional and Field Offices; FAA Regional Offices; and Chief Counsel, Regional Counsel, and Aeronautical Center Counsel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM OF RECORDS:

This system contains information on:

(1) Current certificated airmen, airmen whose certificates have expired, airmen who are deceased, airmen rejected for medical certification, airmen with special certifications, and others requiring medical certification;

(2) Air traffic controllers in air route traffic control centers, terminals, and flight service stations, and applicants for these positions;

(3) Holders of and applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, and airmen who have had certificates amended, modified, suspended or revoked.

(4) Persons involved in aircraft accidents and incidents, including crewmembers, passengers, persons on the ground, and witnesses.

(5) Individuals performing safety-sensitive functions under FAA's drug and alcohol testing regulations who have (a) tested positive on a Department of Transportation (DOT)-required drug test; (b) tested 0.04 or greater for breath alcohol concentration on a DOT-required alcohol test; or (c) refused to submit to testing under a DOT-required testing program.

(6) Individuals in their commercial capacities who work for companies conducting drug and alcohol testing.

(7) Individuals who witness violations of FAA regulations.

(8) Individuals against whom FAA has initiated informal action, administrative action or legal enforcement action for violating safety regulations and statutes or orders issued thereunder (see generally 49 U.S.C. 40101 *et. seq.,* 44101 *et. seq.,* 45101 *et. seq.,* 46101 *et. seq.*; FAA regulations, 14 CFR Parts 1–199; hazardous materials regulations, 49 CFR Parts 171–180; and drug and alcohol testing regulations, 49 CFR Part 40).

CATEGORIES OF RECORDS IN THE SYSTEM:

• Name, date of birth, place of residence, mailing address, social security number, and airman certificate number.

• Records that are required to determine the physical or mental condition of an individual with respect to medical standards established by FAA.

• Records concerning drug or alcohol testing, test results, or refusals to submit to testing under a DOT-required testing program.

• Records concerning applications for certification, applications for knowledge examinations, results of knowledge tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for replacement certificates.

• Reports of fatal accidents, autopsies, toxicological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologist's summary of findings.

• Records of accident investigations, preliminary notices of accident injury reports, engineering analyses, witness statements, investigators' analyses, and pictures of accident scenes.

• Records concerning safety compliance notices, informal actions, warning notices, oral or written counseling, letters of correction, letters of investigation, notices of proposed legal enforcement action, final action legal documents in enforcement actions, and correspondence of Regional Counsels, the Aeronautical Center Counsel, Chief Counsels, and others in enforcement cases.

• All records on individuals within FAA databases for which the Safety Performance Analysis System (SPAS) is a software interface (i.e., inspection, surveillance, and investigation records concerning individuals, in systems including but not limited to: Accident/Incident Database System (AIDS), Air Transportation Oversight System (ATOS), Enforcement Information System (EIS), National Program Tracking and Reporting System (PTRS), National Vital Information System (VIS), and the Drug Abatement Division's

Compliance and Enforcement Tracking System (CETS)).

• SPAS-related enforcement records maintained in Chief Counsel, Regional Counsel, and Aeronautical Center Counsel offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 40101, 40113, 44701–44703, 44709, 45101–106, 46301.

PURPOSE(S):

This system is the official repository of aviation records on individuals that are required to be maintained in connection with FAA's oversight and enforcement of compliance with safety regulations and statutes and orders issued thereunder or that are required to be made available, upon request, to other agencies, certain members of the public (e.g., Aviation Medical Examiners), or the public at large.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) Provide basic airmen certification and qualification information to the public upon request; examples of basic information include:

• The type of certificates and ratings held;

• The date, class, and restrictions of the latest physical airman's certificate number;

• The status of the airman's certificate (i.e., whether it is current or has been amended, modified, suspended or revoked for any reason);

• The airman's home address, unless requested by the airman to be withheld from public disclosure per 49 U.S.C. 44703(c);

• Information relating to an individual's physical status or condition used to determine statistically the validity of FAA medical standards; and

• Information relating to an individual's eligibility for medical certification, requests for exemption from medical requirements, and requests for review of certificate denials.

(b) Use contact information to inform airmen of meetings and seminars conducted by the FAA regarding aviation safety.

(c) Disclose information to the National Transportation Safety Board (NTSB) in connection with its investigation responsibilities.

(d) Provide information about airmen to Federal, State, local and tribal law enforcement agencies when engaged in an official investigation in which an airman is involved.

(e) Provide information about enforcement actions or orders issued thereunder to government agencies, the aviation industry, and the public upon request.

(f) Make records of delinquent civil penalties owed to the FAA available to the U.S. Department of the Treasury (Treasury) and the U.S. Department of Justice (DOJ) for collection pursuant to 31 U.S.C. 3711(g).

(g) Make records of effective orders against the certificates of airmen available to their employers if the airmen use the affected certificates to perform job responsibilities for those employers.

(h) Make airmen records available to users of FAA's Safety Performance Analysis System (SPAS), including the Department of Defense Commercial Airlift Division's Air Carrier Analysis Support System (ACAS) for its use in identifying safety hazards and risk areas, targeting inspection efforts for certificate holders of greatest risk, and monitoring the effectiveness of targeted oversight actions.

(i) Make records of an individual's positive drug test result, alcohol test result of 0.04 or greater breath alcohol concentration, or refusal to submit to testing required under a DOT-required testing program, available to third parties, including employers and prospective employers of such individuals. Such records will also contain the names and titles of individuals who, in their commercial capacity, administer the drug and alcohol testing programs of aviation entities.

(j) Provide information about airmen through the airmen registry certification system to the Department of Health and Human Services, Office of Child Support Enforcement, and the Federal Parent Locator Service that locates non-custodial parents who owe child support. Records in this system are used to identify airmen to the child support agencies nationwide in enforcing child support obligations, establishing paternities, establishing and modifying support orders and location of obligors. Records named within the section on Categories of Records will be retrieved using Connect: Direct through the Social Security Administration's secure environment.

(k) Make personally identifiable information about airmen available to other Federal agencies for the purpose of verifying the accuracy and completeness of medical information provided to FAA in connection with applications for airmen medical certification.

(l) Make records of past Airman medical certification history data available to Aviation Medical Examiners (AMEs) on a routine basis so that AMEs may render the best medical certification decision.

(m) Make airman, aircraft and operator record elements available to users of FAA's Skywatch system, including the Department of Defense (DoD), the Department of Homeland Security (DHS), the Department of Justice (DOJ) and other authorized government users, for their use in managing, tracking and reporting aviation-related security events.

(n) See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on lists and forms, and in computer processing storage media. Records are also stored on microfiche, on roll microfilm, and as electronic images.

RETRIEVABILITY:

Records may be retrieved by name, birth date, sex, Social Security Number, airman certificate number, or other identification number of the individual on whom the records are maintained; or by medical identification number, accident number and/or incident number, and enforcement investigative report number or docket number.

SAFEGUARDS:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. The procedures are periodically reviewed for compliance with applicable laws. Automated Processing Records in FAA-Administered Systems: Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA facility is performed prior to the implementation of the system of records. Automated Processing Records in Commercial Computer Contractor-Administered Systems: Computer programs are operated on commercial security levels and record element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

Records are either destroyed or retired to the local Federal Records Center and then destroyed in accordance with the current version of FAA Order 1350.15C, Records Organization, Transfer and

Destruction Standards. The retention and destruction period for each record varies depending on the type of record, but ranges between 30 days and 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, 6500 South MacArthur Blvd., Oklahoma City, Oklahoma 73125—

- Records concerning aviation medical certification: Manager: Aerospace Medical Certification Division, AAM–300;
- FAA certification records and general airman records: Manager, Airmen Certification Branch, AFS–760;
- Records concerning aircraft accidents and incidents, inspections, surveillance, and investigations: Manager, Aviation Data Systems Branch, AFS–620;
- Records in FAA-Administered databases concerning administrative actions and legal enforcement actions: Manager, Aviation Data Systems Branch, AFS–620;
- Records pertaining to legal enforcement actions maintained in Chief Counsel, Regional Counsel, and Aeronautical Center Counsel offices: The address of the appropriate FAA regional or field office maintaining the official agency enforcement file may be obtained from AFS–620.
- Records pertaining to administrative actions and informal actions: The investigating FAA field office or regional office or the Drug Abatement Division, AAM–800, or the local Compliance and Enforcement Centers of the Drug Abatement Division, as appropriate. The address of the appropriate FAA regional or field office maintaining the official agency enforcement file may be obtained from AFS–620.
- Electronic enforcement litigation tracking system records: Chief Counsel, Regional Counsel, and Aeronautical Center Counsel offices.
- Accounting files: Office of Financial Operations (AMZ) at the Aeronautical Center, and Office of Financial Management (AFM) at headquarters.
- Aviation medical certification records from headquarters and regional files: Medical Specialties Division at headquarters, AAM–200, or the Regional Flight Surgeon within the region where examination was conducted (visit or call the local FAA office for proper Regional Office address).
- Drug and alcohol testing records, and records of refusals to submit to testing required under a DOT-required testing program: Drug Abatement Division, AAM–800, or the local Compliance and Enforcement Centers of the Drug Abatement Division, as appropriate.
- Records pertaining to security and hazardous materials: Office of Hazardous Materials, ADG–1.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may make a request in person or in writing to the appropriate system manager. The request must include:

- Name;
- Mailing address;
- Telephone number and/or email address;
- A description and, if possible, the location of the records requested; and
- A statement under penalty of perjury that the requester is the individual who he or she claims to be.

RECORDS ACCESS PROCEDURE:

Individuals who desire access to information in this system of records should make a written request to, or an appointment with, the appropriate system manager. Each request should describe the particular record to the fullest extent possible, including the subject matter of the record, and, if known, the date when it was made, where it was made, and the originating person or office. Each request must also include a statement under penalty of perjury that the requester is the individual who he or she claims to be.

PROCEDURES FOR CONTESTING RECORDS:

Individuals who desire to contest information about themselves contained in the system of records should make their request in writing, detailing the reasons why the records should be corrected, and submit the request to the attention of the FAA official responsible for the record at the address appearing in this notice. The request must include a statement under penalty of perjury that the requester is the individual who he or she claims to be.

RECORDS SOURCE CATEGORIES:

a. Medical Records are obtained from Aviation Medical Examiners (AME's), the individual to whom the records pertain, consultants, hospitals, treating or examining physicians, and Federal/State/local/tribal Government agencies.

b. Airmen Certification Records are obtained from the individual to whom the records pertain, FAA aviation safety inspectors, and FAA designated representatives.

c. General Aviation Accident/Incident Records and Air Carrier Incident Records are obtained from Aviation Medical Examiners, pathologists, accident investigation records, medical laboratories, Federal/State/local/tribal law enforcement officials, and FAA employees. Data are also collected from manufacturers of aircraft and involved passengers.

d. Informal Action, Administrative Action and Legal Enforcement Records are obtained from witnesses, the Offices of the Chief Counsel, Regional Counsels and Aeronautical Center Counsel, the National Transportation Safety Board, Office of Security and Hazardous Materials (ASH) personnel, Flight Standards personnel, Office of Aviation Safety (AVS) personnel and Aeronautical Center personnel.

e. Drug and alcohol testing records and records relating to test results and refusals to submit to testing are obtained from the individual to whom the records pertain, current or previous employers, witnesses, FAA Drug Abatement inspectors, service agents providing drug and alcohol testing services for employers, and other Federal/State/local/tribal Government agencies.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

Records in this system that relate to administrative actions and legal enforcement actions are exempted from certain access and disclosure requirements of the Privacy Act of 1974, pursuant to 5 U.S.C. 552a(k)(2).

Dated: September 23, 2008.

Habib Azarsina,

Departmental Privacy Officer.

[FR Doc. E8–22775 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Warren County Memorial Airport, McMinnville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on the release of land at the Warren County Memorial Airport in the City of McMinnville, Tennessee. This property, approximately 13.3 acres, will change to a non-aeronautical use. This action is taken under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before October 29, 2008.

ADDRESSES: Documents are available for review at the Tennessee Department of Transportation, Division of Aeronautics, 424 Knapp Blvd, Bldg 4219, Nashville, TN 37217 and the FAA Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118. Written comments on the Sponsor's request must be delivered or mailed to: Mr. Phillip J. Braden, Manager, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bob Woods, Director, TDOT, Division of Aeronautics, P.O. Box 17326, Nashville, TN 37217.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Thompson, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118. The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property at the Warren County Memorial Airport, McMinnville, TN. Under the provisions of AIR 21 (49 U.S.C. 47107(h)(2)).

On September 12, 2008, the FAA determined that the request to release property at Warren County Memorial Airport submitted by TDOT, Division of Aeronautics, meets the procedural requirements of the Federal Aviation Administration. The FAA may approve the request, in whole or in part, no later than October 29, 2008.

The following is a brief overview of the request:

The County of Warren and the Warren County Airport Board, owners of the Warren County Memorial Airport, are proposing the release of approximately 13.3 acres of airport property so the property can be used to accommodate the relocation of Tennessee Highway 70.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon appointment and request, inspect the request, notice and other documents germane to the request in person at the Tennessee Department of Transportation, Division of Aeronautics.

Issued in Memphis, TN, on September 12, 2008.

Phillip J. Braden,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. E8–22718 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2008–0137]

Agency Information Collection Activities; Request for Comments; Clearance of a Renewal Information Collection; Highways for LIFE Pilot Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 28, 2008.

ADDRESSES: You may submit comments identified by Docket ID Number FHWA–2008–0137 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mary Huie, 202–366–3039, Department of Transportation, Federal Highway Administration, Office of Infrastructure, 1200 New Jersey Ave., SE., E76–106, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Highways for LIFE Pilot Program. OMB #2125–0607.

Background: Section 1502 of SAFETEA–LU establishes the ''Highways for LIFE'' Pilot Program. The purpose of the Highways for LIFE pilot program is to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges. ''Highways for LIFE'' is focused on accelerating the rate of adoption of proven technologies. The program will provide funding to States to accelerate technology adoption to construct, reconstruct, or rehabilitate Federal-aid highway projects that incorporate innovative technologies that will improve safety, reduce congestion due to construction, and improve quality. Those States interested in participating in the ''Highways for LIFE'' program will submit an application for project funding. The information to be provided on the application includes a description of the project, the innovative technologies to be used and a description of how these technologies will improve safety, reduce construction congestion, and improve quality. The collected information will be used by FHWA to evaluate and select projects for ''Highways for LIFE'' funding.

Respondents: The fifty State Departments of Transportation, the District of Columbia, and Puerto Rico.

Frequency: The information will be collected annually beginning in fiscal year 2009 and ending in fiscal year 2015.

Estimated Average Burden per Response: 8 hours per respondent per application.

Estimated Total Annual Burden Hours: It is expected that the respondents will complete approximately 30 applications for an estimated 240 total annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: September 23, 2008.

James R. Kabel,

Chief, Management Programs and Analysis.

[FR Doc. E8–22727 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Recordkeeping Requirements: Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on Friday, May 2, 2008 [U.S. DOT Docket No. NHTSA–2008–0091, **Federal Register** Vol. 73, Pages 24349–24350].

DATES: The public may comment on NHTSA's request to OMB. Comments to OMB must be received on or before October 31, 2008.

FOR FURTHER INFORMATION CONTACT: Jonathan Walker, PhD, Contracting Officer's Technical Representative, Office of Regulatory Analysis and Evaluation, National Highway Traffic Safety Administration, 1200 New Jersey Ave., SE., Room W53–463, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 2008 National Survey on Reported and Unreported Motor Vehicle Crashes.

OMB Number: 2127—new.

Type of Request: Request for public comment on proposed collection of information.

Abstract: The data will provide supplementary information on the cost of motor vehicle crashes and injuries. Specifically, it will allow NHTSA to add estimates of costs due to unreported crashes to the estimates currently reported through official police crash reports. The new cost estimates will allow more valid estimates of the costs and benefits of NHTSA's programs.

Affected Public: Individuals.

Estimated Total Annual Burden: 1400 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: 44 U.S.C. 3506(c)(2)(A).

James Simons,

Director, Office of Regulatory Analysis and Evaluation.

[FR Doc. E8–22742 Filed 9–26–08; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 9423]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning the existing final and temporary regulations, TD 9423, Implementation of Form 990.

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Implementation of Form 990.

OMB Number: 1545–2117.

Regulation Project Number: TD 9423.

Abstract: This document contains final and temporary regulations necessary to implement the redesigned Form 990, ''Return of Organization Exempt From Income Tax.'' The final regulations contained in this document make only nonsubstantive revisions to comply with **Federal Register** requirements. The temporary regulations make revisions to the regulations under section 6033 and section 6043 to allow for new threshold amounts for reporting compensation, to require that compensation be reported on a calendar year basis, and to modify the scope of organizations subject to information reporting requirements upon a substantial contraction. The temporary regulations also eliminate the advance ruling process for new organizations, change the public support computation period for organizations described in sections 170(b)(1)(A)(vi) and 509(a)(1) and in section 509(a)(2) to five years, consistent with the revised Form 990, and clarify that support must be reported using the organization's overall method of accounting. All tax-exempt organizations required under section 6033 of the Internal Revenue Code (Code) to file annual information returns are affected by these temporary regulations. The text of these temporary regulations also serves as the text of the proposed regulations (REG–142333–07).

Current Actions: There is no change to this existing regulation. This document is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Not for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 19, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22808 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–158138–04]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–158138–04, Information Returns by Donees Relating to Qualified Intellectual Property Contributions.

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622–6129, or at Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Information Returns by Donees Relating to Qualified Intellectual Property Contributions.

OMB Number: 1545–1932.

Regulation Project Number: REG–158138–04.

Abstract: These final regulations provide guidance for filing information returns by donees relating to qualified intellectual property contributions. The regulations affect donees receiving qualified intellectual property contributions after June 3, 2004.

Current Actions: There is no change to this existing regulation, other than that it has gone final.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 2.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 23, 2008.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E8–22809 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–253578–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–253578–96, Health Insurance Portability for Group Health Plans; and temporary regulation (TD 8716) Interim Rules for Health Insurance Portability for Group Health Plans (§§ 54.9801–3T, 54.9801–4T, 54.9801–5T, and 54.9801–6T).

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P, Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulations should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Proposed Rulemaking, Health Insurance Portability for Group Health Plans, and temporary regulation, Interim Rules for Health Insurance Portability for Group Health Plans.

OMB Number: 1545–1537.

Regulation Project Number: REG–253578–96 (Final).

Abstract: These regulations contain rules governing access, portability, and renewability requirements for group health plans and issuers of health insurance coverage offered in connection with a group health plan. The regulations also provide guidance for group health plans and the employers maintaining them regarding requirements imposed on plans relating to preexisting condition exclusions, discrimination based on health status, and access to coverage.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and state, local, or tribal governments.

Estimated Number of Respondents: 2,600,000.

Estimated Time per Respondent: Varies.

Estimated Total Annual Burden Hours: 262,289.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 23, 2008.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E8–22810 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–165–84]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, FI–165–84, Below-Market Loans (§§ 1.7872–11(g)(l) and 1.7872–11(g)(3)).

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Below-Market Loans.

OMB Number: 1545–0913.

Regulation Project Number: FI–165–84 (Notice of Proposed Rulemaking).

Abstract: Internal Revenue Code section 7872 recharacterizes a below-market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have imputed income or claim imputed deductions under Code section 7872.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 1,631,202.

Estimated Time per Respondent: 18 min.

Estimated Total Annual Burden Hours: 481,722.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 19, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22812 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 56

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 56, Notice Concerning Fiduciary Relationship.

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Notice Concerning Fiduciary Relationship.

OMB Number: 1545–0013.

Form Number: 56.

Abstract: Form 56 is used to inform the IRS that a person is acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the person for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 1 hr. 41 min.

Estimated Total Annual Burden Hours: 292,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 19, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22813 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209828–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209828 (TD 8758), Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts (§ 1.468A–3).

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts.

OMB Number: 1545–1511.

Regulation Project Number: REG–209828–96.

Abstract: This regulation relates to requests for revised schedules of ruling amounts for nuclear decommissioning reserve funds under section 468A(d) of the Internal Revenue Code. The regulation eases the burden on affected taxpayers by permitting electing taxpayers with qualifying interests in nuclear power plants to adjust their ruling amounts under a formula or method rather than by filing a request for a revised schedule of ruling amounts.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 19, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22814 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–103735–00 and REG–155303–03]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning these existing final regulations, REG–103735–00 and REG–155303–03, Tax Shelter Disclosure Statements.

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Tax Shelter Disclosure Statements.

OMB Number: 1545–1685.

Regulation Project Number: REG–103735–00 and REG–155303.

Abstract: These regulations provide guidance on the filing requirement under section 6011 for certain corporate taxpayers engaged in transactions producing tax savings in excess of certain dollar thresholds.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of currently approved collection.

Affected Public: Individual or households, Business or other for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 19, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22815 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–147–87]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–147–87 (TD 8376), Qualified Separate Lines of Business (§§ 1.414(r)–3, 1.414(r)–4, and 1.414(r)–6).

DATES: Written comments should be received on or before November 28, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulations should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Separate Lines of Business.

OMB Number: 1545–1221.

Regulation Project Number: EE–147–87.

Abstract: Section 414(r) of the Internal Revenue Code requires that employers who wish to test their qualified retirement plans on a separate line of business basis, rather than on a controlled group basis, provide notice to the IRS that the employer treats itself as operating qualified separate lines of business. Additionally, an employer may request an IRS determination that such lines satisfy administrative scrutiny. This regulation elaborates on the notice requirement and the determination process.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 253.

Estimated Time per Respondent: 3 hours, 27 minutes.

Estimated Total Annual Burden Hours: 899.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: September 10, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–22826 Filed 9–26–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs.

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 ''The Office of Inspector General Management Information System (MIS)—VA'' (71VA53) as set forth in the **Federal Register** at 47 FR 6513. VA is amending the system of records by revising the system location, revising the Categories of Records in the System, adding a Purposes section, adding Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Such Uses, and updating Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System. 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 October 29, 2008. If no public comment is received, the amended system will become effective October 29, 2008.

ADDRESSES: Written comments concerning the proposed amended system of records may be submitted by: mail or hand-delivery to Director, Regulations Management (O2REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or e-mail to *''VAregulations@va.gov.''* All 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 for an appointment.

FOR FURTHER INFORMATION CONTACT: Timothy J. McGrath, Attorney Advisor, Department of Veterans Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420; or fax comments to (202) 565–8667; or e-mail comments to *timothy.mcgrath@va.gov.*

SUPPLEMENTARY INFORMATION: This publication is in accordance with the Privacy Act requirement that agencies publish their amended system of records in the **Federal Register** when there is revision, change, or addition. The VA Office of Inspector General (OIG) has reviewed its systems of records notices and has determined that its record system, ''The Office of Inspector General Management Information System (MIS)—VA'' (71VA53) should be amended. The Categories of Records in the System is amended to include OIG employees' contact information to be used in the event of an emergency, and inclusion of OIG Hotline and health care inspections case tracking data as well as information on personnel suitability investigations of OIG employees.

This system of records is also amended by adding a Purposes section that defines how the records on OIG employees may be used for various management and human resources objectives.

The proposed amendments to this system of records add seven routine uses of records. The routine uses are as follows:

Routine use number 1 allows for disclosure of information from the record of an individual in response to an inquiry from a congressional office on behalf of that individual.

Routine use number 2 is added to reflect that disclosure may be made to the National Archives and Records Administration (NARA). NARA is responsible for archiving records no longer actively used but may be appropriate for preservation, and is responsible in general for the physical maintenance of the Federal government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.

Routine use number 3 allows VA to disclose records to the U.S. Department of Justice. When VA is involved in litigation or an adjudicative or administrative process, or occasionally when another party is involved in litigation or an adjudicative or administrative process, and VA policies or operations could be affected by the outcome of the litigation or process, VA must be able to disclose that information to the court, adjudicative or administrative bodies, or parties involved. This routine use would not constitute authority to disclose records in response to a grand jury or other subpoena under Privacy Act subsection

(b) because of the Court's analysis in *Doe* v. *DiGenova*, 779 F.2d 74, 78–84 (D.C. Cir. 1985) and *Doe* v. *Stephens*, 851 F.2d 1457, 1465–67 (D.C. Cir. 1988).

Routine use number 4 allows disclosure of information to a Federal, state, or local agency maintaining civil or criminal violation records or other pertinent information such as prior employment history, prior Federal employment background investigations, and/or personal or educational information relevant to the hiring, transfer, or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit.

Routine use number 5 allows VA on its own initiative to disclose information which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, 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.

Routine use number 6 allows information to be disclosed to the Equal Employment Opportunity Commission (EEOC) 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. This disclosure is necessary to allow the EEOC access to relevant information.

Routine use number 7 allows information to be disclosed to officials of the Merit Systems Protection Board (MSPB), and the Office of Special Counsel (OSC), in connection with appeals, special studies of the civil service and other merit systems, reviews of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in Title 5, United States Code, Sections 1205 and 1206, or as may be authorized by law. This disclosure is necessary to allow the MSPB and OSC access to relevant information when properly requested.

Routine use number 8 is a suggested routine use by the Office of Management and Budget (OMB) for all Privacy Act systems of records, in order to allow for the appropriate mitigation of a possible data breach.

Routine use number 9 allows disclosure of information to individuals or entities with which VA has a contract, subcontract, or agreement to perform services. VA must be able to provide information to its contractors or subcontractors in order for them to perform the services of the contract or agreement.

The Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System is amended to reflect current technological practices and procedures, including storage of and safeguarding of data. This amended section also describes the current location of data stored on OIG computer equipment.

The Report of Intent to Amend a System of 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.

Approved: September 15, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

71VA53

SYSTEM NAME:

The Office of Inspector General Management Information System (MIS) (71VA53).

SYSTEM LOCATION:

Office of Inspector General (53C), Information Technology Division, Department of Veterans Affairs, 801 I Street, NW., Washington, DC 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following category of individuals will be covered by the system: All personnel assigned to Office of Inspector General (OIG).

CATEGORIES OF RECORDS IN THE SYSTEM:

The Management Information System contains the following categories of records: Time and Attendance, Phone Directory, Awards, Training, Travel, and Personnel (which may include personnel suitability records and pre-employment inquiry records).

Records (or information contained in records) may include: (1) Individual's name, address and telephone contact information; (2) social security number; (3) date of birth; (4) service computation date; (5) career status; (6) assigned station; (7) job series; (8) education; (9) grade; (10) type of case; (11) work assignments; (12) travel; (13) experience; (14) training; and (15) audit, hotline, health care inspections and investigation case tracking data (e.g., case number, budgeted and actual staff days, target and completion dates, findings and results).

Personnel suitability records may contain investigative information about an individual's character, conduct and behavior in the community where he or she lives or lived; arrests and convictions for violations of law; reports of interviews with the subject and with present and former supervisors; co-workers, associates, neighbors, educators, etc., reports about the qualifications of an individual for a specific position and correspondence relating to adjudication matters; reports of inquiries with law enforcement agencies, employers, educational institutions attended, and credit reporting agencies; reports of action after Office of Personnel Management (OPM) or Federal Bureau of Investigation (FBI) full field investigations; and other information developed from the above.

Pre-Employment Inquiry Records: These records may contain information relating to an applicant's qualifications for employment in terms of character, reputation, and fitness; including letters of reference, responses to pre-employment inquiries, qualifications and character information; reports of inquiries with law enforcement agencies, employers, educational institutions attended, and credit reporting agencies; and other information which may relate to the specific selection factors associated with the position sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Appendix 3.

PURPOSE(S):

The records and information about individual OIG employees are used for various management and human resources objectives. Case tracking data is used to measure employee productivity. Employee contact information is maintained to allow employees to be contacted in emergency situations. Training records are used to make certain the employees complete required training assignments and to maintain a record of each employee's training activities for career development and continuing professional education requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office that is made at the request of that individual.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management activities and inspections conducted under authority of Title 44, United States Code.

3. Disclosure may be made to the Department of Justice including United States Attorneys, or in a proceeding before a court, adjudicative body, or other administrative body when the litigation or adjudicative or administrative process is likely to affect VA, its employees, or any of its components, or when VA, its employees, or any of its components is a party to the litigation process, or has an interest in the litigation or process and the use of these records is deemed by VA to be relevant and necessary to the litigation or process, provided that the disclosure is compatible with the purpose for which the records were collected.

4. Any information in this system, may be disclosed to a Federal, state, or local agency maintaining civil or criminal violation records or other pertinent information such as prior employment history, prior Federal employment background investigations, and/or personal or educational background in order for VA to obtain information relevant to the hiring, transfer, or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit. The name and address of a veteran may be disclosed to a Federal agency under this routine use if this information has been requested by the Federal agency in order to respond to the VA inquiry.

5. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of 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. On its own initiative, VA may also disclose the names and addresses of veterans and dependents to a Federal or state agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, rule or order issued pursuant thereto.

6. Information may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory 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.

7. Information may be disclosed to officials of the Merit Systems Protection Board, and the Office of Special Counsel, when properly requested in connection with appeals, special studies of the civil service and other merit systems, reviews of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in Title 5, United States Code, Sections 1205 and 1206, or as may be authorized by law.

8. Disclosure of any information within this system may be made when it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised and VA 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 VA or another agency or entity) that rely upon the compromised information; and the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

9. VA may disclose information to individuals, organizations, private or public agencies, or other entities with which 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.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Records and information are stored electronically in the VA OIG's MCI (Master Case Index) databases and servers at the OIG's office at 801 I Street, NW., Washington, DC, in the office of the Information Technology Division. Backup records are stored on magnetic disc, tape, and CD–ROM and may also be retained in hard copy format in secure file folders. Information can be retrieved based on computer searches of various data elements, including, but not limited to, MCI case numbers, transaction numbers, key words, and names of individual OIG employees. Electronic data is maintained indefinitely as described above. Policy for the disposal of records as well as a retention schedule is being developed by the OIG's Office of Management and Administration. Information on awards and travel is maintained so that OIG managers have readily available relevant information about their employees in these areas.

STORAGE:

Records and information are stored electronically in databases and servers at VA OIG headquarters in Washington, DC. Backup records are stored on magnetic disc, tape, and CD–ROM and are also retained in hard copy format in secure file folders by the OIG component with responsibility for the specific category of records. All records about OIG personnel are maintained by the OIG's Human Resources Management Division.

RETRIEVABILITY:

Records are retrieved by Social Security Number, case number, work assignment, or name.

SAFEGUARDS:

Information in the system is protected from unauthorized access through administrative, physical, and technical safeguards. Categories of records are restricted to those with an official need to know the information. Only VA OIG supervisors, for example, can access the Awards data, and only for employees within their supervisory chain. Access to data is also limited by means of features such as ''read-only access,'' i.e., where the person with access can read but not enter or change the information in the system. Safeguards also include password protection features and cipher locks securing the physical area. Some information in the system is restricted to employees of the Human Resources Management Division.

RETENTION AND DISPOSAL:

Records will be maintained and disposed of in accordance with a records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing address: Director, Information Technology Division (53C), Department of Veterans Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420. Physical

address: Director, Information Technology Division (53C), Department of Veterans Affairs, Office of Inspector General, 801 I Street, NW., Washington, DC 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained under his or her name in this system must furnish a written request or apply in person to the Assistant Inspector General for Management and Administration (53), Department of Veteran Affairs, Office of Inspector General, 810 Vermont Avenue, NW., Washington, DC 20420.

RECORD ACCESS PROCEDURES:

An individual who seeks access to, wishes to determine the contents of such records, or wishes to contest records maintained under his or her name in this system, must submit a written request to the Assistant Inspector General for Management and Administration (53), Department of Veterans Affairs, Office of Inspector General, 810 Vermont Ave., NW., Washington, DC 20420.

CONTESTING RECORD PROCEDURES:

(See records access procedures above).

RECORD SOURCE CATEGORIES:

Individual employees, supervisors, official personnel folder, other personnel documents, individual applications, and forms.

[FR Doc. E8–22776 Filed 9–26–08; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Monday,
September 29, 2008

Part II

Department of Housing and Urban Development

Final Fair Market Rents for Fiscal Year 2009 for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5223–N–02]

Final Fair Market Rents for Fiscal Year 2009 for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish FMRs periodically, but not less than annually, adjusted to be effective on October 1 of each year. The primary uses of FMRs are to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program. Today's notice provides final FY2009 FMRs for all areas that reflect the estimated 40th and 50th percentile rent levels trended to April 1, 2009. The FY2009 FMRs are based on 2000 Census data updated with more current survey data. For FY2009, FY2008 FMRs are updated using 2006 American Community Survey (ACS) data, and more recent Consumer Price Index (CPI) rent and utility indexes. HUD continues to use ACS data in different ways according to how many two-bedroom standard-quality and recent-mover sample cases are available in the FMR area or its Core-Based Statistical Area (CBSA). Revised 2006 FMRs based on Census and ACS data have been updated with CPI data through the end of 2007 and then trended to April 2009, the mid-point of FY2009.

DATES: *Effective Date:* The FMRs published in this notice are effective on October 1, 2008.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 800–245–2691 or access the information at the following link on the HUD Web site: *http://www.huduser.org/datasets/fmr.html*. FMRs are listed at the 40th or 50th percentile in Schedule B. An asterisk before the FMR area name identifies a 50th percentile area.

Any questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys or further methodological explanations may be addressed to Marie L. Lihn or Lynn A. Rodgers, Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research, telephone number 202–708–0590. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In the Housing Choice Voucher program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family (see 24 CFR 982.503). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities. In addition, all rents subsidized under the Housing Choice Voucher program must meet reasonable rent standards. The interim rule published on October 2, 2000, (65 FR 58870), established 50th percentile FMRs for certain areas.

Electronic Data Availability: This **Federal Register** notice is available electronically from the HUD Web site at *http://www.hudclips.org.* **Federal Register** notices also are available electronically from the U.S. Government Printing Office Web site, *http://www.gpoaccess.gov/fr/index.html.* Complete documentation of the methodology and data used to compute each area's Final FY2009 FMRs is available at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09.*

II. Procedures for the Development of FMRs

Section 8(c) of the USHA requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. Section 8(c) states in part, as follows:

> Proposed fair market rentals for an area shall be published in the **Federal Register** with reasonable time for public comment and shall become effective upon the date of publication in final form in the **Federal Register**. Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes—based on the most recent available data trended so the rentals will be current for the year to which they apply—of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in this section.

The Department's regulations at 24 CFR part 888 provide that HUD will develop proposed FMRs, publish them for public comment, provide a public comment period of at least 30 days, analyze the comments, and publish final FMRs (See 24 CFR 888.115).

In addition, HUD's regulations at 24 CFR 888.113 set out procedures for HUD to assess whether areas are eligible for FMRs at the 50th percentile. For FY2009, no new areas became eligible for 50th percentile rents. Current areas are evaluated for progress in deconcentration every three years after becoming 50th percentile areas. Continued eligibility is determined based on HUD administrative data that show levels of poverty concentration. The levels of poverty concentration must be above 25 percent and show a decrease in concentration since the last evaluation. At least 85 percent of the voucher units in the area must be used to make this determination. Twenty-four of the current 28 50th percentile FMR areas had been in the program for a three-year period and were reviewed to determine if deconcentration had occurred. A list of these 24 areas is shown below.

FY2008 50th Percentile FMR Areas Reviewed for Eligibility as FY2009 50th Percentile FMR Areas

Albuquerque, NM MSA
Austin-Round Rock, TX MSA
Baltimore-Towson, MD MSA
Bradenton-Sarasota-Venice, FL MSA
Chicago-Naperville-Joliet, IL HMFA
Denver-Aurora, CO MSA
Fort Worth-Arlington, TX HMFA
Grand Rapids-Wyoming, MI HMFA
Hartford-West Hartford-East Hartford, CT HMFA
Honolulu, HI MSA
Houston-Baytown-Sugar Land, TX HMFA
Kansas City, MO-KS, HMFA
Las Vegas-Paradise, NV MSA
Milwaukee-Waukesha-West Allis, WI MSA
New Haven-Meriden, CT HMFA
Orange County, CA HMFA
Phoenix-Mesa-Scottsdale, AZ MSA
Providence-Fall River, RI-MA HMFA
Richmond, VA HMFA
Riverside-San Bernardino-Ontario, CA MSA

Tacoma, WA HMFA
Tucson, AZ MSA
Virginia Beach-Norfolk-Newport News, VA-NC MSA
Washington-Arlington-Alexandria, DC-VA-MD HMFA

Fourteen of the 24 current 50th percentile areas eligible for review failed to qualify for the 50th percentile FMR program for FY2009. Two of these areas, as shown below, no longer qualify for the 50th-percentile FMR program because they no longer meet the poverty concentration standards set out in the 50th percentile FMR program, at 24 CFR 888.113. Based on current tenant data, less than 25 percent of the tenant-based rental program participants reside in the 5 percent of census tracts in the metropolitan areas with the largest number of program participants. These areas will be reviewed annually to see if this concentration changes to above 25 percent so they can be reinstated as 50th percentile areas. These two areas could re-qualify as 50th percentile FMR areas as early as the FY2010 FMRs.

FY2008 50th Percentile FMR Areas Not Eligible for FY2009 50th Percentile FMRs Because Voucher Tenant Concentrations Have Fallen Below the Eligibility Threshold

Grand Rapids-Wyoming, MI HMFA
Providence-Fall River, RI-MA HMFA

Three additional areas initially did not meet the minimum reporting criteria of 85 percent of resident records. Based on comments, additional data submitted by these areas was found in a separate database, and subsequent examination of all data found reporting levels above 85 percent. However all three areas also showed a failure to deconcentrate over the three-year period when they were using 50th percentile FMRs. These areas will lose their 50th percentile FMRs for FY2009 but will be eligible for re-evaluation and possible re-instatement of 50th percentile FMRs in FY2010. These areas are not being removed from consideration for the 50th percentile FMR program for a period of three years, for failing the test of deconcentration, because they were not notified of this failure in time for them to provide comments, and it was an error by HUD that led to this failure. These areas are listed below:

FY2008 50th Percentile FMR Areas Not Eligible for FY2009 50th Percentile FMRs Because Proposed FY2009 FMR Publication Found Low Reporting Rates

Baltimore-Towson, MD MSA
Washington-Arlington-Alexandria, DC–VA–MD HMFA
New Haven-Meriden, CT HMFA

As notified in the publication of proposed FY2009 FMRs, the table below shows nine areas that failed to deconcentrate over the 3-year period. Deconcentration of tenants is the primary objective of the 50th percentile program and failure to make any progress to deconcentrate tenants over a 3-year period disqualifies an otherwise eligible area for 3 years. These areas are not eligible for participation in the 50th percentile FMR program until FY2012. They will be reviewed in time for the proposed FY2012 FMRs to determine if they can meet 50th percentile FMR criteria.

FY2008 50th Percentile FMR Areas Not Eligible for FY2009 50th Percentile FMRs for Failure To Deconcentrate Voucher Tenants

Austin-Round Rock, TX MSA
Honolulu, HI MSA
Orange County, CA HMFA
Riverside-San Bernardino-Ontario, CA MSA
Virginia Beach-Norfolk-Newport News, VA–NC MSA
Fort Worth-Arlington, TX HMFA
Las Vegas-Paradise, NV MSA
Phoenix-Mesa-Scottsdale, AZ MSA
Tucson, AZ MSA

Ten of the 24 areas reviewed will continue to use 50th percentile FMRs for another three-year period. These ten areas will not be re-evaluated until FY2012.

FY2008 50th Percentile FMR Areas Evaluated and Continuing with 50th Percentile FMRs in FY2009

Albuquerque, NM MSA
Chicago-Naperville-Joliet, IL HMFA
Hartford-West Hartford-East Hartford, CT HMFA
Kansas City, MO–KS HMFA
Richmond, VA HMFA
Bradenton-Sarasota-Venice, FL MSA
Denver-Aurora, CO MSA
Houston-Baytown-Sugar Land, TX HMFA
Milwaukee-Waukesha-West Allis, WI MSA
Tacoma, WA HMFA

In addition to these 10 areas, 4 current 50th percentile FMR areas were not evaluated this year because they have not completed 3 years of program participation, so there are 14 areas that will have 50th percentile FMRs in FY2009. These four areas, listed below, will complete their 3-year program period and be evaluated to determine if they remain 50th percentile FMR areas in the proposed FY2010 FMR publication.

FY2008 50th Percentile FMR Areas Not Slated for Eligibility Evaluation and Continuing with 50th Percentile FMRs in FY2009

Dallas, TX HMFA
San Diego-Carlsbad-San Marcos, CA MSA
Fort Lauderdale, FL HMFA
West Palm Beach-Boca Raton, FL HMFA

III. Proposed FY2009 FMRs

On June 12, 2008 (73 FR 33530), HUD published proposed FY2009 FMRs. As noted in the preamble to the proposed FMRs, the FMRs for FY2009 reflect the use of the 2006 ACS data to update 2005 rent estimates for metropolitan areas. In addition, the FY2009 FMRs include all changes made to metropolitan area definitions made by the Office of Management and Budget (OMB), as of November 2007.

During the comment period, which ended August 1, 2008, HUD received 26 public comments on the proposed FY2009 FMRs. None of the comments received included the data needed to support FMR changes. Several of the comments expressed concern over recent utility increases and the failure of the FY2009 FMRs to take into account these increases. There were also comments received on the loss of 50th percentile FMRs resulting from low reporting rates. The comments received are discussed in more detail later in this notice.

IV. FMR Methodology

The FY2009 FMRs are based on current OMB metropolitan area definitions that were first used in the FY2006 FMRs. The changes OMB made to the Metropolitan Area Definitions in November 2007 are incorporated. This means that there are six Metropolitan Statistical Area (MSA) name changes that reorder, add, or delete a primary city name.[1] The area definitions based on 2000 Census data have the advantages of providing more relevant commuting interchange standards and more current measures of housing market relationships than those based on 1990 Census data and used prior to the FY2006 FMRs.

At HUD's request, the Census Bureau prepared a special publicly releasable census file that permits almost exact replication of HUD's 2000 Base Rent calculations, except for areas with few rental units. This data set is located on HUD's HUD USER Web site at *http://*

[1] The change from Sarasota-Brandenton-Venice, FL MSA to Bradenton-Sarasota-Venice, FL MSA includes a change in the primary city name and a change in the metropolitan code from 42260 to 14600.

www.huduser.org/datasets/fmr/CensusRentData/.

A. Data Sources—2000 Census and American Community Survey

FY2009 FMRs are based on changes in rents measured by differences in ACS data collected in 2005 and 2006 and updated with CPI data. For FY2008 FMRs, HUD developed 2005 rent estimates based on updating 2000 Census gross rent data with more current survey data from the Census Bureau's 2005 ACS, the first full year of implementation for the ACS. FY2009 FMRs use data from the 2006 ACS to update these 2005 rent estimates. While the Census Bureau intends for the ACS to replace the Decennial Census sample ''long form'' for collecting detailed socioeconomic data, the ACS has several important distinctions from the decennial long form. These include:

• The ACS is conducted on a continuous ''rolling'' basis throughout the year, so survey responses do not correspond to a particular date, whereas the long form responses were as of the Census date of April 1. This has implications for the ''as-of'' date assumed for ACS-based rents. The ''as-of'' date for ACS-based rents is set at June 30 of the ACS year.

• The ACS has an initial sample size (before non-response attrition) of about one-fifth that of the decennial long form, which surveyed approximately one out of every six households. This means that an adequate sample size for one-year ACS data will be available only for very large population geographic areas, and that data for smaller areas will be accumulated over 3 or 5 years to form the basis of decennial long-form-equivalent estimates.

As detailed in the notices announcing the proposed and final FY2008 FMRs, HUD replaced the accumulated 2001 through 2005 FMR update factors from various sources with 2005 ACS data. The preamble for the final FY2008 FMR Notice (72 FR 55940) provides a description of how the 2005 ACS data, and in some cases Random Digit Dialing surveys (RDDs) conducted in 2001 through 2005, were used in the FY2008 FMRs. Further details regarding the calculation of FY2008 FMRs are available using HUD's online Final FY2008 Documentation System, available at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr08.*

B. Updates From 2005 to 2006

State or local 2006 ACS data are used to update a June 2005-calculated gross rent from the FY2008 FMRs to June 2006. The same categories of use, depending upon the sizes of the available rental unit samples in the FMR areas, were applied to the 2006 ACS data as had been applied to the 2005 data. There are two exceptions to the similarity of processing 2005 ACS data and 2006 ACS data. First, the update factor reflecting changes in rents for the parts of the state not included in FMR areas covered by local ACS data was discontinued for two reasons: (1) The variance in rent change between 2005 and 2006 for these areas was much larger than that for full states and it was not clear whether these changes reflected differences in markets or area composition, or if they reflected survey anomalies; and (2) basing an underlying geography on factors that change annually (such as the identity of FMR areas covered by local ACS data) and which cannot be determined until the survey data have been processed presents a complexity that could not be resolved in a manner that allowed for timely delivery of data. Consequently, for FY2009, all state-based update factors are calculated for the entire state.

Second, HUD-defined ''HMFAs'' in metropolitan areas (CBSAs) where no subarea uses the CBSA gross rent as the basis of its FMR, are no longer tested to determine which update factor, the state or the CBSA, brings the subarea closer to the CBSA. The state update factor is now used for these cases. This change was made because review of the data and discussions with field economists indicated that forcing these subareas toward CBSA-area values moved the rent in the wrong direction.

C. Updates From 2006 to 2007

The 2006 ACS data brought the 2005 data used in the FY2008 FMRs forward by 12 months to June 2006. The CPI is used to update the June 2006 FMRs to the end of 2007. Local CPI data are used for FMR areas with at least 75 percent of their population within Class A metropolitan areas covered by local CPI data. Census region CPI data are used for FMR areas in Class B and C size metropolitan areas and nonmetropolitan areas without local CPI update factors.

D. Updates From 2007 to 2009

The national 1990 to 2000 average annual rent increase trend of 3 percent (1.03) is applied to end-of-2007 rents for 1.25 years, to derive the final FY2009 FMRs.

E. Additional Rent Surveys and Other Data

In early 2008, surveys were conducted in several areas of Wyoming, Colorado, Utah, and Texas where, as a result of increased oil and gas drilling activity, housing agencies have experienced significant rental housing market pressure. Most of these areas have experienced several years of problems managing the voucher program. These surveys show that rents in these areas are higher than previously estimated. All of these surveys met HUD standards for statistical significance (i.e., the survey result trended to April 2008 was statistically different from the April 2008 FY2008 FMRs at a 95 percent level of confidence). These RDD survey results became effective in FY2008 with the publication of the proposed FY2009 FMRs.

Three additional RDD surveys are underway. HUD is currently conducting surveys in New Orleans, Hattiesburg, MS and Pearl River County, MS in its ongoing effort to monitor rental housing markets in Katrina and Rita affected areas because of HUD's concern about FMR accuracy in these fluid housing markets and at the request of local PHAs. Results from these surveys will be published as soon as they are available.

The area-specific data and computations used to calculate proposed FY2009 FMRs and FMR area definitions can be found at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09*.

F. Large Bedroom Rents

FMR estimates are calculated for two-bedroom units. This generally is the most common size of rental units, and therefore the most reliable to survey and analyze. After each decennial census, rent relationships between two-bedroom units and other unit sizes are calculated and used to set FMRs for other units. This is done because it is much easier to update two-bedroom estimates and to use pre-established cost relationships with other bedroom sizes than it is to develop independent FMR estimates for each bedroom size. This was last done using 2000 Census data. A publicly releasable version of the data file used that permits derivations of rent ratios is available at *http://www.huduser.org/datasets/fmr/CensusRentData/index.html*. Rent ratio derivations are also shown in the FMR documentation system at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09*.

The rents for three-bedroom and larger units continue to reflect HUD's policy to set higher rents for these units than would result from using normal market rents. This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program

units. The adjustment adds bonuses of 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero-bedroom (efficiency) FMR.

A further adjustment was made using 2000 Census data in establishing rent ratios for areas with local bedroom-size intervals above or below what are considered to be reasonable ranges or where sample sizes are inadequate to accurately measure bedroom rent differentials. HUD's experience has shown that highly unusual bedroom ratios typically reflect inadequate sample sizes or peculiar local circumstances that HUD would not want to utilize in setting FMRs (e.g., luxury efficiency apartments that rent for more than typical one-bedroom units). Bedroom interval ranges were established based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. The ranges used were: Efficiency units are constrained to fall between 0.65 and 0.83 of the two-bedroom FMR; one-bedroom units must be between 0.76 and 0.90 of the two-bedroom unit; three-bedroom units must be between 1.10 and 1.34 of the two-bedroom unit; and four-bedroom units must be between 1.14 and 1.63 of the two-bedroom unit. Bedroom rents for a given FMR area were then adjusted if the differentials between bedroom-size FMRs were inconsistent with normally observed patterns (i.e., efficiency rents were not allowed to be higher than one-bedroom rents and four-bedroom rents were not allowed to be lower than three-bedroom rents).

For low-population, nonmetropolitan counties with small census recent-mover rent samples, census-defined county group data were used in determining rents for each bedroom size. This adjustment was made to protect against unrealistically high or low FMRs due to insufficient sample sizes. The areas covered by this estimation method had less than the HUD standard of 200 two-bedroom census-tabulated observations.

V. Public Comments

A total of 26 public comments were received on the proposed FY2009 FMRs. Over one-half of these comments were from housing agencies in Vermont and Maine and they expressed concern with managing the recent sharp increase in the cost of fuel oil, which is the primary heating fuel in these states. Although the FY2009 FMRs for most areas in Vermont represent an increase of more than 9 percent, the comments stated that this increase was not sufficient. In Maine, there was no effective increase in the FY2009 FMRs and they were also seeking relief from the heating fuel increases. HUD reviewed data on heating fuel increases from the Department of Energy's Energy Information Administration and from the Bureau of Labor Statistics Consumer Price Index. Both data sources show an increase of approximately 70 percent in residential fuel oil costs compared with last winter. Approximately 30 percent of this increase is included in the 2007 CPI that is used in calculating the FY2009 FMRs. The remaining 40 percent increase in fuel oil costs could be incorporated by using the CPI through June of 2008, replacing 6 months of trend. Using the updated rent and utility CPI through June 2008, however, results in less than a 2 percent increase in the FMR for these areas. This is because utility costs are not a significant share of the gross rent; a change in one component of utility costs does not result in a significant change in rent.

Comments concerning Greensboro, NC and New York City included data; however, these data are not acceptable. None of the data were sufficient to determine new FMRs. The Greensboro, NC data included average rents by housing type and bedroom size based on a small amount of survey data. There were three major problems with this submission. First, actual data was not submitted, only average rents. FMRs are based on 40th percentile rents not on average rents. Without actual data, it is not possible to determine the 40th percentile rent for this area. Using a percentile point within a distribution reduces survey problems with unusually high or low rents and allows smaller samples to be used. Second, the sample size was not sufficient to determine the reliability of the estimate. There must be sufficient information to justify any proposed changes to HUD's estimation of FMRs. Third, there was no documentation on how the survey was conducted so there was no way to determine if the sample was random. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area. The data must be statistically significant, and newspaper ads are specifically excluded. The qualifications on the acceptance of data and conducting statistically significant surveys were discussed in the preamble to the proposed FMRs and should be followed when providing comments.

New York City submitted its rent stabilization report that was the basis of a 4.5 percent increase for rent stabilized units in FY2009. The 4.5 percent increase is based on ensuring increases in landlords' operating costs are met. The FY2009 FMR for New York City shows no increase from FY2008 to FY2009. However, as submitted in their comment, rent stabilization increases in New York City have been 3.5 percent, 2.75 percent, 4.25 percent, 3 percent and 4.5 percent from 2003 to 2008, for a total of 19.3 percent. Two-bedroom FMRs in New York City have experienced a 22.9 percent increase during the same period. New York's justification for an increase in FMRs is that new voucher holders will have a difficult time finding units at the same amount as last year, when rent stabilization landlords are getting a 4.5 percent increase in rents. However, they do not comment on the level of the FMR, nor do they provide data to support the contention that the final FMR for New York City should be higher than the proposed FMR.

A comment filed by the National Association of Home Builders (NAHB) made three specific requests: (1) Limit all FMR decreases to 5 percent or, conduct RDD surveys in all areas with increases of more than 5 percent; (2) improve the description of the methodology used by HUD to control for the presence of inadequate and subsidized units; and (3) clarify HUD's intentions for 50th percentile re-evaluation and notify areas about success rate payment standards. The NAHB also commended HUD on its continuing FMR bonus for Katrina and Rita impacted areas.

FY2009 proposed FMRs include two areas that experience more than a 5 percent decline in FMRs. One is Providence, RI, whose decline is a result of the loss of the 50th percentile FMR, and the other is Santa Barbara-Santa Maria, CA. HUD is required by law to use the most recent, reliable data available in estimating FMRs. Limiting either increases or decreases would be counter to the law as HUD interprets and implements it. There is no reason to assume that such declines do not occur as rents and utilities change over time. Proposed FMRs for both Providence and Santa Barbara are based on local ACS surveys with significantly larger samples than would be achievable with an RDD. Conducting an RDD

would use scarce resources to produce less reliable data than that available from the ACS. In addition, no comments were filed by any party within either of the two areas.

In response to the NAHB request for a full description of HUD's methodology in establishing its cutoff rent at the 75th percentile of the regional public housing rent, HUD has added the methodology of the cutoff rent as a link in our FY2009 FMR documentation system.

In response to the NAHB request that HUD use firmer language to describe its intentions with respect to 50th percentile areas, firmer language has been added to this preamble. HUD commends the NAHB for being mindful of small PHAs who might not be aware of the success rate payment standard policy and reiterates here that all of the rules and conditions for becoming eligible for and for maintaining eligibility of 50th percentile status are given in 24 CFR 888.113 and 24 CFR 982.503, including the rules applying to the success rate payment standard.

The Council of Large Public Housing Authorities (CLAPHA), the Housing Authority of Baltimore and the Fairfax County Redevelopment and Housing Authority all commented on the loss of the 50th percentile FMR. CLAPHA and Baltimore are primarily concerned that the methodology used to evaluate the reporting rates for Moving-to-Work (MTW) agencies is faulty and should be reviewed. HUD has reviewed its methodology and found that this is the case. There is MTW data available that was not used in the initial FY2009 50th percentile evaluation. The three areas designated as failing to meet an 85 percent reporting rate, do meet this reporting rate with inclusion of MTW data; however, the data also show that all three areas (Baltimore, New Haven, and Washington, DC) failed to deconcentrate over the three-year period from 2005 to 2008. Failure to deconcentrate eliminates an area from eligibility for three years, while failure to report eliminates an area only until they have 85 percent reporting, at which point, the three year deconcentration clock starts over again. This error was found too late to provide an opportunity for the parties to be notified and to comment on, so these three areas will lose their 50th percentile FMR status for the FY2009 FMRs, but will be reviewed for a new three-year 50th percentile FMR program beginning with the FY2010 FMRs. Public housing authorities impacted by the loss of 50th percentile status are referred to 24 CFR 982.503(f), which provides payment standard protection for PHAs that meet deconcentration objectives.

The Mansfield Housing Authority, representing three towns in southern Connecticut that are part of the Hartford-West Hartford-East-Hartford, CT MSA, requested higher FMRs and referred us to its comments filed in the FY2008 FMRs. Last year we suggested that they look into exception rents for these towns and determine if they would qualify. This year we evaluated the towns and determined that Storrs would qualify for an exception at 111 percent and Coventry would qualify for an exception at 116 percent. Mansfield does not qualify for an exception rent. The Housing authority could request that PIH grant exceptions for the other towns, if it can show there is a program need.

The City of San Jose Housing Department and Menola Land, LLC from Billings, Montana both submitted comments that their FMRs were too low but neither comment contained sufficient data that could be used to re-evaluate proposed FMRs and adjust them.

VI. Manufactured Home Space Surveys

The FMR used to establish payment standard amounts for the rental of manufactured home spaces in the Housing Choice Voucher program is 40 percent of the FMR for a two-bedroom unit. HUD will consider modification of the manufactured home space FMRs where public comments present statistically valid survey data showing the 40th percentile manufactured home space rent (including the cost of utilities) for the entire FMR area. HUD modified manufactured home space FMRs for Seattle-Bellevue, WA, based on survey data showing the 40th percentile manufactured home space rent (including the cost of utilities) for the entire FMR area.

All approved exceptions to these rents that were in effect in FY2008 were updated to FY2009 using the same data used to estimate the Housing Choice Voucher program FMRs if the respective FMR area's definition remained the same. If the result of this computation was higher than 40 percent of the re-benchmarked two-bedroom rent, the exception remains and is listed in Schedule D. The FMR area definitions used for the rental of manufactured home spaces are the same as the area definitions used for the other FMRs. Areas with definitional changes that previously had exceptions to their manufactured housing space rental FMRs are requested to submit new surveys to justify higher-than-standard space rental FMRs if they believe higher space rental allowances are needed.

VII. HUD Rental Housing Survey Guides

For the supporting data, HUD recommends the use of professionally conducted RDD telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of approximately $35,000. Areas with 2,000 or more program units usually meet this cost criterion, and areas with fewer units may meet it if actual rents for two-bedroom units are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of $5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, conduct surveys of groups of counties. HUD must approve all county-grouped surveys in advance. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed. Each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties where FMRs are based on the combined rents in the cluster of FMR areas will not have their FMRs revised unless the grouped survey results show a revised FMR above the combined rent level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled ''Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain the guide entitled ''Rental Housing Surveys: A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments.'' These guides, in Microsoft Word format, are available from HUD USER at HUD's Web site at the following address: *http://www.huduser.org/datasets/fmr.html*.

Other survey methodologies are acceptable in providing data to support comments, if the survey methodology can provide statistically reliable, unbiased estimates of the gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental

housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The decennial census should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock.

Most surveys of FMR areas cover only one- and two-bedroom units. If the survey is statistically acceptable, HUD will estimate FMRs for other bedroom sizes using ratios based on the decennial census. A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements.

HUD will consider increasing manufactured home space FMRs where public comment demonstrates that 40 percent of the two-bedroom FMR is not adequate. In order to be accepted as a basis for revising the manufactured home space FMRs, comments must include a pad rental survey of the mobile home parks in the area, identify the utilities included in each park's rental fee, and provide a copy of the applicable public housing authority's utility schedule.

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR Part 888, are amended as follows:

Dated: September 22, 2008.

Darlene F. Williams,

Assistant Secretary for Policy, Development and Research.

Fair Market Rents for the Housing Choice Voucher Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. Metropolitan Areas—FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are in direct competition. The FY2009 FMRs reflect a change in metropolitan area definitions. HUD is using the metropolitan Core Based Statistical Areas (CBSA), which are made up of one or more counties, as defined by the OMB, with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. Modifications to OMB Definitions—Following OMB guidance, the estimation procedure for the FY2009. FMRs incorporates the current OMB definitions of metropolitan areas based on the CBSA standards as implemented with 2000 Census data, but makes adjustments to the definitions to separate subparts of these areas where FMRs or median incomes would otherwise change significantly if the new area definitions were used without modification. In CBSAs where sub-areas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so in the future as the social and economic integration of the CBSA component areas increases. Modifications to metropolitan CBSA definitions are made according to a formula as described below.

Metropolitan area CBSAs (referred to as Metropolitan Statistical Areas or MSAs) may be modified to allow for sub-area FMRs within MSAs based on the boundaries of old FMR areas (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs. Collectively, they include 1999 definition MSAs/PMSAs, metropolitan counties deleted from 1999 definition MSAs/PMSAs by HUD for FMR purposes, and counties and county parts outside of 1999 definition MSAs/PMSAs referred to as nonmetropolitan counties.) Sub-areas of MSAs are assigned their own FMRs when the sub-area 2000 Census Base Rent differs by at least 5 percent from the MSA 2000 Census Base Rent (i.e., by at most 95 percent or at least 105 percent), or when the 2000 Census Median Family Income for the sub-area differs by at least 5 percent from the MSA 2000 Census Median Family Income. MSA sub-areas, and the remaining portions of MSAs after sub-areas have been determined, are referred to as HUD Metro FMR Areas (HMFAs) to distinguish these areas from OMB's official definition of MSAs.

The specific counties and New England towns and cities within each state in MSAs and HMFAs are listed in Schedule B.

2. Bedroom Size Adjustments

Schedule B shows the FMRs for zero-bedroom through four-bedroom units. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the zero-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each state. The exception rents for manufactured home spaces FMRs are listed alphabetically in Schedule D.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

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SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 1

ALABAMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston-Oxford, AL MSA	410	452	562	742	873	Calhoun
Auburn-Opelika, AL MSA	404	481	620	816	838	Lee
Birmingham-Hoover, AL HMFA	563	626	698	886	912	Bibb, Blount, Jefferson, St. Clair, Shelby
Chilton County, AL HMFA	377	521	580	728	835	Chilton
Columbus, GA-AL MSA	531	559	640	851	1007	Russell
Decatur, AL MSA	448	503	579	757	786	Lawrence, Morgan
Dothan, AL HMFA	398	469	531	679	776	Geneva, Houston
Florence-Muscle Shoals, AL MSA	471	473	574	732	907	Colbert, Lauderdale
Gadsden, AL MSA	371	469	570	730	754	Etowah
Henry County, AL HMFA	336	463	514	614	633	Henry
Huntsville, AL MSA	496	540	638	873	959	Limestone, Madison
Mobile, AL MSA	556	595	671	879	1037	Mobile
Montgomery, AL MSA	530	627	706	936	1236	Autauga, Elmore, Lowndes, Montgomery
Tuscaloosa, AL MSA	464	536	694	892	920	Greene, Hale, Tuscaloosa
Walker County, AL HMFA	471	472	566	707	772	Walker

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baldwin	512	616	733	972	1113	Barbour	430	431	518	641	660
Bullock	381	431	528	633	681	Butler	381	431	528	633	681
Chambers	427	463	514	697	719	Cherokee	446	447	538	641	661
Choctaw	426	450	514	652	871	Clarke	334	462	514	615	904
Clay	428	429	514	635	791	Cleburne	432	434	520	637	793
Coffee	410	468	530	725	930	Conecuh	426	450	514	652	871
Coosa	417	462	514	696	782	Covington	428	429	514	701	723
Crenshaw	381	431	528	633	681	Cullman	446	459	538	724	744
Dale	397	458	514	742	900	Dallas	341	473	525	662	710
DeKalb	383	408	514	684	703	Escambia	427	433	514	641	788
Fayette	337	391	514	749	905	Franklin	335	433	514	693	903
Jackson	427	463	514	655	903	Lamar	344	427	514	686	901
Macon	382	411	530	707	730	Marengo	427	453	514	666	684
Marion	334	390	514	653	903	Marshall	454	487	549	741	816
Monroe	427	463	514	711	786	Perry	427	453	514	666	684
Pickens	344	427	514	686	901	Pike	410	441	514	660	681
Randolph	428	429	514	635	791	Sumter	344	439	514	686	901
Talladega	436	437	523	706	922	Tallapoosa	412	422	517	729	846
Washington	426	450	514	652	871	Wilcox	426	450	514	652	871
Winston	343	391	514	615	633						

ALASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK HMFA	694	789	990	1426	1736	Anchorage
Fairbanks, AK MSA	622	748	957	1386	1463	Fairbanks North Star
Matanuska-Susitna Borough, AK HMFA	629	733	935	1330	1615	Matanuska-Susitna

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 2

ALASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians East	777	884	1120	1384	1427
Bethel	890	1114	1352	1617	2374
Denali	654	807	1008	1415	1594
Haines	654	807	1008	1415	1594
Kenai Peninsula	586	670	815	1117	1431
Kodiak Island	749	877	1154	1658	1755
Nome	779	1001	1149	1387	1428
Northwest Arctic	777	884	1120	1384	1427
Sitka	744	858	1024	1492	1797
Southeast Fairbanks	654	807	1008	1415	1594
Wade Hampton	777	884	1120	1384	1427
Yakutat	777	884	1120	1384	1427

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians West	777	884	1120	1384	1427
Bristol Bay	777	884	1120	1384	1427
Dillingham	777	884	1120	1384	1427
Juneau	793	971	1222	1651	2058
Ketchikan Gateway	699	892	1072	1562	1882
Lake and Peninsula	777	884	1120	1384	1427
North Slope	802	938	1232	1473	1517
Prince of Wales-Outer Ketchikan	777	884	1120	1384	1427
Skagway-Hoonah-Angoon	777	884	1120	1384	1427
Valdez-Cordova	654	807	1008	1415	1594
Wrangell-Petersburg	777	884	1120	1384	1427
Yukon-Koyukuk	777	884	1120	1384	1427

ARIZONA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ MSA	777	924	1044	1343	1693	Coconino
Lake Havasu City-Kingman, AZ MSA	582	640	746	1032	1151	Mohave
Phoenix-Mesa-Scottsdale, AZ MSA	624	727	877	1277	1495	Maricopa, Pinal
Prescott, AZ MSA	647	668	844	1230	1267	Yavapai
Tucson, AZ MSA	493	579	743	1070	1131	Pima
Yuma, AZ MSA	544	642	767	1088	1333	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	410	502	593	822	1042
Gila	525	615	809	1111	1144
Greenlee	498	554	695	955	1081
Navajo	489	522	689	928	1100
Cochise	481	557	699	965	1186
Graham	545	587	657	908	1045
La Paz	559	560	672	951	979
Santa Cruz	574	575	729	1063	1094

ARKANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR HMFA	494	521	651	948	975	Benton, Madison, Washington
Fort Smith, AR-OK HMFA	392	445	554	738	804	Crawford, Sebastian
Franklin County, AR HMFA	333	436	512	649	792	Franklin
Grant County, AR HMFA	431	444	542	785	809	Grant
Hot Springs, AR MSA	400	496	617	770	794	Garland
Jonesboro, AR HMFA	467	486	561	789	813	Craighead
Little Rock-North Little Rock-Conway, AR HMFA	537	610	680	911	940	Faulkner, Lonoke, Perry, Pulaski, Saline
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	Crittenden
Pine Bluff, AR MSA	396	469	588	706	837	Cleveland, Jefferson, Lincoln
Poinsett County, AR HMFA	333	431	512	681	816	Poinsett
Texarkana, TX-Texarkana, AR MSA	492	497	612	747	812	Miller

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 3

ARKANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Arkansas	391	412	512	743	764
Baxter	392	456	551	741	934
Bradley	381	387	512	635	673
Carroll	449	450	540	681	948
Clark	408	413	532	686	706
Cleburne	463	465	557	764	980
Conway	425	438	512	705	767
Dallas	331	460	512	652	830
Drew	366	470	565	710	990
Greene	332	462	512	749	771
Hot Spring	426	428	512	671	692
Independence	356	424	512	662	719
Jackson	345	452	512	722	745
Lafayette	404	462	531	635	759
Lee	364	411	512	682	793
Logan	333	430	512	732	819
Mississippi	361	403	527	695	838
Montgomery	397	461	581	730	752
Newton	427	428	514	664	745
Phillips	424	428	512	667	688
Polk	425	461	512	666	809
Prairie	426	427	512	642	662
St. Francis	434	450	525	741	920
Searcy	427	428	514	664	745
Sharp	426	427	512	652	674
Union	437	460	526	682	885
White	439	440	529	718	739
Yell	423	446	512	702	724

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashley	398	412	541	648	713
Boone	432	433	521	667	749
Calhoun	331	460	512	652	830
Chicot	381	387	512	635	673
Clay	412	415	512	656	698
Columbia	336	432	517	634	726
Cross	427	429	515	751	820
Desha	381	387	512	651	673
Fulton	408	409	512	673	751
Hempstead	401	449	525	629	722
Howard	391	454	512	659	681
Izard	408	409	512	673	751
Johnson	332	456	512	682	816
Lawrence	334	409	512	630	833
Little River	404	462	531	648	759
Marion	425	426	512	674	742
Monroe	426	427	512	642	662
Nevada	404	462	531	635	759
Ouachita	331	461	512	705	826
Pike	404	462	531	635	759
Pope	384	412	534	752	774
Randolph	333	416	512	612	898
Scott	425	427	512	708	898
Sevier	427	441	512	708	820
Stone	408	409	512	673	751
Van Buren	333	389	512	634	818
Woodruff	426	427	512	642	662

CALIFORNIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	573	618	736	1064	1275	Kern
Chico, CA MSA	576	685	826	1165	1390	Butte
El Centro, CA MSA	588	665	820	1128	1437	Imperial
Fresno, CA MSA	647	713	842	1225	1319	Fresno
Hanford-Corcoran, CA MSA	620	660	766	1117	1346	Kings
Los Angeles-Long Beach, CA HMFA	904	1090	1361	1828	2199	Los Angeles
Madera, CA MSA	623	654	834	1213	1250	Madera
Merced, CA MSA	559	637	774	1104	1289	Merced
Modesto, CA MSA	664	734	864	1239	1431	Stanislaus
Napa, CA MSA	890	997	1295	1791	2034	Napa
Oakland-Fremont, CA HMFA	905	1093	1295	1756	2174	Alameda, Contra Costa
Orange County, CA HMFA	1147	1296	1546	2188	2518	Orange

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 4

CALIFORNIA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Oxnard-Thousand Oaks-Ventura, CA MSA	1069	1181	1502	2152	2462	Ventura
Redding, CA MSA	566	659	802	1170	1410	Shasta
Riverside-San Bernardino-Ontario, CA MSA	867	954	1125	1583	1846	Riverside, San Bernardino
Sacramento--Arden-Arcade--Roseville, CA HMFA	737	838	1022	1475	1690	El Dorado, Placer, Sacramento
Salinas, CA MSA	871	980	1125	1590	1665	Monterey
San Benito County, CA HMFA	742	1005	1118	1584	1961	San Benito
*San Diego-Carlsbad-San Marcos, CA MSA	1024	1168	1418	2067	2493	San Diego
San Francisco, CA HMFA	1078	1325	1658	2213	2339	Marin, San Francisco, San Mateo
San Jose-Sunnyvale-Santa Clara, CA HMFA	961	1113	1338	1924	2118	Santa Clara
San Luis Obispo-Paso Robles, CA MSA	781	924	1125	1639	1686	San Luis Obispo
Santa Barbara-Santa Maria-Goleta, CA MSA	1007	1124	1262	1662	1897	Santa Barbara
Santa Cruz-Watsonville, CA MSA	1034	1220	1590	2288	2358	Santa Cruz
Santa Rosa-Petaluma, CA MSA	844	1026	1296	1839	2150	Sonoma
Stockton, CA MSA	675	770	950	1304	1643	San Joaquin
Vallejo-Fairfield, CA MSA	940	1012	1161	1628	2005	Solano
Visalia-Porterville, CA MSA	518	580	674	964	990	Tulare
Yolo, CA HMFA	816	863	1055	1537	1635	Yolo
Yuba City, CA MSA	534	602	740	1077	1152	Sutter, Yuba

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alpine	622	698	890	1269	1307	Amador	671	787	1033	1501	1546
Calaveras	686	686	825	1203	1327	Colusa	624	627	815	1052	1430
Del Norte	613	621	803	1169	1205	Glenn	535	549	722	939	965
Humboldt	569	666	876	1256	1391	Inyo	563	590	767	1118	1318
Lake	562	659	858	1243	1384	Lassen	546	640	841	1223	1260
Mariposa	622	698	890	1269	1307	Mendocino	627	774	940	1283	1649
Modoc	541	597	782	1114	1157	Mono	733	882	1127	1544	1980
Nevada	704	822	1083	1564	1903	Plumas	557	653	860	1255	1510
Sierra	658	768	1013	1435	1777	Siskiyou	486	583	746	1062	1094
Tehama	509	578	755	1097	1317	Trinity	550	578	758	1040	1154
Tuolumne	605	720	930	1285	1324						

COLORADO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder, CO MSA	708	820	1029	1500	1799	Boulder
Colorado Springs, CO HMFA	562	630	796	1136	1344	El Paso
*Denver-Aurora, CO MSA	617	704	891	1265	1475	Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Park
Fort Collins-Loveland, CO MSA	574	688	834	1214	1415	Larimer
Grand Junction, CO MSA	561	562	675	983	1188	Mesa
Greeley, CO MSA	513	543	665	970	1144	Weld
Pueblo, CO MSA	491	517	679	889	1006	Pueblo
Teller County, CO HMFA	577	674	887	1291	1556	Teller

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 5

COLORADO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alamosa	420	520	577	784	1014
Baca	441	518	577	822	887
Chaffee	437	551	671	978	1007
Conejos	441	518	577	822	887
Crowley	459	474	577	756	930
Delta	514	525	618	848	874
Eagle	870	1015	1336	1681	2295
Garfield	857	976	1082	1335	1375
Gunnison	539	592	770	1066	1352
Huerfano	441	518	577	822	887
Kiowa	459	474	577	756	930
Lake	658	830	1002	1247	1759
Las Animas	395	524	581	749	773
Logan	452	453	577	751	870
Moffat	514	562	705	924	1238
Montrose	442	580	672	892	1105
Otero	450	475	577	799	823
Phillips	459	474	577	756	930
Prowers	443	519	577	782	1014
Rio Grande	443	518	577	837	889
Saguache	441	518	577	822	887
San Miguel	708	850	1086	1583	1631
Summit	760	894	1168	1663	2050
Yuma	459	474	577	756	930

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Archuleta	525	618	777	945	1220
Bent	459	474	577	756	930
Cheyenne	459	474	577	756	930
Costilla	441	518	577	822	887
Custer	467	546	719	1007	1158
Dolores	525	615	712	943	1217
Fremont	416	497	638	916	1050
Grand	522	596	757	1101	1135
Hinsdale	658	830	1002	1247	1759
Jackson	585	676	750	967	1167
Kit Carson	459	474	577	756	930
La Plata	576	703	804	1128	1284
Lincoln	459	474	577	756	930
Mineral	658	830	1002	1247	1759
Montezuma	460	538	621	741	990
Morgan	498	540	602	802	969
Ouray	658	830	1002	1247	1759
Pitkin	918	1074	1413	1963	2481
Rio Blanco	585	676	750	967	1167
Routt	677	801	1042	1246	1830
San Juan	525	615	712	943	1217
Sedgwick	459	474	577	756	930
Washington	459	474	577	756	930

CONNECTICUT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT HMFA	788	1019	1214	1451	1762	Fairfield County towns of Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
Colchester-Lebanon, CT HMFA	700	821	1078	1289	1330	New London County towns of Colchester town, Lebanon town
Danbury, CT HMFA	977	1186	1505	1801	2233	Fairfield County towns of Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
*Hartford-West Hartford-East Hartford, CT HMFA	697	835	1021	1226	1522	Hartford County towns of Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Hartland town, Manchester town, Marlborough town, New Britain town, Newington town, Plainville town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 6

CONNECTICUT continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Middlesex County towns of Chester town, Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town
						Tolland County towns of Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Union town, Vernon town, Willington town
Milford-Ansonia-Seymour, CT HMFA	858	995	1113	1417	1556	New Haven County towns of Ansonia town, Beacon Falls town, Derby town, Milford town, Oxford town, Seymour town
New Haven-Meriden, CT HMFA	774	915	1101	1316	1430	New Haven County towns of Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, West Haven town, Woodbridge town
Norwich-New London, CT HMFA	700	830	961	1176	1299	New London County towns of Bozrah town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Lyme town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Voluntown town, Waterford town
Southern Middlesex County, CT HMFA	824	868	1104	1416	1615	Middlesex County towns of Clinton town, Deep River town, Essex town, Killingworth town, Old Saybrook town, Westbrook town
Stamford-Norwalk, CT HMFA	1119	1362	1703	2219	2681	Fairfield County towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town
Waterbury, CT HMFA	581	752	894	1070	1114	New Haven County towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Litchfield County, CT	632	823	972	1248	1404	Barkhamsted town, Bethlehem town, Bridgewater town, Canaan town, Colebrook town, Cornwall town, Goshen town, Harwinton town, Kent town, Litchfield town, Morris town, New Hartford town, New Milford town, Norfolk town, North Canaan town, Plymouth town, Roxbury town, Salisbury town, Sharon town, Thomaston town, Torrington town, Warren town, Washington town, Watertown town, Winchester town, Woodbury town
Windham County, CT	584	707	851	1071	1136	Ashford town, Brooklyn town, Canterbury town, Chaplin town, Eastford town, Hampton town, Killingly town, Plainfield town, Pomfret town, Putnam town, Scotland town, Sterling town, Thompson town, Windham town, Woodstock town
DELAWARE						
METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	642	699	774	1012	1359	Kent

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

DELAWARE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA...	736	842	1005	1203	1431	New Castle

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sussex.....	590	643	714	977	1005

DISTRICT OF COLUMBIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington-Arlington-Alexandria, DC-VA-MD HMFA....	1002	1131	1288	1647	2157	District of Columbia

FLORIDA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baker County, FL HMFA.....	375	519	577	844	866	Baker
*Bradenton-Sarasota-Venice, FL MSA.....	804	880	1059	1352	1486	Manatee, Sarasota
Cape Coral-Fort Myers, FL MSA.....	800	864	984	1337	1377	Lee
Deltona-Daytona Beach-Ormond Beach, FL MSA.....	616	720	896	1159	1193	Volusia
*Fort Lauderdale, FL HMFA.....	977	1092	1313	1816	2306	Broward
Fort Walton Beach-Crestview-Destin, FL MSA.....	619	725	816	1191	1307	Okaloosa
Gainesville, FL MSA.....	627	692	788	1152	1188	Alachua, Gilchrist
Jacksonville, FL HMFA.....	685	779	907	1138	1304	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA.....	617	681	784	994	1167	Polk
Miami-Miami Beach-Kendall, FL HMFA.....	842	953	1156	1479	1728	Miami-Dade
Naples-Marco Island, FL MSA.....	868	995	1120	1392	1449	Collier
Ocala, FL MSA.....	619	638	749	983	1013	Marion
Orlando-Kissimmee, FL MSA.....	793	862	985	1233	1452	Lake, Orange, Osceola, Seminole
Palm Bay-Melbourne-Titusville, FL MSA.....	601	735	866	1167	1301	Brevard
Palm Coast, FL MSA.....	661	762	959	1343	1432	Flagler
Panama City-Lynn Haven, FL MSA.....	638	673	771	1065	1184	Bay
Pensacola-Ferry Pass-Brent, FL MSA.....	625	680	755	1094	1324	Escambia, Santa Rosa
Port St. Lucie, FL MSA.....	721	723	916	1211	1248	Martin, St. Lucie
Punta Gorda, FL MSA.....	645	676	877	1280	1541	Charlotte
Sebastian-Vero Beach, FL MSA.....	594	717	914	1138	1171	Indian River
Tallahassee, FL HMFA.....	650	723	892	1190	1225	Gadsden, Jefferson, Leon
Tampa-St. Petersburg-Clearwater, FL MSA.....	705	782	946	1199	1447	Hernando, Hillsborough, Pasco, Pinellas
Wakulla County, FL HMFA.....	610	663	737	969	999	Wakulla
*West Palm Beach-Boca Raton, FL HMFA.....	936	1096	1294	1830	1885	Palm Beach

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bradford.....	399	554	614	761	785	Calhoun.....	515	516	618	779	888
Citrus.....	552	600	664	963	1159	Columbia.....	480	555	656	819	1151
DeSoto.....	542	555	652	786	809	Dixie.....	476	520	577	721	803
Franklin.....	514	515	618	778	886	Glades.....	570	607	690	842	900
Gulf.....	515	516	618	779	888	Hamilton.....	476	520	577	721	803
Hardee.....	542	588	652	800	822	Hendry.....	517	618	689	828	1022

FLORIDA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Highlands	585	588	704	911	1088	Holmes	491	522	592	770	809
Jackson	404	518	577	714	834	Lafayette	476	520	577	721	803
Levy	478	513	577	737	758	Liberty	515	516	618	779	888
Madison	515	516	618	779	888	Monroe	861	1048	1291	1878	2011
Okeechobee	582	602	701	944	972	Putnam	486	527	586	703	724
Sumter	478	519	577	758	1013	Suwannee	383	520	577	727	797
Taylor	524	568	632	756	777	Union	478	550	618	818	843
Walton	576	594	695	859	885	Washington	384	437	577	827	850

GEORGIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	499	533	625	839	866	Baker, Dougherty, Lee, Terrell, Worth
Athens-Clarke County, GA MSA	534	594	745	992	1024	Clarke, Madison, Oconee, Oglethorpe
Atlanta-Sandy Springs-Marietta, GA HMFA	729	789	878	1069	1166	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Heard, Henry, Jasper, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, Walton
Augusta-Richmond County, GA-SC MSA	530	575	646	865	910	Burke, Columbia, McDuffie, Richmond
Brunswick, GA MSA	501	544	604	861	1061	Brantley, Glynn, McIntosh
Butts County, GA HMFA	405	541	625	912	1086	Butts
Chattanooga, TN-GA MSA	535	565	666	820	964	Catoosa, Dade, Walker
Columbus, GA-AL MSA	531	559	640	851	1007	Chattahoochee, Harris, Marion, Muscogee
Dalton, GA HMFA	511	555	614	760	782	Whitfield
Gainesville, GA MSA	697	731	843	1035	1200	Hall
Haralson County, GA HMFA	442	463	531	773	937	Haralson
Hinesville-Fort Stewart, GA HMFA	504	548	610	858	977	Liberty
Lamar County, GA HMFA	473	475	570	751	1000	Lamar
Long County, GA HMFA	450	489	544	745	768	Long
Macon, GA MSA	525	569	633	780	813	Bibb, Crawford, Jones, Twiggs
Meriwether County, GA HMFA	463	469	559	674	695	Meriwether
Monroe County, GA HMFA	506	550	610	731	755	Monroe
Murray County, GA HMFA	478	516	575	688	708	Murray
Rome, GA MSA	482	491	634	778	803	Floyd
Savannah, GA MSA	655	709	789	1047	1081	Bryan, Chatham, Effingham
Valdosta, GA MSA	516	517	622	843	870	Brooks, Echols, Lanier, Lowndes
Warner Robins, GA MSA	571	581	690	1001	1152	Houston

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Appling	440	478	531	647	667	Atkinson	441	461	531	676	770
Bacon	441	461	531	676	770	Baldwin	413	498	618	738	761
Banks	459	497	551	669	951	Ben Hill	348	449	536	649	666
Berrien	435	436	531	658	678	Bleckley	373	435	531	657	753
Bulloch	489	506	599	719	738	Calhoun	441	478	531	681	837
Camden	546	547	659	959	1157	Candler	440	478	531	647	667
Charlton	441	461	531	676	770	Chattooga	346	423	531	637	927

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 9

GEORGIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clay	441	478	531	681	837
Coffee	440	455	531	661	809
Cook	441	450	531	722	933
Decatur	394	458	603	721	801
Dooly	441	456	531	670	904
Elbert	441	460	531	667	688
Evans	440	478	531	647	667
Franklin	459	497	551	669	951
Glascock	381	403	531	636	747
Grady	345	477	531	736	761
Habersham	524	526	630	755	1106
Hart	441	478	531	634	931
Jackson	546	593	660	802	1047
Jefferson	381	424	531	636	747
Johnson	400	490	546	705	737
Lincoln	441	460	531	667	688
Macon	441	456	531	670	904
Mitchell	346	439	531	637	884
Morgan	477	478	590	706	727
Pierce	441	461	531	676	770
Pulaski	402	470	531	773	811
Quitman	441	478	531	681	837
Randolph	441	478	531	681	837
Screven	381	403	531	636	747
Stephens	354	492	546	654	674
Sumter	415	466	573	686	1007
Taliaferro	441	460	531	667	688
Taylor	441	456	531	670	904
Thomas	486	527	586	752	1028
Toombs	345	478	531	740	819
Treutlen	402	470	531	710	812
Turner	441	467	531	673	821
Upson	374	506	576	688	709
Warren	441	460	531	667	688
Wayne	380	430	531	701	932
Wheeler	402	470	531	710	812
Wilcox	402	470	531	710	812
Wilkinson	400	490	546	705	737

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clinch	441	461	531	676	770
Colquitt	442	477	531	636	799
Crisp	441	444	531	671	691
Dodge	419	421	531	710	731
Early	441	478	531	681	837
Emanuel	347	402	531	647	827
Fannin	360	500	554	663	796
Gilmer	519	562	627	827	999
Gordon	519	523	672	804	829
Greene	441	460	531	667	688
Hancock	441	460	531	667	688
Irwin	441	467	531	673	821
Jeff Davis	440	478	531	647	667
Jenkins	381	403	531	636	747
Laurens	441	479	531	713	865
Lumpkin	465	605	718	969	1075
Miller	409	476	531	665	792
Montgomery	402	470	531	710	812
Peach	481	482	582	833	876
Polk	436	485	592	730	754
Putnam	400	405	531	772	794
Rabun	521	541	628	810	977
Schley	441	456	531	670	904
Seminole	409	476	531	665	792
Stewart	441	478	531	681	837
Talbot	509	510	615	758	780
Tattnall	442	477	531	700	766
Telfair	402	470	531	710	812
Tift	462	501	555	709	819
Towns	521	541	628	806	977
Troup	509	515	645	816	842
Union	521	541	628	806	977
Ware	440	475	531	680	714
Washington	381	437	531	649	747
Webster	441	456	531	670	904
White	465	580	644	813	978
Wilkes	441	460	531	667	688

HAWAII

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	1140	1337	1631	2367	2649	Honolulu

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 10

HAWAII continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hawaii	770	925	1038	1464	1604	Kalawao	925	1066	1253	1584	1803
Kauai	888	1000	1318	1654	1800	Maui	1137	1260	1465	1960	2099

IDAHO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City-Nampa, ID HMFA	516	612	722	1050	1116	Ada, Boise, Canyon, Owyhee
Coeur d'Alene, ID MSA	544	587	706	1027	1148	Kootenai
Gem County, ID HMFA	481	583	648	942	969	Gem
Idaho Falls, ID MSA	462	486	621	851	1069	Bonneville, Jefferson
Lewiston, ID-WA MSA	477	495	620	880	1073	Nez Perce
Logan, UT-ID MSA	471	508	635	852	1052	Franklin
Pocatello, ID MSA	396	461	594	858	1006	Bannock, Power

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	464	484	609	825	982	Bear Lake	396	456	583	828	978
Benewah	533	543	682	975	1005	Bingham	406	450	577	794	820
Blaine	771	838	930	1321	1630	Bonner	539	566	694	982	1011
Boundary	533	543	682	975	1005	Butte	441	472	603	853	1013
Camas	473	517	645	850	909	Caribou	396	456	583	828	978
Cassia	473	517	645	850	909	Clark	441	472	603	853	1013
Clearwater	473	488	605	873	1007	Custer	441	472	603	853	1013
Elmore	402	469	617	782	958	Fremont	441	472	603	853	1013
Gooding	473	517	645	850	909	Idaho	462	494	651	779	921
Jerome	473	517	645	850	909	Latah	475	496	599	873	1011
Lemhi	441	472	603	853	1013	Lewis	473	488	605	873	1007
Lincoln	473	517	645	850	909	Madison	448	449	577	838	912
Minidoka	374	492	577	764	786	Oneida	396	456	583	828	978
Payette	399	481	611	774	1010	Shoshone	477	478	577	760	805
Teton	441	472	603	853	1013	Twin Falls	426	518	656	846	1000
Valley	464	484	609	825	982	Washington	464	484	609	825	982

ILLINOIS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	499	551	696	931	1164	McLean
Bond County, IL HMFA	394	421	546	794	934	Bond
Champaign-Urbana, IL MSA	478	581	684	858	1179	Champaign, Ford, Piatt
*Chicago-Naperville-Joliet, IL HMFA	781	894	1004	1227	1387	Cook, DuPage, Kane, Lake, McHenry, Will
Danville, IL MSA	378	451	581	695	738	Vermilion
Davenport-Moline-Rock Island, IA-IL MSA	457	510	642	819	853	Henry, Mercer, Rock Island
DeKalb County, IL HMFA	562	635	834	1082	1327	DeKalb
Decatur, IL MSA	395	470	596	794	820	Macon
Grundy County, IL HMFA	566	663	869	1094	1473	Grundy

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ILLINOIS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kankakee-Bradley, IL MSA	503	547	722	936	1004	Kankakee
Kendall County, IL HMFA	809	810	974	1369	1483	Kendall
Macoupin County, IL HMFA	503	504	606	755	782	Macoupin
Peoria, IL MSA	464	549	684	881	1000	Marshall, Peoria, Stark, Tazewell, Woodford
Rockford, IL MSA	482	544	689	901	928	Boone, Winnebago
Springfield, IL MSA	424	498	644	840	938	Menard, Sangamon
St. Louis, MO-IL HMFA	547	593	737	949	993	Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	355	422	546	709	732	Alexander	445	453	546	719	792
Brown	354	430	546	729	751	Bureau	386	449	593	731	801
Carroll	415	469	591	736	757	Cass	431	434	546	694	715
Christian	357	457	546	705	825	Clark	353	493	546	794	820
Clay	358	446	546	729	750	Coles	378	483	581	819	1020
Crawford	356	420	546	718	753	Cumberland	378	471	569	757	998
De Witt	449	450	549	717	839	Douglas	369	463	569	810	835
Edgar	355	416	546	687	708	Edwards	445	453	546	719	792
Effingham	480	481	579	731	773	Fayette	453	465	546	756	779
Franklin	353	434	546	678	958	Fulton	379	453	546	698	866
Gallatin	445	453	546	719	792	Greene	376	418	549	696	731
Hamilton	445	453	546	719	792	Hancock	455	456	546	656	679
Hardin	445	453	546	719	792	Henderson	377	440	546	690	824
Iroquois	406	451	546	687	805	Jackson	369	451	568	774	962
Jasper	354	440	546	719	739	Jefferson	467	479	571	718	740
Jo Daviess	429	459	546	728	750	Johnson	445	453	546	719	792
Knox	376	440	579	769	793	La Salle	451	487	642	810	1042
Lawrence	354	415	546	726	749	Lee	393	483	580	774	901
Livingston	405	497	625	746	777	Logan	469	470	562	772	885
McDonough	368	434	546	700	915	Marion	398	456	546	698	769
Mason	354	449	546	767	791	Massac	454	455	546	795	820
Montgomery	454	455	546	655	811	Morgan	385	448	590	732	795
Moultrie	365	431	561	707	858	Ogle	465	496	650	850	908
Perry	354	463	546	660	847	Pike	354	433	546	734	756
Pope	445	453	546	719	792	Pulaski	445	453	546	719	792
Putnam	369	432	568	718	785	Randolph	355	414	546	723	887
Richland	407	492	546	752	900	Saline	355	458	546	739	958
Schuyler	354	433	546	734	756	Scott	376	418	549	696	731
Shelby	453	454	546	711	805	Stephenson	410	480	632	756	780
Union	454	455	546	669	832	Wabash	445	453	546	719	792
Warren	355	416	546	681	777	Washington	378	433	546	702	723
Wayne	354	430	546	695	715	White	445	453	546	719	792
Whiteside	418	491	606	750	771	Williamson	357	417	546	787	811

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 12

INDIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, IN MSA	556	557	669	860	896	Madison
Bloomington, IN HMFA	473	548	668	949	981	Monroe
Carroll County, IN HMFA	404	475	623	820	844	Carroll
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Dearborn, Franklin, Ohio
Columbus, IN MSA	642	644	773	948	1014	Bartholomew
Elkhart-Goshen, IN MSA	531	591	731	919	963	Elkhart
Evansville, IN-KY HMFA	430	502	624	770	837	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	466	495	619	772	794	Allen, Wells, Whitley
Gary, IN HMFA	531	662	807	964	995	Lake, Newton, Porter
Gibson County, IN HMFA	483	484	579	741	1018	Gibson
Greene County, IN HMFA	448	449	577	837	866	Greene
Indianapolis, IN HMFA	542	627	745	964	1020	Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
Jasper County, IN HMFA	578	580	720	939	968	Jasper
Kokomo, IN MSA	535	541	687	876	901	Howard, Tipton
Lafayette, IN HMFA	531	627	770	1003	1147	Benton, Tippecanoe
Louisville, KY-IN HMFA	496	573	680	950	1009	Clark, Floyd, Harrison
Michigan City-La Porte, IN MSA	459	530	673	894	919	LaPorte
Muncie, IN MSA	549	561	678	913	959	Delaware
Owen County, IN HMFA	492	494	592	749	1040	Owen
Putnam County, IN HMFA	546	548	659	788	888	Putnam
South Bend-Mishawaka, IN HMFA	528	588	707	907	934	St. Joseph
Sullivan County, IN HMFA	374	439	577	690	710	Sullivan
Terre Haute, IN HMFA	411	468	602	742	854	Clay, Vermillion, Vigo
Washington County, IN HMFA	439	491	577	710	945	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	479	520	577	755	890	Blackford	491	493	591	752	813
Cass	417	450	591	753	777	Clinton	510	541	661	826	866
Crawford	411	469	577	713	756	Daviess	479	482	577	751	920
Decatur	553	556	667	864	891	DeKalb	472	505	641	881	906
Dubois	385	463	593	809	833	Fayette	393	485	603	798	821
Fountain	424	509	577	772	807	Fulton	491	509	591	834	860
Grant	502	503	608	767	895	Henry	521	524	627	806	902
Huntington	449	535	632	789	955	Jackson	536	538	654	840	1020
Jay	374	459	577	782	807	Jefferson	426	457	602	721	892
Jennings	413	488	638	773	1064	Knox	401	457	577	714	891
Kosciusko	435	508	667	848	988	LaGrange	528	530	635	765	850
Lawrence	416	492	641	766	788	Marshall	454	523	650	857	883
Martin	411	454	577	711	831	Miami	374	440	577	840	906
Montgomery	423	498	634	863	909	Noble	564	565	679	811	834
Orange	373	438	577	726	792	Parke	480	482	577	727	915
Perry	375	439	577	749	773	Pike	374	443	577	747	770
Pulaski	494	495	596	791	817	Randolph	479	481	577	823	849
Ripley	547	549	661	796	911	Rush	518	519	624	748	819
Scott	433	484	613	792	917	Spencer	374	443	577	747	770

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 13

INDIANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Starke	497	524	600	793	834	Steuben	480	547	719	867	892
Switzerland	452	490	645	808	900	Union	406	495	625	778	804
Wabash	377	439	577	789	898	Warren	408	501	628	772	897
Wayne	410	482	604	820	845	White	435	601	667	797	1126

IOWA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ames, IA MSA	551	582	719	1029	1217	Story
Benton County, IA HMFA	350	414	540	672	900	Benton
Bremer County, IA HMFA	355	437	544	651	880	Bremer
Cedar Rapids, IA HMFA	423	493	649	920	1045	Linn
Davenport-Moline-Rock Island, IA-IL MSA	457	510	642	819	853	Scott
Des Moines-West Des Moines, IA MSA	499	596	727	931	1037	Dallas, Guthrie, Madison, Polk, Warren
Dubuque, IA MSA	406	437	574	771	840	Dubuque
Iowa City, IA HMFA	482	575	725	1056	1236	Johnson
Jones County, IA HMFA	449	450	540	757	780	Jones
Omaha-Council Bluffs, NE-IA HMFA	534	607	757	1011	1039	Harrison, Mills, Pottawattamie
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Woodbury
Washington County, IA HMFA	357	430	546	697	837	Washington
Waterloo-Cedar Falls, IA HMFA	407	501	599	735	900	Black Hawk, Grundy

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	369	411	540	659	737	Adams	369	411	540	659	737
Allamakee	383	421	540	700	745	Appanoose	350	410	540	682	747
Audubon	403	414	540	710	743	Boone	403	486	619	805	867
Buchanan	448	449	540	697	716	Buena Vista	420	425	556	667	766
Butler	383	421	540	700	745	Calhoun	428	429	540	694	726
Carroll	366	427	563	672	692	Cass	403	491	618	758	816
Cedar	382	421	556	719	778	Cerro Gordo	408	453	596	740	761
Cherokee	403	414	540	710	743	Chickasaw	383	421	540	700	745
Clarke	368	421	553	662	738	Clay	350	409	540	656	821
Clayton	383	421	540	700	745	Clinton	350	410	540	689	786
Crawford	403	427	540	710	743	Davis	369	411	540	659	737
Decatur	369	411	540	659	737	Delaware	382	421	556	719	778
Des Moines	418	457	579	728	820	Dickinson	350	432	540	683	947
Emmet	380	409	540	661	776	Fayette	383	421	540	700	745
Floyd	379	409	540	676	696	Franklin	390	429	540	690	724
Fremont	403	491	618	758	816	Greene	403	414	540	710	743
Hamilton	420	421	540	680	711	Hancock	390	429	540	690	724
Hardin	462	464	555	664	706	Henry	454	456	546	781	804
Howard	383	421	540	700	745	Humboldt	428	429	540	694	726
Ida	403	414	540	710	743	Iowa	418	442	548	717	740
Jackson	382	421	556	719	778	Jasper	420	459	603	767	800

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 14

IOWA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jefferson	451	459	543	684	831
Kossuth	390	429	540	690	724
Louisa	414	464	573	741	784
Lyon	380	409	540	661	776
Marion	403	495	618	763	785
Mitchell	390	429	540	690	724
Monroe	369	411	540	659	737
Muscatine	411	508	632	778	839
Osceola	380	409	540	661	776
Palo Alto	380	409	540	661	776
Pocahontas	428	429	540	694	726
Ringgold	369	411	540	659	737
Shelby	403	491	618	758	816
Tama	418	442	548	717	740
Union	369	411	540	659	737
Wapello	385	447	590	704	733
Webster	411	418	543	751	775
Winneshiek	351	411	540	701	951
Wright	428	429	540	694	726

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Keokuk	369	411	540	659	737
Lee	394	458	540	685	704
Lucas	369	411	540	659	737
Mahaska	399	452	576	690	911
Marshall	412	477	596	766	880
Monona	403	414	540	710	743
Montgomery	403	491	618	758	816
O'Brien	380	409	540	661	776
Page	349	411	540	644	663
Plymouth	448	449	540	727	749
Poweshiek	376	439	577	737	760
Sac	403	414	540	710	743
Sioux	438	445	540	730	751
Taylor	369	411	540	659	737
Van Buren	369	411	540	659	737
Wayne	369	411	540	659	737
Winnebago	390	429	540	690	724
Worth	390	429	540	690	724

KANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Franklin County, KS HMFA	508	509	631	804	859	Franklin
*Kansas City, MO-KS HMFA	573	689	791	1070	1126	Johnson, Leavenworth, Linn, Miami, Wyandotte
Lawrence, KS MSA	539	554	712	1040	1250	Douglas
St. Joseph, MO-KS MSA	370	457	569	716	850	Doniphan
Sumner County, KS HMFA	354	416	547	736	857	Sumner
Topeka, KS MSA	473	515	630	799	840	Jackson, Jefferson, Osage, Shawnee, Wabaunsee
Wichita, KS HMFA	430	481	632	808	909	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	412	417	547	725	789
Atchison	430	479	587	855	1031
Barton	355	428	547	727	941
Brown	430	479	587	855	1031
Chautauqua	395	440	547	705	767
Cheyenne	410	416	547	700	720
Clay	425	466	573	735	905
Coffey	382	417	547	696	718
Cowley	365	447	547	693	713
Decatur	410	416	547	700	720
Edwards	356	419	547	712	840

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	395	440	547	705	767
Barber	356	419	547	712	840
Bourbon	397	422	547	790	891
Chase	382	417	547	696	718
Cherokee	456	473	547	766	940
Clark	474	478	582	708	777
Cloud	424	432	547	718	742
Comanche	356	419	547	712	840
Crawford	388	454	598	806	898
Dickinson	356	415	547	659	812
Elk	395	440	547	705	767

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 15

KANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ellis	393	445	585	809	847
Finney	481	482	622	755	957
Geary	389	461	566	750	838
Graham	410	416	547	700	720
Gray	474	478	582	708	777
Greenwood	382	417	547	696	718
Harper	356	419	547	712	840
Hodgeman	474	478	582	708	777
Kearny	474	478	582	708	777
Kiowa	356	419	547	712	840
Lane	474	478	582	708	777
Logan	410	416	547	700	720
McPherson	455	456	547	716	736
Marshall	425	466	573	735	905
Mitchell	424	432	547	718	742
Morris	425	466	573	735	905
Nemaha	430	479	587	855	1031
Ness	474	478	582	708	777
Osborne	410	416	547	700	720
Pawnee	356	419	547	712	840
Pottawatomie	370	513	569	724	835
Rawlins	410	416	547	700	720
Republic	424	432	547	718	742
Riley	447	483	599	872	1051
Rush	356	419	547	712	840
Saline	453	454	598	797	820
Seward	410	504	583	716	868
Sherman	403	416	547	686	708
Stafford	356	419	547	712	840
Stevens	474	478	582	708	777
Trego	410	416	547	700	720
Washington	424	432	547	718	742
Wilson	395	439	547	703	765

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ellsworth	424	432	547	718	742
Ford	501	502	604	744	794
Gove	410	416	547	700	720
Grant	474	478	582	708	777
Greeley	474	478	582	708	777
Hamilton	474	478	582	708	777
Haskell	474	478	582	708	777
Jewell	424	432	547	718	742
Kingman	356	419	547	712	840
Labette	356	426	547	741	763
Lincoln	424	432	547	718	742
Lyon	356	416	547	731	865
Marion	382	417	547	696	718
Meade	474	478	582	708	777
Montgomery	392	438	547	673	837
Morton	474	478	582	708	777
Neosho	354	426	547	651	957
Norton	410	416	547	700	720
Ottawa	424	432	547	718	742
Phillips	410	416	547	700	720
Pratt	356	417	547	709	836
Reno	390	434	569	780	802
Rice	396	432	547	725	748
Rooks	410	416	547	700	720
Russell	410	416	547	700	720
Scott	474	478	582	708	777
Sheridan	410	416	547	700	720
Smith	410	416	547	700	720
Stanton	474	478	582	708	777
Thomas	407	415	547	695	716
Wallace	410	416	547	700	720
Wichita	474	478	582	708	777
Woodson	395	440	547	705	767

KENTUCKY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bowling Green, KY MSA	459	548	667	889	1048	Edmonson, Warren
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Boone, Bracken, Campbell, Gallatin, Kenton, Pendleton
Clarksville, TN-KY HMFA	537	559	649	938	966	Christian, Trigg
Elizabethtown, KY MSA	424	473	570	811	998	Hardin, Larue
Evansville, IN-KY HMFA	430	502	624	770	837	Henderson, Webster
Grant County, KY HMFA	452	545	694	854	957	Grant

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 16

KENTUCKY continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Boyd, Greenup
Lexington-Fayette, KY MSA	458	551	679	913	941	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Louisville, KY-IN HMFA	496	573	680	950	1009	Bullitt, Henry, Jefferson, Oldham, Spencer, Trimble
Meade County, KY HMFA	471	473	566	726	814	Meade
Nelson County, KY HMFA	403	487	589	858	928	Nelson
Owensboro, KY MSA	413	459	604	838	887	Daviess, Hancock, McLean
Shelby County, KY HMFA	563	564	681	896	923	Shelby

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	382	424	504	614	685	Allen	330	428	504	673	871
Anderson	486	519	686	992	1183	Ballard	413	457	563	721	813
Barren	348	407	528	658	725	Bath	395	428	528	659	682
Bell	331	452	504	601	738	Boyle	423	468	615	737	761
Breathitt	418	439	504	626	655	Breckinridge	412	414	532	711	733
Butler	451	535	651	856	881	Caldwell	419	420	504	638	725
Calloway	501	503	604	744	1061	Carlisle	413	457	563	721	813
Carroll	495	497	617	816	886	Carter	329	438	508	605	685
Casey	382	424	504	614	685	Clay	327	453	504	601	619
Clinton	382	424	504	614	685	Crittenden	418	420	504	658	747
Cumberland	382	424	504	614	685	Elliott	440	442	532	676	799
Estill	418	420	504	644	849	Fleming	395	428	528	659	682
Floyd	382	428	504	661	762	Franklin	498	528	695	942	969
Fulton	413	457	563	721	813	Garrard	425	476	571	682	1000
Graves	405	406	504	602	734	Grayson	419	420	504	657	771
Green	380	420	504	609	680	Harlan	417	449	504	620	784
Harrison	434	436	570	747	772	Hart	375	409	504	643	749
Hickman	413	457	563	721	813	Hopkins	418	419	504	632	884
Jackson	418	439	504	609	627	Johnson	329	429	504	687	707
Knott	418	439	504	631	655	Knox	330	399	504	711	735
Laurel	418	453	504	619	846	Lawrence	327	382	504	673	694
Lee	418	439	504	631	655	Leslie	418	439	504	631	655
Letcher	418	439	504	626	655	Lewis	395	428	528	659	682
Lincoln	364	498	552	661	873	Livingston	417	418	504	648	736
Logan	446	485	539	738	818	Lyon	492	500	593	769	797
McCracken	378	475	584	783	807	McCreary	419	452	504	650	667
Madison	433	459	588	829	973	Magoffin	419	422	504	620	648
Marion	412	414	532	711	733	Marshall	452	453	546	711	925
Martin	419	422	504	620	648	Mason	340	434	525	766	879
Menifee	395	428	528	659	682	Mercer	460	490	555	731	860
Metcalfe	375	409	504	643	749	Monroe	375	409	504	643	749
Montgomery	405	472	623	743	766	Morgan	395	428	528	659	682
Muhlenberg	416	417	504	640	657	Nicholas	517	517	677	829	914
Ohio	416	443	504	668	734	Owen	551	629	718	966	1259

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 17

KENTUCKY continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Owsley	418	439	504	631	655
Pike	428	429	516	619	637
Pulaski	358	396	504	622	659
Rockcastle	418	439	504	609	627
Russell	382	424	504	614	685
Taylor	332	454	504	650	853
Union	445	447	538	655	689
Wayne	330	403	504	653	673
Wolfe	418	439	504	631	655
Perry	418	440	504	603	739
Powell	382	483	590	706	727
Robertson	395	428	528	659	682
Rowan	444	493	548	688	710
Simpson	452	530	697	866	893
Todd	492	500	593	769	797
Washington	412	414	532	711	733
Whitley	385	405	534	638	657

LOUISIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	450	487	580	755	776	Grant, Rapides
Baton Rouge, LA HMFA	627	682	788	1005	1105	Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana
Houma-Bayou Cane-Thibodaux, LA MSA	499	503	624	819	934	Lafourche, Terrebonne
Iberville Parish, LA HMFA	443	444	534	723	745	Iberville
Lafayette, LA MSA	520	596	661	848	1075	Lafayette, St. Martin
Lake Charles, LA MSA	486	548	667	823	1159	Calcasieu, Cameron
Monroe, LA MSA	442	501	622	825	852	Ouachita, Union
New Orleans-Metairie-Kenner, LA MSA	795	881	1030	1323	1367	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany
Shreveport-Bossier City, LA MSA	504	580	677	859	886	Bossier, Caddo, De Soto

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Acadia	416	416	506	640	734
Assumption	475	476	572	698	717
Beauregard	431	443	521	759	913
Caldwell	399	427	506	640	714
Claiborne	466	474	561	670	734
East Carroll	399	427	506	640	714
Franklin	399	427	506	640	714
Jackson	399	427	506	640	714
La Salle	384	413	506	641	775
Madison	399	427	506	640	714
Natchitoches	487	488	585	701	905
Richland	399	427	506	640	714
St. James	485	566	694	852	878
St. Mary	460	468	563	736	759
Tensas	399	427	506	640	714
Vernon	414	456	506	735	877
Webster	408	409	517	697	719
Winn	420	455	506	638	680
Allen	419	421	506	735	816
Avoyelles	327	446	506	689	823
Bienville	466	474	561	670	734
Catahoula	384	413	506	641	775
Concordia	384	413	506	656	775
Evangeline	418	420	506	648	666
Iberia	480	493	581	718	837
Jefferson Davis	420	421	506	641	658
Lincoln	499	515	600	781	806
Morehouse	431	433	538	645	698
Red River	466	474	561	670	734
Sabine	466	474	561	670	734
St. Landry	330	396	506	683	727
Tangipahoa	439	510	642	769	913
Vermilion	421	422	506	694	718
Washington	420	424	506	674	694
West Carroll	399	427	506	640	714

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME HMFA	509	593	757	962	1086	Penobscot County towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Reservation, Veazie town
Cumberland County, ME (part) HMFA	555	663	854	1020	1307	Cumberland County towns of Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town
Lewiston-Auburn, ME MSA	420	526	643	815	902	Androscoggin County towns of Auburn city, Durham town, Greene town, Leeds town, Lewiston city, Lisbon town, Livermore town, Livermore Falls town, Mechanic Falls town, Minot town, Poland town, Sabattus town, Turner town, Wales town
Penobscot County, ME (part) HMFA	520	522	627	784	961	Penobscot County towns of Alton town, Argyle UT, Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penobscot UT, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Howland town, Hudson town, Kingman UT, Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot UT, Passadumkeag town, Patten town, Plymouth town, Prentiss UT, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly UT, Webster plantation, Whitney UT, Winn town, Woodville town
Portland, ME HMFA	677	804	1042	1313	1407	Cumberland County towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Frye Island town, Gorham town, Gray town, Long Island town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town York County towns of Buxton town, Hollis town, Limington town, Old Orchard Beach town
Sagadahoc County, ME HMFA	671	671	805	972	1394	Sagadahoc County towns of Arrowsic town, Bath city, Bowdoin town, Bowdoinham town, Georgetown town, Perkins UT, Phippsburg town, Richmond town, Topsham town, West Bath town, Woolwich town
York County, ME (part) HMFA	613	637	810	969	1058	York County towns of Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town
York-Kittery-South Berwick, ME HMFA	788	792	950	1383	1508	York County towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Aroostook County, ME	396	488	585	763	841	Allagash town, Amity town, Ashland town, Bancroft town, Blaine town, Bridgewater town, Caribou city, Cary plantation, Castle Hill town, Caswell town, Central Aroostook UT, Chapman town, Connor UT, Crystal town, Cyr plantation, Dyer Brook town, Eagle Lake town, Easton town, Fort Fairfield town, Fort Kent town, Frenchville town, Garfield plantation, Glenwood plantation, Grand Isle town, Hamlin town, Hammond town, Haynesville town, Hersey town, Hodgdon town, Houlton town, Island Falls town, Limestone town, Linneus town, Littleton town, Ludlow town, Macwahoc plantation, Madawaska town, Mapleton town, Mars Hill town, Masardis town, Merrill town, Monticello town, Moro plantation, Nashville plantation, New Canada town, New Limerick town, New Sweden town, Northwest Aroostook UT, Oakfield town, Orient town, Oxbow plantation, Penobscot Indian Island Reservation, Perham town, Portage Lake town, Presque Isle city, Reed plantation, St. Agatha town, St. Francis town, St. John plantation, Sherman town, Smyrna town, South Aroostook UT, Square Lake UT, Stockholm town, Van Buren town, Wade town, Wallagrass town, Washburn town, Westfield town, Westmanland town, Weston town, Winterville plantation, Woodland town
Franklin County, ME	492	530	646	771	1001	Avon town, Carrabassett Valley town, Carthage town, Chesterville town, Coplin plantation, Dallas plantation, East Central Franklin UT, Eustis town, Farmington town, Industry town, Jay town, Kingfield town, Madrid town, New Sharon town, New Vineyard town, North Franklin UT, Phillips town, Rangeley town, Rangeley plantation, Sandy River plantation, South Franklin UT, Strong town, Temple town, Weld town, West Central Franklin UT, Wilton town, Wyman UT
Hancock County, ME	537	618	720	1014	1043	Amherst town, Aurora town, Bar Harbor town, Blue Hill town, Brooklin town, Brooksville town, Bucksport town, Castine town, Central Hancock UT, Cranberry Isles town, Dedham town, Deer Isle town, Eastbrook town, East Hancock UT, Ellsworth city, Franklin town, Frenchboro town, Gouldsboro town, Great Pond town, Hancock town, Lamoine town, Mariaville town, Mount Desert town, Northwest Hancock UT, Orland town, Osborn town, Otis town, Penobscot town, Sedgwick town, Sorrento town, Southwest Harbor town, Stonington town, Sullivan town, Surry town, Swans Island town, Tremont town, Trenton town, Verona town, Waltham town, Winter Harbor town
Kennebec County, ME	425	510	635	867	926	Albion town, Augusta city, Belgrade town, Benton town, Chelsea town, China town, Clinton town, Farmingdale town, Fayette town, Gardiner city, Hallowell city, Litchfield town, Manchester town, Monmouth town, Mount Vernon town, Oakland town, Pittston town, Randolph town, Readfield town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Knox County, ME	486	642	733	992	1145	Rome town, Sidney town, Unity UT, Vassalboro town, Vienna town, Waterville city, Wayne town, West Gardiner town, Windsor town, Winslow town, Winthrop town Appleton town, Camden town, Criehaven UT, Cushing town, Friendship town, Hope town, Isle au Haut town, Matinicus Isle plantation, North Haven town, Owls Head town, Rockland city, Rockport town, St. George town, South Thomaston town, Thomaston town, Union town, Vinalhaven town, Warren town, Washington town
Lincoln County, ME	587	631	761	919	947	Alna town, Boothbay town, Boothbay Harbor town, Bremen town, Bristol town, Damariscotta town, Dresden town, Edgecomb town, Hibberts gore, Jefferson town, Monhegan plantation, Newcastle town, Nobleboro town, Somerville town, South Bristol town, Southport town, Waldoboro town, Westport town, Whitefield town, Wiscasset town
Oxford County, ME	410	545	628	836	1049	Andover town, Bethel town, Brownfield town, Buckfield town, Byron town, Canton town, Denmark town, Dixfield town, Fryeburg town, Gilead town, Greenwood town, Hanover town, Hartford town, Hebron town, Hiram town, Lincoln plantation, Lovell town, Magalloway plantation, Mexico town, Milton UT, Newry town, North Oxford UT, Norway town, Otisfield town, Oxford town, Paris town, Peru town, Porter town, Roxbury town, Rumford town, South Oxford UT, Stoneham town, Stow town, Sumner town, Sweden town, Upton town, Waterford town, West Paris town, Woodstock town
Piscataquis County, ME	510	581	719	912	976	Abbot town, Atkinson town, Beaver Cove town, Blanchard UT, Bowerbank town, Brownville town, Dover-Foxcroft town, Greenville town, Guilford town, Kingsbury plantation, Lake View plantation, Medford town, Milo town, Monson town, Northeast Piscataquis UT, Northwest Piscataquis UT, Parkman town, Sangerville town, Sebec town, Shirley town, Southeast Piscataquis UT, Wellington town, Willimantic town
Somerset County, ME	408	506	600	847	898	Anson town, Athens town, Bingham town, Brighton plantation, Cambridge town, Canaan town, Caratunk town, Central Somerset UT, Cornville town, Dennistown plantation, Detroit town, Embden town, Fairfield town, Harmony town, Hartland town, Highland plantation, Jackman town, Madison town, Mercer town, Moose River town, Moscow town, New Portland town, Norridgewock town, Northeast Somerset UT, Northwest Somerset UT, Palmyra town, Pittsfield town, Pleasant Ridge plantation, Ripley town, St. Albans town, Seboomook Lake UT, Skowhegan town, Smithfield town, Solon town, Starks town, The Forks plantation, West Forks plantation
Waldo County, ME	572	613	740	907	965	Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 21

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Washington County, ME	492	531	634	786	857	Stockton Springs town, Swanville town, Thorndike town, Troy town, Unity town, Waldo town, Winterport town Addison town, Alexander town, Baileyville town, Baring plantation, Beals town, Beddington town, Calais city, Centerville town, Charlotte town, Cherryfield town, Codyville plantation, Columbia town, Columbia Falls town, Cooper town, Crawford town, Cutler town, Danforth town, Deblois town, Dennysville town, East Central Washington UT, East Machias town, Eastport city, Grand Lake Stream plantation, Harrington town, Jonesboro town, Jonesport town, Lubec town, Machias town, Machiasport town, Marshfield town, Meddybemps town, Milbridge town, Northfield town, North Washington UT, Passamaquoddy Indian Township Reservation, Passamaquoddy Pleasant Point Reservation, Pembroke town, Perry town, Princeton town, Robbinston town, Roque Bluffs town, Steuben town, Talmadge town, Topsfield town, Vanceboro town, Waite town, Wesley town, Whiting town, Whitneyville town

MARYLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore-Towson, MD HMFA	748	868	1037	1315	1532	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city
Columbia city, MD HMFA	1247	1296	1504	2044	2381	Columbia city
Cumberland, MD-WV MSA	406	492	577	778	908	Allegany
Hagerstown, MD HMFA	521	597	764	1102	1138	Washington
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Cecil
Salisbury, MD HMFA	557	694	815	1010	1158	Wicomico
Somerset County, MD HMFA	551	586	690	854	1122	Somerset
Washington-Arlington-Alexandria, DC-VA-MD HMFA	1002	1131	1288	1647	2157	Calvert, Charles, Frederick, Montgomery, Prince George's

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Caroline	624	646	755	1021	1049
Garrett	393	486	604	779	1033
St. Mary's	790	820	1068	1403	1848
Worcester	671	698	809	1181	1257
Dorchester	470	565	720	971	999
Kent	703	704	847	1039	1395
Talbot	732	734	883	1195	1262

MASSACHUSETTS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable Town, MA MSA	774	906	1192	1422	1467	Barnstable County towns of Barnstable Town city, Bourne town, Brewster town, Chatham town, Dennis town, Eastham town, Falmouth town, Harwich town, Mashpee town, Orleans town, Provincetown town, Sandwich town, Truro town, Wellfleet town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 22

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Yarmouth town
Berkshire County, MA (part) HMFA	614	689	795	1088	1119	Berkshire County towns of Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Boston-Cambridge-Quincy, MA-NH HMFA	1080	1146	1345	1609	1767	Essex County towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester-by-the-Sea town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town Middlesex County towns of Acton town, Arlington town, Ashby town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown city, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city Norfolk County towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin city, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town Plymouth County towns of Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town Suffolk County towns of Boston city, Chelsea city, Revere city, Winthrop town
Brockton, MA HMFA	965	1004	1265	1513	1896	Norfolk County towns of Avon town Plymouth County towns of Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Marion town, Mattapoisett town, Middleborough town, Plympton town, Rochester town, West Bridgewater town, Whitman town
Eastern Worcester County, MA HMFA	714	798	1050	1255	1843	Worcester County towns of Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 23

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Mendon town, Milford town, Millville town, Southborough town, Upton town
Easton-Raynham, MA HMFA	842	1116	1298	1552	2244	Bristol County towns of Easton town, Raynham town
Fitchburg-Leominster, MA HMFA	657	754	946	1158	1258	Worcester County towns of Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town
Franklin County, MA (part) HMFA	591	689	854	1139	1376	Franklin County towns of Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Lawrence, MA-NH HMFA	754	959	1160	1385	1428	Essex County towns of Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen city, North Andover town, West Newbury town
Lowell, MA HMFA	835	1000	1285	1534	1683	Middlesex County towns of Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town
New Bedford, MA HMFA	583	747	855	1024	1382	Bristol County towns of Acushnet town, Dartmouth town, Fairhaven town, Freetown town, New Bedford city
Pittsfield, MA HMFA	579	676	839	1078	1111	Berkshire County towns of Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
Providence-Fall River, RI-MA HMFA	746	830	956	1142	1409	Bristol County towns of Attleboro city, Fall River city, North Attleborough town, Rehoboth town, Seekonk town, Somerset town, Swansea town, Westport town
Springfield, MA HMFA	579	688	874	1046	1214	Franklin County towns of Sunderland town Hampden County towns of Agawam city, Blandford town, Brimfield town, Chester town, Chicopee city, East Longmeadow town, Granville town, Hampden town, Holland town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Tolland town, Wales town, Westfield city, West Springfield town, Wilbraham town Hampshire County towns of Amherst town, Belchertown town, Chesterfield town, Cummington town, Easthampton city, Goshen town, Granby town, Hadley town, Hatfield town, Huntington town, Middlefield town, Northampton city, Pelham town, Plainfield town, Southampton town, South Hadley town, Ware town, Westhampton town, Williamsburg town, Worthington town
Taunton-Mansfield-Norton, MA HMFA	727	917	1120	1374	1483	Bristol County towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Western Worcester County, MA HMFA	528	725	813	970	1246	Worcester County towns of Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town
Worcester, MA HMFA	658	757	922	1103	1169	Worcester County towns of Auburn town, Barre town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, West Brookfield town, Worcester city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Dukes County, MA	929	1179	1404	1678	1730	Aquinnah town, Chilmark town, Edgartown town, Gosnold town, Oak Bluffs town, Tisbury town, West Tisbury town
Nantucket County, MA	1088	1506	1671	1999	2059	Nantucket town

MICHIGAN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI MSA	689	773	940	1183	1217	Washtenaw
Barry County, MI HMFA	432	545	666	960	1056	Barry
Battle Creek, MI MSA	481	552	676	823	848	Calhoun
Bay City, MI MSA	445	497	604	806	830	Bay
Cass County, MI HMFA	473	541	598	792	920	Cass
Detroit-Warren-Livonia, MI HMFA	594	676	809	968	997	Lapeer, Macomb, Oakland, St. Clair, Wayne
Flint, MI MSA	495	523	628	778	803	Genesee
Grand Rapids-Wyoming, MI HMFA	543	581	698	879	905	Kent
Holland-Grand Haven, MI MSA	605	615	738	1021	1103	Ottawa
Ionia County, MI HMFA	460	534	651	779	868	Ionia
Jackson, MI MSA	503	561	670	833	858	Jackson
Kalamazoo-Portage, MI MSA	520	555	674	896	935	Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	558	606	750	950	1031	Clinton, Eaton, Ingham
Livingston County, MI HMFA	721	760	894	1289	1569	Livingston
Monroe, MI MSA	643	646	777	1015	1117	Monroe
Muskegon-Norton Shores, MI MSA	448	467	607	802	826	Muskegon
Newaygo County, MI HMFA	508	537	613	829	853	Newaygo
Niles-Benton Harbor, MI MSA	472	529	645	789	1012	Berrien
Saginaw-Saginaw Township North, MI MSA	465	532	672	805	827	Saginaw

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcona	407	471	577	777	823	Alger	381	484	577	711	801
Allegan	481	580	695	871	934	Alpena	456	518	577	797	881
Antrim	500	501	604	840	1059	Arenac	459	484	577	772	855
Baraga	381	484	577	711	801	Benzie	618	619	750	937	964
Branch	479	511	673	807	830	Charlevoix	525	567	629	905	933
Cheboygan	404	469	579	778	817	Chippewa	381	475	586	710	796

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MICHIGAN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clare	423	439	577	777	801
Delta	400	477	577	759	805
Emmet	439	541	674	909	961
Gogebic	398	476	577	706	839
Gratiot	481	482	577	769	859
Houghton	410	480	577	750	860
Iosco	471	499	577	839	871
Isabella	479	518	577	830	906
Keweenaw	398	476	577	706	839
Leelanau	618	619	750	937	964
Luce	398	486	577	757	825
Manistee	460	476	625	748	839
Mason	375	441	577	755	830
Menominee	479	481	577	761	1015
Missaukee	444	533	629	827	908
Montmorency	404	469	586	772	817
Ogemaw	444	466	577	745	825
Osceola	479	480	577	790	995
Otsego	472	551	725	869	914
Roscommon	479	481	577	750	923
Sanilac	481	518	577	812	835
Shiawassee	412	507	631	869	969
Wexford	403	533	621	822	905

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Crawford	404	470	586	773	819
Dickinson	375	456	577	696	948
Gladwin	459	484	577	772	855
Grand Traverse	632	634	794	1039	1072
Hillsdale	404	498	593	834	911
Huron	479	482	577	765	929
Iron	398	476	577	706	839
Kalkaska	496	539	598	726	749
Lake	442	483	577	755	909
Lenawee	450	565	693	884	965
Mackinac	382	474	587	708	771
Marquette	374	485	577	726	789
Mecosta	421	501	607	807	1064
Midland	469	534	659	908	970
Montcalm	446	517	591	798	823
Oceana	418	484	577	698	744
Ontonagon	398	476	577	706	839
Oscoda	407	471	577	777	823
Presque Isle	407	471	577	777	823
St. Joseph	477	532	627	774	868
Schoolcraft	398	486	577	757	825
Tuscola	415	474	602	722	864

MINNESOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth, MN-WI MSA	404	492	621	780	994	Carlton, St. Louis
Fargo, ND-MN MSA	410	487	620	895	1034	Clay
Grand Forks, ND-MN MSA	398	500	613	777	1056	Polk
La Crosse, WI-MN MSA	407	477	627	832	1022	Houston
Minneapolis-St. Paul-Bloomington, MN-WI MSA	610	719	873	1143	1284	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright
Rochester, MN HMFA	602	642	844	1095	1143	Dodge, Olmsted
St. Cloud, MN MSA	495	545	653	923	1072	Benton, Stearns
Wabasha County, MN HMFA	412	459	588	736	1033	Wabasha

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	416	489	642	801	867
Beltrami	402	476	605	832	1062
Blue Earth	475	594	686	987	1207
Cass	374	479	577	728	749
Clearwater	403	455	577	728	1012
Becker	374	443	577	722	751
Big Stone	374	455	577	737	763
Brown	430	489	587	703	723
Chippewa	442	481	577	690	712
Cook	374	475	577	723	744

MINNESOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Cottonwood	422	462	577	736	770	Crow Wing	429	502	662	849	993
Douglas	409	487	613	888	972	Faribault	422	462	577	736	770
Fillmore	400	481	600	783	982	Freeborn	374	439	577	688	907
Goodhue	464	544	715	910	985	Grant	374	455	577	737	763
Hubbard	403	455	577	728	1012	Itasca	393	486	605	733	859
Jackson	422	462	577	736	770	Kanabec	446	523	687	857	927
Kandiyohi	467	479	594	800	825	Kittson	380	455	577	735	861
Koochiching	374	479	577	728	749	Lac qui Parle	442	481	577	690	712
Lake	374	475	577	723	744	Lake of the Woods	403	455	577	728	1012
Le Sueur	515	532	640	891	919	Lincoln	442	481	577	690	712
Lyon	443	498	612	763	785	McLeod	539	541	670	959	990
Mahnomen	403	455	577	728	1012	Marshall	380	455	577	735	861
Martin	478	479	577	838	863	Meeker	466	516	599	783	805
Mille Lacs	480	494	651	807	896	Morrison	388	461	597	714	1048
Mower	386	452	577	717	739	Murray	422	462	577	736	770
Nicollet	538	552	649	851	878	Nobles	380	475	577	766	789
Norman	380	455	577	735	861	Otter Tail	376	447	577	703	725
Pennington	377	444	577	729	796	Pine	465	504	651	850	878
Pipestone	422	462	577	736	770	Pope	374	455	577	737	763
Red Lake	380	455	577	735	861	Redwood	442	481	577	690	712
Renville	466	486	599	783	805	Rice	565	590	776	927	1078
Rock	422	462	577	736	770	Roseau	374	445	577	720	842
Sibley	466	486	599	783	805	Steele	451	548	692	871	1135
Stevens	375	471	577	695	939	Swift	374	455	577	737	763
Todd	418	470	581	701	932	Traverse	374	455	577	737	763
Wadena	418	470	581	701	932	Waseca	416	489	642	768	803
Watonwan	422	462	577	736	770	Wilkin	374	455	577	737	763
Winona	423	500	652	901	1144	Yellow Medicine	442	481	577	690	712

MISSISSIPPI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Gulfport-Biloxi, MS MSA	682	722	844	1100	1130	Hancock, Harrison, Stone
Hattiesburg, MS MSA	461	525	625	910	939	Forrest, Lamar, Perry
Jackson, MS HMFA	598	676	784	943	972	Copiah, Hinds, Madison, Rankin
Marshall County, MS HMFA	351	438	541	790	814	Marshall
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	DeSoto
Pascagoula, MS MSA	585	670	804	1107	1188	George, Jackson
Simpson County, MS HMFA	467	493	564	676	976	Simpson
Tate County, MS HMFA	445	516	574	804	1008	Tate
Tunica County, MS HMFA	488	587	752	903	1108	Tunica

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 27

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	370	512	568	681	975
Amite	428	481	536	648	736
Benton	488	547	606	727	747
Calhoun	440	453	536	718	899
Chickasaw	405	498	583	698	734
Claiborne	445	446	536	672	788
Clay	444	446	536	781	806
Covington	445	446	536	672	788
Greene	406	435	536	700	737
Holmes	453	524	583	697	730
Issaquena	453	524	583	697	730
Jasper	421	455	536	644	686
Jefferson Davis	445	446	536	672	788
Kemper	446	496	570	746	772
Lauderdale	452	507	594	816	842
Leake	421	455	536	644	686
Leflore	348	408	536	712	837
Lowndes	469	481	564	819	845
Monroe	444	474	536	671	717
Neshoba	347	468	536	638	937
Noxubee	451	468	544	745	795
Panola	347	481	536	642	740
Pike	444	482	536	705	727
Prentiss	348	406	536	643	662
Scott	445	474	536	642	691
Smith	421	455	536	644	686
Tallahatchie	362	406	536	711	745
Tishomingo	348	453	536	673	696
Walthall	428	481	536	648	736
Washington	370	482	568	737	901
Webster	440	453	536	718	899
Winston	405	498	583	698	734
Yazoo	444	471	536	640	661

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcorn	445	480	536	745	942
Attala	440	453	536	718	899
Bolivar	437	494	568	681	999
Carroll	362	406	536	711	745
Choctaw	440	453	536	718	899
Clarke	446	496	570	746	772
Coahoma	457	472	623	744	1094
Franklin	428	481	536	648	736
Grenada	418	458	536	755	898
Humphreys	362	406	536	711	745
Itawamba	347	473	536	708	836
Jefferson	445	446	536	672	788
Jones	362	421	536	706	729
Lafayette	480	568	700	839	863
Lawrence	445	446	536	672	788
Lee	488	508	586	800	902
Lincoln	391	482	536	735	941
Marion	422	478	536	704	801
Montgomery	440	453	536	718	899
Newton	446	496	570	746	772
Oktibbeha	426	517	630	821	845
Pearl River	472	473	567	692	976
Pontotoc	444	445	536	729	750
Quitman	438	468	552	661	829
Sharkey	453	524	583	697	730
Sunflower	389	479	536	764	788
Tippah	445	483	536	698	869
Union	364	506	561	672	813
Warren	545	599	668	798	822
Wayne	406	435	536	700	737
Wilkinson	428	481	536	648	736
Yalobusha	440	453	536	718	899

MISSOURI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bates County, MO HMFA	357	420	548	769	795	Bates
Calloway County, MO HMFA	436	441	557	761	784	Callaway
Columbia, MO MSA	423	506	629	916	1021	Boone, Howard
Dallas County, MO HMFA	333	433	513	700	723	Dallas
Jefferson City, MO HMFA	393	433	562	796	885	Cole, Osage
Joplin, MO MSA	369	443	564	718	739	Jasper, Newton

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MISSOURI continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Kansas City, MO-KS HMFA	573	689	791	1070	1126	Caldwell, Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
McDonald County, MO HMFA	413	414	519	739	762	McDonald
Moniteau County, MO HMFA	337	393	519	627	837	Moniteau
Polk County, MO HMFA	339	396	520	758	869	Polk
Springfield, MO HMFA	399	471	602	858	980	Christian, Greene, Webster
St. Joseph, MO-KS MSA	370	457	569	716	850	Andrew, Buchanan, DeKalb
St. Louis, MO-IL HMFA	547	593	737	949	993	Sullivan city part of Crawford, Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city
Washington County, MO HMFA	392	457	513	675	753	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	370	429	566	743	821	Atchison	411	412	513	639	791
Audrain	425	426	513	647	822	Barry	334	422	513	669	692
Barton	333	421	513	621	682	Benton	333	397	513	712	738
Bollinger	375	422	554	708	819	Butler	424	425	513	711	760
Camden	468	475	584	851	875	Cape Girardeau	380	443	584	755	951
Carroll	446	447	565	709	791	Carter	425	426	513	713	766
Cedar	333	397	513	712	738	Chariton	446	447	565	709	791
Clark	378	389	513	635	748	Cooper	408	429	558	744	867
Crawford	334	423	513	683	900	Dade	392	413	543	695	750
Daviess	411	412	513	639	791	Dent	384	418	513	677	860
Douglas	379	425	513	679	786	Dunklin	398	432	513	656	732
Gasconade	364	396	513	642	817	Gentry	411	412	513	639	791
Grundy	411	412	513	639	791	Harrison	411	412	513	639	791
Henry	370	429	566	679	700	Hickory	333	397	513	712	738
Holt	411	412	513	639	791	Howell	353	405	513	636	900
Iron	375	422	554	708	819	Johnson	449	479	580	775	872
Knox	378	389	513	635	748	Laclede	421	422	513	671	880
Lawrence	425	426	513	698	805	Lewis	378	389	513	635	748
Linn	378	389	513	635	748	Livingston	403	404	513	685	897
Macon	415	416	513	614	660	Madison	375	422	554	708	819
Maries	384	418	513	677	860	Marion	337	392	517	673	692
Mercer	411	412	513	639	791	Miller	428	429	513	685	714
Mississippi	360	391	513	677	781	Monroe	337	393	519	667	686
Montgomery	337	393	519	667	686	Morgan	435	436	523	710	827
New Madrid	365	420	513	684	704	Nodaway	453	454	565	676	789
Oregon	379	425	513	679	786	Ozark	379	425	513	679	786
Pemiscot	334	392	513	645	664	Perry	381	414	543	651	955
Pettis	447	448	580	723	867	Phelps	380	409	513	709	874
Pike	333	389	513	672	734	Pulaski	440	475	528	767	840
Putnam	378	389	513	635	748	Ralls	337	393	519	667	686
Randolph	346	406	532	675	694	Reynolds	425	426	513	713	766

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 29

MISSOURI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ripley	425	426	513	713	766
Ste. Genevieve	375	422	554	708	819
Saline	340	398	524	680	798
Scotland	378	389	513	635	748
Shannon	379	425	513	679	786
Stoddard	398	413	513	699	756
Sullivan	378	389	513	635	748
Texas	405	427	513	706	814
Wayne	425	426	513	713	766
Wright	376	394	513	647	666

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Clair	333	397	513	712	738
St. Francois	443	446	536	748	779
Schuyler	378	389	513	635	748
Scott	425	426	533	665	786
Shelby	378	389	513	635	748
Stone	378	441	582	763	840
Taney	486	487	615	734	934
Vernon	357	424	513	718	741
Worth	411	412	513	639	791

MONTANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	421	499	646	871	1049	Carbon, Yellowstone
Great Falls, MT MSA	384	462	592	800	964	Cascade
Missoula, MT MSA	497	572	722	936	1120	Missoula

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	464	541	711	920	1115
Blaine	381	455	577	769	878
Carter	469	486	577	778	827
Custer	376	522	577	840	869
Dawson	469	486	577	778	827
Fallon	469	486	577	778	827
Flathead	419	514	646	913	1120
Garfield	469	486	577	778	827
Golden Valley	469	486	577	778	827
Hill	375	462	577	832	883
Judith Basin	381	455	577	769	878
Lewis and Clark	447	511	638	926	956
Lincoln	401	492	615	851	954
Madison	464	541	711	920	1115
Mineral	497	563	706	905	1083
Park	442	516	678	811	1072
Phillips	469	486	577	778	827
Powder River	469	486	577	778	827
Prairie	469	486	577	778	827
Richland	469	486	577	778	827
Rosebud	429	445	577	712	759
Sheridan	469	486	577	778	827
Stillwater	469	486	577	778	827
Teton	381	455	577	769	878

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Big Horn	430	448	577	715	762
Broadwater	414	475	604	817	877
Chouteau	381	455	577	769	878
Daniels	469	486	577	778	827
Deer Lodge	414	475	604	817	877
Fergus	421	439	577	699	744
Gallatin	473	563	732	977	1282
Glacier	381	455	577	769	878
Granite	414	475	604	817	877
Jefferson	414	475	604	817	877
Lake	493	495	600	809	871
Liberty	381	455	577	769	878
McCone	469	486	577	778	827
Meagher	464	541	711	920	1115
Musselshell	469	486	577	778	827
Petroleum	469	486	577	778	827
Pondera	381	455	577	769	878
Powell	414	475	604	817	877
Ravalli	471	513	659	863	1021
Roosevelt	469	486	577	778	827
Sanders	401	492	615	851	954
Silver Bow	417	448	577	754	825
Sweet Grass	469	486	577	778	827
Toole	381	455	577	769	878

MONTANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Treasure	469	486	577	778	827	Valley	469	486	577	778	827
Wheatland	469	486	577	778	827	Wibaux	469	486	577	778	827

NEBRASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE HMFA	451	506	644	904	1095	Lancaster
Omaha-Council Bluffs, NE-IA HMFA	534	607	757	1011	1039	Cass, Douglas, Sarpy, Washington
Saunders County, NE HMFA	552	555	666	971	1000	Saunders
Seward County, NE HMFA	353	435	544	723	917	Seward
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Dakota, Dixon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	378	442	581	735	756	Antelope	452	453	544	682	704
Arthur	411	474	544	718	740	Banner	407	413	544	706	846
Blaine	454	455	546	675	787	Boone	452	453	544	682	704
Box Butte	407	413	544	712	846	Boyd	407	413	544	706	846
Brown	407	413	544	706	846	Buffalo	409	479	630	857	996
Burt	452	453	544	682	704	Butler	452	453	544	690	723
Cedar	452	453	544	682	704	Chase	411	474	544	718	740
Cherry	407	413	544	706	846	Cheyenne	407	413	544	706	846
Clay	382	448	589	753	875	Colfax	452	453	544	682	704
Cuming	452	453	544	682	704	Custer	454	455	546	675	787
Dawes	352	415	544	652	810	Dawson	469	508	566	689	710
Deuel	407	413	544	706	846	Dodge	431	505	664	793	968
Dundy	411	474	544	718	740	Fillmore	452	453	544	690	723
Franklin	382	448	589	753	875	Frontier	411	474	544	718	740
Furnas	411	474	544	718	740	Gage	452	453	544	664	684
Garden	407	413	544	706	846	Garfield	454	455	546	675	787
Gosper	411	474	544	718	740	Grant	411	474	544	718	740
Greeley	454	455	546	675	787	Hall	459	460	577	721	933
Hamilton	454	455	546	675	787	Harlan	382	448	589	753	875
Hayes	411	474	544	718	740	Hitchcock	411	474	544	718	740
Holt	407	413	544	706	846	Hooker	411	474	544	718	740
Howard	454	455	546	675	787	Jefferson	452	453	544	690	723
Johnson	452	453	544	690	723	Kearney	382	448	589	753	875
Keith	411	474	544	718	740	Keya Paha	407	413	544	706	846
Kimball	407	413	544	706	846	Knox	452	453	544	682	704
Lincoln	396	446	568	696	877	Logan	411	474	544	718	740
Loup	454	455	546	675	787	McPherson	411	474	544	718	740
Madison	402	425	558	761	785	Merrick	454	455	546	675	787
Morrill	407	413	544	706	846	Nance	452	453	544	682	704
Nemaha	452	453	544	690	723	Nuckolls	382	448	589	753	875

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NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Otoe	452	454	544	674	707	Pawnee	452	453	544	690	723
Perkins	411	474	544	718	740	Phelps	382	448	589	753	875
Pierce	452	453	544	682	704	Platte	453	454	544	794	817
Polk	452	453	544	690	723	Red Willow	376	490	544	792	816
Richardson	452	453	544	690	723	Rock	407	413	544	706	846
Saline	480	506	578	706	729	Scotts Bluff	452	453	544	693	914
Sheridan	407	413	544	706	846	Sherman	454	455	546	675	787
Sioux	407	413	544	706	846	Stanton	452	453	544	682	704
Thayer	452	453	544	690	723	Thomas	411	474	544	718	740
Thurston	452	453	544	682	704	Valley	454	455	546	675	787
Wayne	452	453	544	682	704	Webster	382	448	589	753	875
Wheeler	454	455	546	675	787	York	383	452	592	718	863

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Carson City, NV MSA	599	721	869	1266	1527	Carson
Las Vegas-Paradise, NV MSA	731	861	1013	1408	1695	Clark
Reno-Sparks, NV MSA	655	782	967	1405	1698	Storey, Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	646	648	814	1030	1210	Douglas	676	832	1011	1407	1560
Elko	583	634	822	1024	1318	Esmeralda	507	586	747	992	1097
Eureka	507	586	747	992	1097	Humboldt	512	600	787	942	970
Lander	507	586	747	992	1097	Lincoln	507	586	747	992	1097
Lyon	535	602	792	1154	1189	Mineral	507	586	747	992	1097
Nye	453	629	699	1018	1049	Pershing	507	586	747	992	1097
White Pine	507	586	747	992	1097						

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston-Cambridge-Quincy, MA-NH HMFA	1080	1146	1345	1609	1767	Rockingham County towns of Seabrook town, South Hampton town
Hillsborough County, NH (part) HMFA	737	748	982	1431	1724	Hillsborough County towns of Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
Lawrence, MA-NH HMFA	754	959	1160	1385	1428	Rockingham County towns of Atkinson town, Chester town, Danville town, Derry town, Fremont town, Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town
Manchester, NH HMFA	710	871	1042	1245	1283	Hillsborough County towns of Bedford town, Goffstown town, Manchester city, Weare town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 32

NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Nashua, NH HMFA	785	924	1155	1544	1653	Hillsborough County towns of Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Pelham town, Wilton town
Portsmouth-Rochester, NH HMFA	686	811	1011	1335	1505	Rockingham County towns of Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town Strafford County towns of Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Middleton town, Milton town, New Durham town, Rochester city, Rollinsford town, Somersworth city, Strafford town
Western Rockingham County, NH HMFA	892	893	1075	1421	1465	Rockingham County towns of Auburn town, Candia town, Deerfield town, Londonderry town, Northwood town, Nottingham town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Belknap County, NH	585	719	898	1185	1524	Alton town, Barnstead town, Belmont town, Center Harbor town, Gilford town, Gilmanton town, Laconia city, Meredith town, New Hampton town, Sanbornton town, Tilton town
Carroll County, NH	647	683	901	1225	1505	Albany town, Bartlett town, Brookfield town, Chatham town, Conway town, Eaton town, Effingham town, Freedom town, Hale's location, Hart's Location town, Jackson town, Madison town, Moultonborough town, Ossipee town, Sandwich town, Tamworth town, Tuftonboro town, Wakefield town, Wolfeboro town
Cheshire County, NH	716	765	959	1157	1408	Alstead town, Chesterfield town, Dublin town, Fitzwilliam town, Gilsum town, Harrisville town, Hinsdale town, Jaffrey town, Keene city, Marlborough town, Marlow town, Nelson town, Richmond town, Rindge town, Roxbury town, Stoddard town, Sullivan town, Surry town, Swanzey town, Troy town, Walpole town, Westmoreland town, Winchester town
Coos County, NH	421	550	646	906	1017	Atkinson and Gilmanton Academy grant, Beans grant, Beans purchase, Berlin city, Cambridge township, Carroll town, Chandlers purchase, Clarksville town, Colebrook town, Columbia town, Crawfords purchase, Cutts grant, Dalton town, Dixs grant, Dixville township, Dummer town, Errol town, Ervings location, Gorham town, Greens grant, Hadleys purchase, Jefferson town, Kilkenny township, Lancaster town, Low and Burbanks grant, Martins location, Milan town, Millsfield township, Northumberland town, Odell township, Pinkhams grant, Pittsburg town, Randolph town, Sargents purchase, Second College grant, Shelburne town, Stark town, Stewartstown town, Stratford town, Success township,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 33

NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Grafton County, NH	637	701	888	1194	1259	Thompson and Meserves purchase, Wentworth location, Whitefield town Alexandria town, Ashland town, Bath town, Benton town, Bethlehem town, Bridgewater town, Bristol town, Campton town, Canaan town, Dorchester town, Easton town, Ellsworth town, Enfield town, Franconia town, Grafton town, Groton town, Hanover town, Haverhill town, Hebron town, Holderness town, Landaff town, Lebanon city, Lincoln town, Lisbon town, Littleton town, Livermore town, Lyman town, Lyme town, Monroe town, Orange town, Orford town, Piermont town, Plymouth town, Rumney town, Sugar Hill town, Thornton town, Warren town, Waterville Valley town, Wentworth town, Woodstock town
Merrimack County, NH	639	755	986	1218	1561	Allenstown town, Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hooksett town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Sullivan County, NH	540	655	834	1130	1221	Acworth town, Charlestown town, Claremont city, Cornish town, Croydon town, Goshen town, Grantham town, Langdon town, Lempster town, Newport town, Plainfield town, Springfield town, Sunapee town, Unity town, Washington town

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic City-Hammonton, NJ MSA	813	895	1068	1354	1519	Atlantic
Bergen-Passaic, NJ HMFA	995	1114	1249	1543	1776	Bergen, Passaic
Jersey City, NJ HMFA	989	1045	1219	1477	1591	Hudson
Middlesex-Somerset-Hunterdon, NJ HMFA	1106	1147	1349	1693	1997	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ HMFA	895	1034	1263	1646	1786	Monmouth, Ocean
Newark, NJ HMFA	869	1061	1213	1452	1606	Essex, Morris, Sussex, Union
Ocean City, NJ MSA	719	734	923	1209	1245	Cape May
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Burlington, Camden, Gloucester, Salem
Trenton-Ewing, NJ MSA	833	958	1152	1377	1545	Mercer
Vineland-Millville-Bridgeton, NJ MSA	779	782	985	1197	1261	Cumberland
Warren County, NJ HMFA	790	884	1034	1238	1274	Warren

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Albuquerque, NM MSA	507	596	753	1096	1315	Bernalillo, Sandoval, Torrance, Valencia
Farmington, NM MSA	476	504	607	802	905	San Juan
Las Cruces, NM MSA	460	496	553	763	847	Dona Ana

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NEW MEXICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Santa Fe, NM MSA	615	763	928	1215	1452	Santa Fe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	372	419	502	731	754	Chaves	401	402	514	672	693
Cibola	418	451	502	729	792	Colfax	444	475	534	674	701
Curry	418	433	502	680	884	De Baca	417	430	502	677	824
Eddy	335	427	502	674	818	Grant	402	466	529	745	767
Guadalupe	492	498	593	745	777	Harding	417	430	502	677	824
Hidalgo	372	419	502	731	754	Lea	416	452	502	660	695
Lincoln	392	493	601	757	1056	Los Alamos	625	728	955	1146	1180
Luna	417	452	502	640	769	McKinley	396	465	612	731	947
Mora	492	498	593	745	777	Otero	384	454	502	734	884
Quay	417	430	502	677	824	Rio Arriba	448	456	539	697	774
Roosevelt	416	427	502	696	860	San Miguel	419	452	557	740	859
Sierra	325	405	502	733	883	Socorro	418	419	502	601	852
Taos	597	648	718	859	886	Union	417	430	502	677	824

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	686	711	868	1039	1135	Albany, Rensselaer, Saratoga, Schenectady, Schoharie
Binghamton, NY MSA	580	583	697	910	1067	Broome, Tioga
Buffalo-Niagara Falls, NY MSA	601	602	723	894	988	Erie, Niagara
Elmira, NY MSA	635	636	764	982	1023	Chemung
Glens Falls, NY MSA	603	638	802	1012	1140	Warren, Washington
Ithaca, NY MSA	766	788	923	1117	1158	Tompkins
Kingston, NY MSA	742	805	964	1221	1517	Ulster
Nassau-Suffolk, NY HMFA	1159	1339	1581	2098	2286	Nassau, Suffolk
New York, NY HMFA	1091	1180	1313	1615	1817	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
Poughkeepsie-Newburgh-Middletown, NY MSA	776	913	1117	1369	1459	Dutchess, Orange
Rochester, NY MSA	590	652	797	957	1014	Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	624	626	754	965	1045	Madison, Onondaga, Oswego
Utica-Rome, NY MSA	599	600	722	885	1005	Herkimer, Oneida
Westchester County, NY Statutory Exception Area	1161	1385	1610	1942	2394	Westchester

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allegany	553	555	665	829	1018	Cattaraugus	560	562	676	888	1019
Cayuga	601	602	722	961	1115	Chautauqua	567	570	683	881	962
Chenango	565	569	681	858	1196	Clinton	637	640	767	974	1266
Columbia	696	710	837	1011	1078	Cortland	607	609	743	944	1159
Delaware	572	575	689	852	1121	Essex	600	601	722	960	1044
Franklin	550	552	659	846	936	Fulton	471	575	727	870	924
Genesee	657	658	791	981	1110	Greene	601	649	791	1028	1120
Hamilton	606	607	729	908	1053	Jefferson	626	627	754	972	1021

NEW YORK continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lewis	559	561	673	842	940
Otsego	592	606	712	946	984
Schuyler	609	612	734	978	1011
Steuben	594	596	716	919	1014
Wyoming	578	594	697	1015	1108

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Montgomery	559	600	673	851	922
St. Lawrence	560	561	675	855	934
Seneca	645	646	775	1020	1290
Sullivan	614	680	873	1045	1224
Yates	593	600	713	923	951

NORTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anson County, NC HMFA	480	516	577	811	856	Anson
Asheville, NC HMFA	518	604	690	925	1212	Buncombe, Henderson, Madison
Burlington, NC MSA	615	637	742	1008	1038	Alamance
Charlotte-Gastonia-Concord, NC-SC HMFA	629	682	757	954	1110	Cabarrus, Gaston, Mecklenburg, Union
Durham, NC HMFA	538	738	827	1081	1165	Chatham, Durham, Orange
Fayetteville, NC HMFA	561	607	678	963	1139	Cumberland
Goldsboro, NC MSA	434	515	603	755	1009	Wayne
Greene County, NC HMFA	479	481	577	815	842	Greene
Greensboro-High Point, NC HMFA	549	627	699	886	947	Guilford, Randolph
Greenville, NC HMFA	500	519	640	887	916	Pitt
Haywood County, NC HMFA	506	508	633	820	1061	Haywood
Hickory-Lenoir-Morganton, NC MSA	508	534	614	788	917	Alexander, Burke, Caldwell, Catawba
Hoke County, NC HMFA	520	565	626	857	1045	Hoke
Jacksonville, NC MSA	514	550	618	868	1018	Onslow
Pender County, NC HMFA	514	517	621	817	840	Pender
Person County, NC HMFA	504	505	609	727	834	Person
Raleigh-Cary, NC MSA	638	715	795	999	1035	Franklin, Johnston, Wake
Rockingham County, NC HMFA	466	493	584	725	748	Rockingham
Rocky Mount, NC MSA	376	453	577	717	738	Edgecombe, Nash
Virginia Beach-Norfolk-Newport News, VA-NC MSA	749	781	904	1236	1490	Currituck
Wilmington, NC HMFA	590	652	787	1103	1134	Brunswick, New Hanover
Winston-Salem, NC MSA	505	575	666	908	1067	Davie, Forsyth, Stokes, Yadkin

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	429	504	577	757	780
Avery	443	547	647	774	914
Bertie	395	501	577	691	712
Camden	426	556	656	886	908
Caswell	483	484	592	723	755
Chowan	426	556	656	886	908
Cleveland	566	567	682	898	1009
Craven	482	549	630	849	1061
Davidson	495	496	598	779	890
Gates	426	556	656	886	908
Granville	531	532	640	799	950
Harnett	491	534	592	799	1040

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashe	478	479	577	763	902
Beaufort	376	490	577	695	714
Bladen	375	455	577	841	908
Carteret	527	527	634	923	1112
Cherokee	375	486	577	838	1010
Clay	479	481	577	757	882
Columbus	404	520	577	691	711
Dare	653	654	802	1060	1091
Duplin	479	518	577	730	752
Graham	479	481	577	757	882
Halifax	376	521	577	734	842
Hertford	376	518	577	757	778

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 36

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hyde	426	556	656	886	908
Jackson	499	517	615	807	833
Lee	422	578	652	801	1144
Lincoln	402	556	618	747	768
Macon	438	476	613	745	1075
Mitchell	443	547	647	774	914
Moore	531	531	669	962	1173
Pamlico	386	490	577	726	747
Perquimans	426	556	656	886	908
Richmond	415	520	577	725	748
Rowan	547	593	658	939	1003
Sampson	479	489	577	801	1016
Stanly	449	484	592	806	877
Swain	479	481	577	757	882
Tyrrell	426	556	656	886	908
Warren	489	490	588	719	739
Watauga	480	586	737	896	1157
Wilson	544	545	661	791	839

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Iredell	580	585	700	928	1210
Jones	486	526	629	871	1107
Lenoir	437	439	577	690	990
McDowell	415	495	639	789	812
Martin	479	508	577	747	769
Montgomery	478	519	577	720	1013
Northampton	377	508	577	734	755
Pasquotank	422	545	648	941	969
Polk	534	535	657	821	847
Robeson	411	497	577	692	771
Rutherford	522	524	641	767	790
Scotland	477	478	606	736	917
Surry	431	519	577	771	793
Transylvania	478	665	736	929	980
Vance	478	479	577	691	713
Washington	402	542	618	742	761
Wilkes	422	484	577	740	771
Yancey	478	479	577	689	710

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	429	449	558	808	831	Burleigh, Morton
Fargo, ND-MN MSA	410	487	620	895	1034	Cass
Grand Forks, ND-MN MSA	398	500	613	777	1056	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	358	416	511	677	707
Benson	418	420	511	705	889
Bottineau	389	428	532	749	816
Burke	389	428	532	749	816
Dickey	418	420	511	705	889
Dunn	358	416	511	677	707
Emmons	389	428	532	749	816
Golden Valley	358	416	511	677	707
Griggs	418	420	511	705	889
Kidder	389	428	532	749	816
Logan	389	428	532	749	816
McIntosh	389	428	532	749	816
McLean	389	428	532	749	816
Mountrail	389	428	532	749	816
Oliver	358	416	511	677	707

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barnes	424	426	511	715	898
Billings	358	416	511	677	707
Bowman	358	416	511	677	707
Cavalier	418	420	511	705	889
Divide	358	416	511	677	707
Eddy	418	420	511	705	889
Foster	418	420	511	705	889
Grant	358	416	511	677	707
Hettinger	358	416	511	677	707
LaMoure	418	420	511	705	889
McHenry	389	428	532	749	816
McKenzie	358	416	511	677	707
Mercer	358	416	511	677	707
Nelson	396	492	587	794	882
Pembina	396	492	587	794	882

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pierce	389	428	532	749	816	Ramsey	379	390	513	639	808
Ransom	418	420	511	705	889	Renville	389	428	532	749	816
Richland	346	416	527	685	812	Rolette	389	428	532	749	816
Sargent	418	420	511	705	889	Sheridan	389	428	532	749	816
Sioux	358	416	511	677	707	Slope	358	416	511	677	707
Stark	363	442	511	744	898	Steele	396	492	587	794	882
Stutsman	425	427	511	708	898	Towner	418	420	511	705	889
Traill	396	492	587	794	882	Walsh	396	492	587	794	882
Ward	334	415	511	706	838	Wells	418	420	511	705	889
Williams	333	406	511	673	713						

OHIO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH MSA	504	589	754	959	988	Portage, Summit
Brown County, OH HMFA	437	458	604	779	939	Brown
Canton-Massillon, OH MSA	454	504	636	803	851	Carroll, Stark
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Butler, Clermont, Hamilton, Warren
Cleveland-Elyria-Mentor, OH MSA	496	576	694	890	945	Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH HMFA	503	585	740	931	1012	Delaware, Fairfield, Franklin, Licking, Madison, Morrow, Pickaway
Dayton, OH HMFA	488	558	687	925	1103	Greene, Miami, Montgomery
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Lawrence
Lima, OH MSA	474	480	594	732	752	Allen
Mansfield, OH MSA	390	476	600	779	810	Richland
Parkersburg-Marietta-Vienna, WV-OH MSA	422	451	578	768	828	Washington
Preble County, OH HMFA	512	528	641	830	860	Preble
Sandusky, OH MSA	428	515	658	859	903	Erie
Springfield, OH MSA	477	531	639	826	1061	Clark
Toledo, OH MSA	476	530	656	846	922	Fulton, Lucas, Ottawa, Wood
Union County, OH HMFA	622	624	749	897	924	Union
Weirton-Steubenville, WV-OH MSA	382	468	577	721	782	Jefferson
Wheeling, WV-OH MSA	375	452	577	725	846	Belmont
Youngstown-Warren-Boardman, OH HMFA	433	486	588	740	799	Mahoning, Trumbull

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	469	487	577	765	807	Ashland	410	488	632	815	839
Ashtabula	420	494	629	799	932	Athens	481	522	579	745	775
Auglaize	425	456	598	777	798	Champaign	404	493	622	767	825
Clinton	449	555	615	896	1052	Columbiana	463	489	590	730	887
Coshocton	402	484	577	746	851	Crawford	477	484	577	743	814
Darke	374	479	577	768	790	Defiance	437	501	608	767	934
Fayette	464	534	652	785	1047	Gallia	392	520	577	734	964
Guernsey	406	501	577	762	784	Hancock	434	507	657	894	949
Hardin	479	520	577	723	947	Harrison	385	459	577	739	760
Henry	396	485	587	755	778	Highland	479	480	577	777	803

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OHIO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hocking	374	520	577	823	847
Huron	425	514	628	871	959
Knox	510	514	617	790	905
Marion	419	528	645	818	995
Mercer	377	489	577	777	801
Morgan	479	481	577	709	792
Noble	479	481	577	709	792
Perry	479	480	577	722	743
Putnam	405	449	591	733	765
Sandusky	514	526	619	769	841
Seneca	427	448	579	727	749
Tuscarawas	388	453	598	757	780
Vinton	421	520	577	790	983
Williams	479	485	602	797	881

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Holmes	479	481	577	761	807
Jackson	489	492	589	706	728
Logan	527	532	633	796	822
Meigs	479	520	577	790	814
Monroe	479	481	577	709	792
Muskingum	467	479	577	739	932
Paulding	424	464	577	753	776
Pike	376	484	579	694	721
Ross	436	494	577	713	819
Scioto	462	483	577	758	906
Shelby	482	493	641	800	886
Van Wert	375	449	577	702	725
Wayne	431	536	660	789	863
Wyandot	479	481	577	791	815

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fort Smith, AR-OK HMFA	392	445	554	738	804	Sequoyah
Grady County, OK HMFA	399	445	554	750	861	Grady
Lawton, OK MSA	448	483	608	888	1068	Comanche
Le Flore County, OK HMFA	375	437	554	685	839	Le Flore
Lincoln County, OK HMFA	458	460	554	730	753	Lincoln
Oklahoma City, OK HMFA	517	565	686	926	993	Canadian, Cleveland, Logan, McClain, Oklahoma
Okmulgee County, OK HMFA	374	420	554	752	798	Okmulgee
Pawnee County, OK HMFA	463	476	554	718	739	Pawnee
Tulsa, OK HMFA	532	578	707	934	964	Creek, Osage, Rogers, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	462	464	554	661	681
Atoka	401	449	554	720	840
Beckham	461	499	554	725	972
Bryan	450	452	554	716	853
Carter	488	521	589	733	785
Choctaw	458	496	554	786	809
Coal	401	449	554	720	840
Craig	374	437	575	689	1011
Delaware	398	448	554	744	767
Ellis	461	477	554	752	776
Garvin	358	419	554	728	888
Greer	429	445	554	745	780
Harper	461	477	554	752	776
Hughes	447	510	608	775	796
Jefferson	421	455	574	831	972

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	461	477	554	752	776
Beaver	461	477	554	752	776
Blaine	461	477	554	752	776
Caddo	381	422	554	663	829
Cherokee	448	482	558	701	806
Cimarron	461	477	554	752	776
Cotton	421	455	574	831	972
Custer	428	429	554	792	816
Dewey	461	477	554	752	776
Garfield	455	479	576	798	821
Grant	461	477	554	752	776
Harmon	429	445	554	745	780
Haskell	360	433	554	697	765
Jackson	381	495	555	779	803
Johnston	401	449	554	720	840

OKLAHOMA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Kay	376	465	578	798	825	Kingfisher	461	477	554	778	801
Kiowa	429	445	554	745	780	Latimer	360	433	554	697	765
Love	401	449	554	720	840	McCurtain	360	419	554	719	742
McIntosh	410	464	555	694	788	Major	461	477	554	752	776
Marshall	401	449	554	720	840	Mayes	360	499	554	694	793
Murray	461	463	554	745	953	Muskogee	419	493	585	740	817
Noble	404	470	565	785	809	Nowata	422	447	554	738	834
Okfuskee	447	510	608	775	796	Ottawa	463	464	554	755	779
Payne	490	561	688	974	1003	Pittsburg	378	442	582	733	893
Pontotoc	389	435	554	755	779	Pottawatomie	481	547	608	770	894
Pushmataha	360	433	554	697	765	Roger Mills	429	445	554	745	780
Seminole	360	444	554	665	685	Stephens	363	420	554	757	781
Texas	431	516	582	736	881	Tillman	421	455	574	831	972
Washington	458	459	559	783	861	Washita	429	445	554	745	780
Woods	411	440	554	806	830	Woodward	384	449	554	691	712

OREGON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bend, OR MSA	539	627	747	1088	1122	Deschutes
Corvallis, OR MSA	506	613	764	1110	1277	Benton
Eugene-Springfield, OR MSA	500	607	768	1074	1196	Lane
Medford, OR MSA	499	593	745	1084	1116	Jackson
Portland-Vancouver-Beaverton, OR-WA MSA	604	700	809	1178	1415	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR MSA	508	564	675	981	1183	Marion, Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baker	395	460	607	883	909	Clatsop	446	554	685	991	1022
Coos	432	523	663	880	1013	Crook	424	546	653	884	1034
Curry	487	560	661	966	1165	Douglas	421	501	647	877	1086
Gilliam	457	535	646	875	1024	Grant	457	535	646	875	1024
Harney	408	475	598	826	879	Hood River	459	568	707	1006	1038
Jefferson	507	540	612	890	1002	Josephine	492	563	681	968	1075
Klamath	407	477	608	851	945	Lake	408	475	598	826	879
Lincoln	507	579	738	1023	1155	Linn	485	588	733	1011	1251
Malheur	433	493	601	869	894	Morrow	457	535	646	875	1024
Sherman	457	535	646	875	1024	Tillamook	469	561	721	1008	1038
Umatilla	425	484	619	869	969	Union	405	471	622	907	934
Wallowa	402	468	618	884	950	Wasco	470	527	656	932	1154
Wheeler	457	535	646	875	1024						

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PENNSYLVANIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA HMFA	592	721	853	1104	1168	Carbon, Lehigh, Northampton
Altoona, PA MSA	450	493	596	781	806	Blair
Armstrong County, PA HMFA	467	507	561	718	942	Armstrong
Erie, PA MSA	445	502	648	775	881	Erie
Harrisburg-Carlisle, PA MSA	531	607	764	964	999	Cumberland, Dauphin, Perry
Johnstown, PA MSA	449	457	561	706	809	Cambria
Lancaster, PA MSA	527	626	771	978	1028	Lancaster
Lebanon, PA MSA	429	512	660	896	923	Lebanon
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pike County, PA HMFA	786	817	947	1282	1570	Pike
Pittsburgh, PA HMFA	541	594	710	883	953	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland
Reading, PA MSA	532	594	733	980	1011	Berks
Scranton--Wilkes-Barre, PA MSA	443	529	635	805	850	Lackawanna, Luzerne, Wyoming
Sharon, PA HMFA	459	480	585	717	787	Mercer
State College, PA MSA	616	687	809	967	997	Centre
Williamsport, PA MSA	436	500	603	792	814	Lycoming
York-Hanover, PA MSA	502	577	732	884	916	York

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	526	575	688	926	1027	Bedford	427	485	561	670	890
Bradford	365	489	561	702	859	Cameron	469	486	563	747	803
Clarion	466	507	561	716	748	Clearfield	427	472	561	804	949
Clinton	507	508	612	733	753	Columbia	452	496	604	773	916
Crawford	447	495	561	744	850	Elk	467	488	561	727	879
Forest	467	496	561	727	748	Franklin	436	496	626	824	1010
Fulton	374	477	561	692	809	Greene	466	496	561	670	690
Huntingdon	365	452	561	725	746	Indiana	499	519	600	716	784
Jefferson	381	472	561	743	766	Juniata	432	468	563	765	789
Lawrence	408	532	626	749	879	McKean	471	495	565	757	814
Mifflin	395	457	561	728	912	Monroe	574	707	884	1129	1263
Montour	501	575	662	792	817	Northumberland	385	503	561	695	720
Potter	466	506	561	743	765	Schuylkill	374	488	561	701	770
Snyder	390	512	602	753	813	Somerset	466	466	561	689	729
Sullivan	370	496	569	713	849	Susquehanna	456	496	581	698	770
Tioga	481	528	587	771	824	Union	538	561	648	851	916
Venango	431	471	561	709	804	Warren	365	468	561	728	771
Wayne	545	548	688	859	969						

RHODE ISLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Newport-Middleton-Portsmouth, RI HMFA	806	983	1215	1650	2132	Newport County towns of Middletown town, Newport city, Portsmouth town
Providence-Fall River, RI-MA HMFA	746	830	956	1142	1409	Bristol County towns of Barrington town, Bristol town, Warren town

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RHODE ISLAND continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kent County towns of Coventry town, East Greenwich town, Warwick city, West Greenwich town, West Warwick town Newport County towns of Jamestown town, Little Compton town, Tiverton town Providence County towns of Burrillville town, Central Falls city, Cranston city, Cumberland town, East Providence city, Foster town, Glocester town, Johnston town, Lincoln town, North Providence town, North Smithfield town, Pawtucket city, Providence city, Scituate town, Smithfield town, Woonsocket city Washington County towns of Charlestown town, Exeter town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town
Westerly-Hopkinton-New Shoreham, RI HMFA.....	683	859	1005	1201	1568	Washington County towns of Hopkinton town, New Shoreham town, Westerly town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, SC MSA.....	415	539	612	775	797	Anderson
Augusta-Richmond County, GA-SC MSA.....	530	575	646	865	910	Aiken, Edgefield
Charleston-North Charleston-Summerville, SC MSA...	628	696	787	1025	1194	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Concord, NC-SC HMFA.....	629	682	757	954	1110	York
Columbia, SC HMFA.....	585	637	710	877	905	Calhoun, Fairfield, Lexington, Richland, Saluda
Darlington County, SC HMFA.....	358	458	551	662	713	Darlington
Florence, SC HMFA.....	428	481	557	668	839	Florence
Greenville-Mauldin-Easley, SC MSA.....	543	590	656	866	890	Greenville, Pickens
Kershaw County, SC HMFA.....	375	472	580	729	846	Kershaw
Laurens County, SC HMFA.....	490	533	590	746	870	Laurens
Myrtle Beach-North Myrtle Beach-Conway, SC MSA....	612	673	786	939	1138	Horry
Spartanburg, SC MSA.....	532	550	642	808	831	Spartanburg
Sumter, SC MSA.....	475	517	572	735	778	Sumter

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Abbeville.....	357	496	551	669	689	Allendale.....	458	496	551	684	884
Bamberg.....	457	459	551	735	757	Barnwell.....	456	480	551	663	858
Beaufort.....	649	781	883	1076	1143	Cherokee.....	452	453	552	661	701
Chester.....	473	474	568	679	721	Chesterfield.....	390	485	551	658	967
Clarendon.....	479	481	577	691	788	Colleton.....	358	446	551	779	800
Dillon.....	457	466	551	689	757	Georgetown.....	540	541	652	844	1020
Greenwood.....	485	507	583	846	872	Hampton.....	458	466	551	679	771
Jasper.....	506	550	612	730	828	Lancaster.....	373	471	551	758	834
Lee.....	376	461	551	678	849	McCormick.....	463	485	557	770	795
Marion.....	455	456	551	669	687	Marlboro.....	457	458	551	695	824
Newberry.....	456	496	551	700	862	Oconee.....	362	424	556	689	979
Orangeburg.....	458	496	551	684	848	Union.....	458	459	551	761	855

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SOUTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Williamsburg	479	481	577	691	788

SOUTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Meade County, SD HMFA	349	417	539	784	875	Meade
Rapid City, SD HMFA	492	573	722	956	983	Pennington
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Union
Sioux Falls, SD MSA	501	527	673	879	972	Lincoln, McCook, Minnehaha, Turner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aurora	345	402	529	678	724
Bennett	399	415	529	708	787
Brookings	344	432	531	749	933
Brule	345	402	529	678	724
Butte	399	415	529	708	787
Charles Mix	345	402	529	678	724
Clay	403	428	563	776	988
Corson	399	415	529	708	787
Davison	363	427	560	718	772
Deuel	354	412	529	715	844
Douglas	345	402	529	678	724
Fall River	391	408	536	695	773
Grant	354	412	529	715	844
Haakon	399	415	529	708	787
Hand	385	403	529	698	830
Harding	399	415	529	708	787
Hutchinson	345	402	529	678	724
Jackson	399	415	529	708	787
Jones	399	415	529	708	787
Lake	354	412	529	715	844
Lyman	345	402	529	678	724
Marshall	385	403	529	698	830
Miner	354	412	529	715	844
Perkins	399	415	529	708	787
Roberts	385	403	529	698	830
Shannon	399	415	529	708	787
Stanley	345	402	529	678	724
Todd	399	415	529	708	787
Walworth	385	403	529	698	830
Ziebach	399	415	529	708	787

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beadle	440	441	529	770	873
Bon Homme	345	402	529	678	724
Brown	387	414	546	693	823
Buffalo	345	402	529	678	724
Campbell	385	403	529	698	830
Clark	354	412	529	715	844
Codington	391	456	600	775	886
Custer	399	415	529	708	787
Day	385	403	529	698	830
Dewey	399	415	529	708	787
Edmunds	385	403	529	698	830
Faulk	385	403	529	698	830
Gregory	345	402	529	678	724
Hamlin	354	412	529	715	844
Hanson	345	402	529	678	724
Hughes	352	441	545	683	705
Hyde	345	402	529	678	724
Jerauld	385	403	529	698	830
Kingsbury	354	412	529	715	844
Lawrence	374	454	559	779	831
McPherson	385	403	529	698	830
Mellette	399	415	529	708	787
Moody	354	412	529	715	844
Potter	399	415	529	708	787
Sanborn	345	402	529	678	724
Spink	385	403	529	698	830
Sully	345	402	529	678	724
Tripp	345	402	529	678	724
Yankton	371	440	572	750	770

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TENNESSEE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	535	565	666	820	964	Hamilton, Marion, Sequatchie
Clarksville, TN-KY HMFA	537	559	649	938	966	Montgomery
Cleveland, TN MSA	457	466	601	754	959	Bradley, Polk
Hickman County, TN HMFA	354	492	546	796	821	Hickman
Jackson, TN MSA	492	537	678	908	932	Chester, Madison
Johnson City, TN MSA	380	460	570	708	882	Carter, Unicoi, Washington
Kingsport-Bristol-Bristol, TN-VA MSA	417	448	557	746	892	Hawkins, Sullivan
Knoxville, TN MSA	482	554	667	894	922	Anderson, Blount, Knox, Loudon, Union
Macon County, TN HMFA	342	416	526	626	696	Macon
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	Fayette, Shelby, Tipton
Morristown, TN MSA	447	449	539	707	797	Grainger, Hamblen, Jefferson
Nashville-Davidson--Murfreesboro--Franklin, TN MSA	580	662	761	987	1016	Cannon, Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Trousdale, Williamson, Wilson
Smith County, TN HMFA	455	456	546	728	752	Smith
Stewart County, TN HMFA	348	454	536	731	754	Stewart

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	427	523	657	823	847	Benton	412	413	522	645	708
Bledsoe	341	428	522	685	706	Campbell	433	435	522	672	800
Carroll	432	433	522	644	719	Claiborne	339	433	522	698	783
Clay	422	423	522	678	697	Cocke	340	420	522	625	852
Coffee	468	469	563	763	834	Crockett	434	471	522	681	703
Cumberland	432	433	522	740	916	Decatur	390	429	522	671	764
DeKalb	433	435	522	753	778	Dyer	353	415	544	725	792
Fentress	422	423	522	678	697	Franklin	359	431	554	806	970
Gibson	428	437	522	656	725	Giles	368	433	571	687	707
Greene	339	427	522	707	727	Grundy	341	428	522	685	706
Hancock	433	434	522	668	804	Hardeman	377	468	522	707	916
Hardin	382	426	522	692	713	Haywood	439	455	595	711	781
Henderson	366	485	566	675	696	Henry	341	400	526	629	766
Houston	412	413	522	645	708	Humphreys	434	470	522	744	768
Jackson	422	423	522	678	697	Johnson	338	421	522	700	734
Lake	388	434	522	678	718	Lauderdale	459	460	554	673	695
Lawrence	359	403	522	646	737	Lewis	350	407	525	669	689
Lincoln	433	434	522	638	657	McMinn	460	462	555	664	885
McNairy	339	399	522	754	776	Marshall	421	448	587	706	886
Maury	451	563	694	883	910	Meigs	341	428	522	685	706
Monroe	413	414	525	628	801	Moore	459	460	550	726	749
Morgan	431	432	522	653	761	Obion	358	432	522	689	726
Overton	340	428	522	638	656	Perry	350	407	525	669	689
Pickett	422	423	522	678	697	Putnam	435	436	544	783	840
Rhea	338	418	522	693	713	Roane	459	474	550	735	755
Scott	433	442	522	691	919	Sevier	524	568	640	770	1124
Van Buren	422	423	522	678	697	Warren	423	428	551	738	878

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TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wayne	350	407	525	669	689
White	391	397	522	738	758
Weakley	379	466	522	764	920

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	474	499	629	819	1036	Callahan, Jones, Taylor
Amarillo, TX MSA	484	525	655	903	1011	Armstrong, Carson, Potter, Randall
Aransas County, TX HMFA	433	537	639	932	960	Aransas
Atascosa County, TX HMFA	376	437	577	729	750	Atascosa
Austin County, TX HMFA	558	559	673	893	921	Austin
Austin-Round Rock, TX MSA	658	749	912	1228	1398	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	504	565	676	838	869	Hardin, Jefferson, Orange
Brazoria County, TX HMFA	547	610	701	967	1038	Brazoria
Brownsville-Harlingen, TX MSA	443	512	586	724	819	Cameron
Calhoun County, TX HMFA	410	485	622	784	1049	Calhoun
College Station-Bryan, TX MSA	591	668	816	1034	1066	Brazos, Burleson, Robertson
Corpus Christi, TX HMFA	624	642	796	1093	1191	Nueces, San Patricio
*Dallas, TX HMFA	670	746	905	1201	1455	Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	466	499	595	853	1012	El Paso
Fort Worth-Arlington, TX HMFA	648	689	838	1120	1240	Johnson, Parker, Tarrant
*Houston-Baytown-Sugar Land, TX HMFA	642	714	866	1154	1451	Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, Waller
Kendall County, TX HMFA	739	740	890	1296	1563	Kendall
Killeen-Temple-Fort Hood, TX HMFA	517	571	726	1056	1273	Bell, Coryell
Lampasas County, TX HMFA	375	478	577	842	986	Lampasas
Laredo, TX MSA	498	546	653	853	1118	Webb
Longview, TX HMFA	529	556	638	873	898	Gregg, Upshur
Lubbock, TX MSA	458	558	705	998	1030	Crosby, Lubbock
McAllen-Edinburg-Mission, TX MSA	493	542	639	766	881	Hidalgo
Medina County, TX HMFA	509	566	666	797	969	Medina
Midland, TX MSA	557	603	793	1155	1369	Midland
Odessa, TX MSA	506	536	703	1013	1177	Ector
Rusk County, TX HMFA	493	495	593	710	731	Rusk
San Angelo, TX MSA	449	518	660	944	1032	Irion, Tom Green
San Antonio, TX HMFA	577	642	792	1022	1241	Bandera, Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	582	613	720	946	1094	Grayson
Texarkana, TX-Texarkana, AR MSA	492	497	612	747	812	Bowie
Tyler, TX MSA	528	621	699	958	1046	Smith
Victoria, TX HMFA	474	546	699	870	1030	Goliad, Victoria
Waco, TX MSA	577	578	719	900	930	McLennan
Wichita Falls, TX MSA	521	548	652	915	942	Archer, Clay, Wichita
Wise County, TX HMFA	523	524	630	769	856	Wise

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	514	539	621	817	1072
Angelina	492	561	627	811	837
Baylor	391	464	577	735	872
Andrews	478	492	577	773	863
Bailey	445	496	577	751	951
Bee	480	481	577	775	868

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Blanco	458	492	622	817	935
Bosque	479	480	577	701	840
Briscoe	470	473	577	769	793
Brown	458	498	628	798	916
Camp	482	484	594	811	836
Castro	470	473	577	769	793
Childress	470	473	577	769	793
Coke	450	518	659	948	1033
Collingsworth	470	473	577	769	793
Comanche	467	501	593	755	824
Cooke	530	531	670	827	852
Crane	478	507	577	749	889
Culberson	478	507	577	749	889
Dawson	477	478	577	744	769
DeWitt	427	443	577	754	815
Dimmit	473	475	577	785	931
Duval	398	500	577	769	818
Edwards	473	475	577	785	931
Falls	380	518	583	744	772
Fayette	476	540	654	812	836
Floyd	445	496	577	751	951
Franklin	433	497	600	735	884
Frio	463	568	691	875	1041
Garza	445	496	577	751	951
Glasscock	477	478	577	744	769
Gray	446	447	577	724	747
Hale	388	490	577	707	789
Hamilton	458	492	622	817	935
Hardeman	391	464	577	735	872
Hartley	470	473	577	769	793
Hemphill	470	473	577	769	793
Hill	376	520	577	817	891
Hood	574	622	692	914	1214
Houston	555	596	668	800	866
Hudspeth	478	507	577	749	889
Jack	391	464	577	735	872
Jasper	479	481	577	714	825
Jim Hogg	479	515	577	825	918
Karnes	428	441	577	755	817
Kent	445	447	577	825	896
Kimble	477	478	577	744	769
Kinney	473	475	577	785	931

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Borden	477	478	577	744	769
Brewster	420	439	577	690	748
Brooks	479	515	577	825	918
Burnet	468	548	720	906	932
Cass	376	519	577	792	933
Cherokee	469	514	577	771	803
Cochran	445	496	577	751	951
Coleman	458	492	622	817	935
Colorado	461	509	577	762	784
Concho	477	478	577	744	769
Cottle	391	464	577	735	872
Crockett	477	478	577	744	769
Dallam	430	471	622	743	763
Deaf Smith	375	478	577	838	955
Dickens	445	496	577	751	951
Donley	470	473	577	769	793
Eastland	467	501	593	755	824
Erath	465	504	629	767	791
Fannin	501	504	601	749	772
Fisher	445	447	577	825	896
Foard	391	464	577	735	872
Freestone	380	518	583	762	785
Gaines	479	511	577	749	897
Gillespie	487	569	748	1036	1067
Gonzales	395	451	577	839	864
Grimes	511	561	625	814	838
Hall	470	473	577	769	793
Hansford	470	473	577	769	793
Harrison	461	465	612	791	814
Haskell	445	447	577	825	896
Henderson	463	479	630	826	852
Hockley	449	478	577	801	826
Hopkins	430	496	606	768	1064
Howard	478	482	577	810	833
Hutchinson	481	482	578	692	860
Jackson	376	486	577	703	1015
Jeff Davis	478	507	577	749	889
Jim Wells	386	519	577	767	791
Kenedy	479	515	577	825	918
Kerr	579	627	705	909	938
King	445	496	577	751	951
Kleberg	493	528	593	866	1044

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 46

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Knox	391	464	577	735	872
Lamb	445	496	577	751	951
Lavaca	461	509	577	762	784
Leon	511	561	625	814	838
Lipscomb	470	473	577	769	793
Llano	595	599	788	942	971
Lynn	445	496	577	751	951
McMullen	398	500	577	769	818
Marion	482	484	594	811	836
Mason	477	478	577	744	769
Maverick	481	482	577	838	864
Milam	376	464	577	747	793
Mitchell	445	447	577	825	896
Moore	407	501	577	840	865
Motley	445	496	577	751	951
Navarro	538	548	662	804	830
Nolan	448	449	577	744	1011
Oldham	470	473	577	769	793
Panola	480	520	577	702	1013
Pecos	476	520	577	699	847
Presidio	478	507	577	749	889
Reagan	477	478	577	744	769
Red River	433	497	600	735	884
Refugio	398	500	577	769	818
Runnels	477	478	577	744	769
San Augustine	478	479	577	750	1011
Schleicher	477	478	577	744	769
Shackelford	445	447	577	825	896
Sherman	470	473	577	769	793
Starr	479	522	577	841	1017
Sterling	477	478	577	744	769
Sutton	477	478	577	744	769
Terrell	478	507	577	749	889
Throckmorton	445	447	577	825	896
Trinity	555	596	668	800	866
Upton	477	478	577	744	769
Val Verde	410	490	579	720	839
Walker	570	609	737	949	1228
Washington	546	621	688	965	996
Wheeler	470	473	577	769	793
Willacy	479	520	577	840	935
Wood	433	437	577	841	1011

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lamar	432	501	628	791	884
La Salle	473	475	577	785	931
Lee	462	525	583	798	823
Limestone	376	522	577	739	765
Live Oak	398	500	577	769	818
Loving	478	507	577	749	889
McCulloch	479	481	577	840	867
Madison	511	561	625	814	838
Martin	477	478	577	744	769
Matagorda	376	493	577	841	1014
Menard	477	478	577	744	769
Mills	458	492	622	817	935
Montague	436	557	621	784	1089
Morris	433	497	600	735	884
Nacogdoches	466	584	689	823	1127
Newton	478	479	577	750	1011
Ochiltree	470	473	577	806	830
Palo Pinto	488	489	606	837	861
Parmer	470	473	577	769	793
Polk	479	486	577	691	711
Rains	484	486	604	814	839
Real	473	475	577	785	931
Reeves	479	511	577	740	897
Roberts	470	473	577	769	793
Sabine	478	479	577	750	1011
San Saba	458	492	622	817	935
Scurry	381	451	577	840	922
Shelby	479	481	577	829	1011
Somervell	467	501	593	757	824
Stephens	429	439	577	795	863
Stonewall	445	447	577	825	896
Swisher	470	473	577	769	793
Terry	444	494	577	758	949
Titus	451	534	634	762	1113
Tyler	479	480	577	743	962
Uvalde	376	512	577	752	1011
Van Zandt	509	511	625	874	899
Ward	479	485	577	719	853
Wharton	463	520	577	763	786
Wilbarger	374	447	577	741	826
Winkler	478	507	577	749	889
Yoakum	445	496	577	751	951

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TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Young	376	438	577	732	852
Zavala	473	475	577	785	931
Zapata	479	515	577	825	918

UTAH

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Logan, UT-ID MSA	471	508	635	852	1052	Cache
Ogden-Clearfield, UT MSA	484	582	717	986	1166	Davis, Morgan, Weber
Provo-Orem, UT MSA	521	574	670	975	1175	Juab, Utah
Salt Lake City, UT HMFA	612	665	802	1128	1314	Salt Lake
St. George, UT MSA	536	562	667	970	1091	Washington
Summit County, UT HMFA	658	914	1016	1422	1782	Summit
Tooele County, UT HMFA	509	570	678	857	1188	Tooele

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaver	512	514	628	889	946
Carbon	479	480	577	758	890
Duchesne	638	694	769	993	1351
Garfield	512	514	628	889	946
Iron	475	501	577	841	1014
Millard	512	514	628	889	946
Rich	477	507	634	852	1034
Sanpete	512	514	628	889	946
Uintah	550	598	663	871	979
Wayne	512	514	628	889	946
Box Elder	399	488	615	813	946
Daggett	479	520	577	748	1014
Emery	479	520	577	748	1014
Grand	478	520	577	744	1013
Kane	512	514	628	889	945
Piute	512	514	628	889	946
San Juan	479	520	577	748	1014
Sevier	512	514	628	889	946
Wasatch	530	619	816	975	1171

VERMONT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington-South Burlington, VT MSA	798	883	1108	1418	1590	Chittenden County towns of Bolton town, Buels gore, Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Huntington town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Underhill town, Westford town, Williston town, Winooski city Franklin County towns of Bakersfield town, Berkshire town, Enosburg town, Fairfax town, Fairfield town, Fletcher town, Franklin town, Georgia town, Highgate town, Montgomery town, Richford town, St. Albans city, St. Albans town, Sheldon town, Swanton town Grand Isle County towns of Alburg town, Grand Isle town, Isle La Motte town, North Hero town, South Hero town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 48

VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Addison County, VT	575	720	866	1139	1519	Addison town, Bridport town, Bristol town, Cornwall town, Ferrisburg town, Goshen town, Granville town, Hancock town, Leicester town, Lincoln town, Middlebury town, Monkton town, New Haven town, Orwell town, Panton town, Ripton town, Salisbury town, Shoreham town, Starksboro town, Vergennes city, Waltham town, Weybridge town, Whiting town
Bennington County, VT	574	719	837	1091	1281	Arlington town, Bennington town, Dorset town, Glastenbury town, Landgrove town, Manchester town, Peru town, Pownal town, Readsboro town, Rupert town, Sandgate town, Searsburg town, Shaftsbury town, Stamford town, Sunderland town, Winhall town, Woodford town
Caledonia County, VT	542	563	707	895	927	Barnet town, Burke town, Danville town, Groton town, Hardwick town, Kirby town, Lyndon town, Newark town, Peacham town, Ryegate town, St. Johnsbury town, Sheffield town, Stannard town, Sutton town, Walden town, Waterford town, Wheelock town
Essex County, VT	560	629	764	974	1142	Averill town, Avery's gore, Bloomfield town, Brighton town, Brunswick town, Canaan town, Concord town, East Haven town, Ferdinand town, Granby town, Guildhall town, Lemington town, Lewis town, Lunenburg town, Maidstone town, Norton town, Victory town, Warner's grant, Warren's gore
Lamoille County, VT	566	680	792	1103	1391	Belvidere town, Cambridge town, Eden town, Elmore town, Hyde Park town, Johnson town, Morristown town, Stowe town, Waterville town, Wolcott town
Orange County, VT	604	683	795	1107	1141	Bradford town, Braintree town, Brookfield town, Chelsea town, Corinth town, Fairlee town, Newbury town, Orange town, Randolph town, Strafford town, Thetford town, Topsham town, Tunbridge town, Vershire town, Washington town, West Fairlee town, Williamstown town
Orleans County, VT	408	564	630	796	1000	Albany town, Barton town, Brownington town, Charleston town, Coventry town, Craftsbury town, Derby town, Glover town, Greensboro town, Holland town, Irasburg town, Jay town, Lowell town, Morgan town, Newport city, Newport town, Troy town, Westfield town, Westmore town
Rutland County, VT	518	678	788	1042	1333	Benson town, Brandon town, Castleton town, Chittenden town, Clarendon town, Danby town, Fair Haven town, Hubbardton town, Ira town, Killington town, Mendon town, Middletown Springs town, Mount Holly town, Mount Tabor town, Pawlet town, Pittsfield town, Pittsford town, Poultney town, Proctor town, Rutland city, Rutland town, Shrewsbury town, Sudbury town, Tinmouth town, Wallingford town, Wells town, West Haven town, West Rutland town
Washington County, VT	570	666	834	1127	1261	Barre city, Barre town, Berlin town, Cabot town, Calais town, Duxbury town, East Montpelier town, Fayston town, Marshfield town, Middlesex town, Montpelier city, Moretown town, Northfield town, Plainfield town, Roxbury town, Waitsfield town, Warren town, Waterbury town, Woodbury town, Worcester town
Windham County, VT	675	703	924	1116	1151	Athens town, Brattleboro town, Brookline town, Dover town,

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VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Dummerston town, Grafton town, Guilford town, Halifax town, Jamaica town, Londonderry town, Marlboro town, Newfane town, Putney town, Rockingham town, Somerset town, Stratton town, Townshend town, Vernon town, Wardsboro town, Westminster town, Whitingham town, Wilmington town, Windham town
Windsor County, VT	635	711	837	1139	1355	Andover town, Baltimore town, Barnard town, Bethel town, Bridgewater town, Cavendish town, Chester town, Hartford town, Hartland town, Ludlow town, Norwich town, Plymouth town, Pomfret town, Reading town, Rochester town, Royalton town, Sharon town, Springfield town, Stockbridge town, Weathersfield town, Weston town, West Windsor town, Windsor town, Woodstock town

VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Blacksburg-Christiansburg-Radford, VA HMFA	543	594	665	912	1168	Montgomery, Radford city
Charlottesville, VA MSA	620	745	882	1143	1265	Albemarle, Fluvanna, Greene, Nelson, Charlottesville city
Danville, VA MSA	394	453	584	728	782	Pittsylvania, Danville city
Franklin County, VA HMFA	361	433	557	666	710	Franklin
Giles County, VA HMFA	363	470	557	710	980	Giles
Harrisonburg, VA MSA	500	556	676	947	973	Rockingham, Harrisonburg city
Kingsport-Bristol-Bristol, TN-VA MSA	417	448	557	746	892	Scott, Washington, Bristol city
Louisa County, VA HMFA	606	687	783	936	964	Louisa
Lynchburg, VA MSA	501	514	619	763	852	Amherst, Appomattox, Bedford, Campbell, Bedford city, Lynchburg city
Pulaski County, VA HMFA	423	447	557	798	858	Pulaski
*Richmond, VA HMFA	764	828	925	1234	1474	Amelia, Caroline, Charles, Chesterfield, Cumberland, Dinwiddie, Goochland, Hanover, Henrico, King and Queen, King William, New Kent, Powhatan, Prince George, Sussex, Colonial Heights city, Hopewell city, Petersburg city, Richmond city
Roanoke, VA HMFA	497	529	683	867	946	Botetourt, Craig, Roanoke, Roanoke city, Salem city
Virginia Beach-Norfolk-Newport News, VA-NC MSA	749	781	904	1236	1490	Gloucester, Isle of Wight, James, Mathews, Surry, York, Chesapeake city, Hampton city, Newport News city, Norfolk city, Poquoson city, Portsmouth city, Suffolk city, Virginia Beach city, Williamsburg city
Warren County, VA HMFA	531	618	769	1081	1114	Warren
Washington-Arlington-Alexandria, DC-VA-MD HMFA	1002	1131	1288	1647	2157	Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city
Winchester, VA-WV MSA	547	568	749	1034	1064	Frederick, Winchester city

VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	381	521	586	712	877
Augusta	486	501	653	934	1074
Bland	464	480	557	710	789
Buchanan	464	480	557	710	789
Carroll	463	502	557	668	742
Culpeper	625	636	753	974	1035
Essex	447	552	680	925	954
Grayson	464	480	557	710	789
Halifax	362	503	557	748	979
Highland	478	497	617	851	1028
Lancaster	448	551	671	825	888
Lunenburg	479	495	577	720	996
Mecklenburg	365	456	562	690	919
Northampton	448	551	671	817	888
Nottoway	463	500	557	791	906
Page	379	443	581	749	772
Prince Edward	540	542	651	779	1043
Richmond	448	551	671	817	888
Russell	363	481	557	682	703
Smyth	461	500	557	707	916
Tazewell	464	465	557	715	809
Wise	463	472	557	725	913
Buena Vista city	445	500	557	811	977
Covington city	362	464	557	677	706
Franklin city	404	558	619	766	1089
Lexington city	445	500	557	811	977
Norton city	463	472	557	725	913
Waynesboro city	486	501	653	934	1074

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	362	464	557	677	706
Bath	478	497	617	851	1028
Brunswick	479	495	577	720	996
Buckingham	463	500	557	716	906
Charlotte	463	500	557	716	906
Dickenson	464	497	557	727	747
Floyd	512	557	618	860	1088
Greensville	481	522	579	699	869
Henry	429	447	557	714	818
King George	632	633	761	1106	1139
Lee	361	436	557	716	758
Madison	493	550	664	919	948
Middlesex	448	551	671	817	888
Northumberland	448	551	671	817	888
Orange	447	614	684	995	1200
Patrick	462	503	557	690	711
Rappahannock	493	550	664	919	948
Rockbridge	445	500	557	811	977
Shenandoah	459	492	601	802	888
Southampton	404	558	619	766	1089
Westmoreland	453	552	697	956	985
Wythe	362	458	557	730	980
Clifton Forge city	362	464	557	677	706
Emporia city	481	522	579	699	869
Galax city	463	502	557	668	742
Martinsville city	429	447	557	714	818
Staunton city	486	501	653	934	1074

WASHINGTON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	570	630	790	1153	1299	Whatcom
Bremerton-Silverdale, WA MSA	619	694	855	1224	1336	Kitsap
Kennewick-Pasco-Richland, WA MSA	503	548	688	930	1102	Benton, Franklin
Lewiston, ID-WA MSA	477	495	620	880	1073	Asotin
Longview, WA MSA	447	561	652	950	1083	Cowlitz
Mount Vernon-Anacortes, WA MSA	572	708	879	1202	1500	Skagit
Olympia, WA MSA	582	654	835	1212	1466	Thurston
Portland-Vancouver-Beaverton, OR-WA MSA	604	700	809	1178	1415	Clark, Skamania
Seattle-Bellevue, WA HMFA	720	820	987	1395	1704	King, Snohomish
Spokane, WA MSA	450	528	695	954	1082	Spokane
*Tacoma, WA HMFA	636	743	926	1349	1518	Pierce
Wenatchee, WA MSA	520	551	696	939	1081	Chelan, Douglas

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WASHINGTON continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Yakima, WA MSA	480	563	728	959	1011	Yakima

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	405	483	619	831	857	Clallam	511	565	735	1074	1107
Columbia	417	487	643	869	1037	Ferry	405	479	619	831	857
Garfield	417	487	643	869	1037	Grant	413	491	635	858	881
Grays Harbor	419	492	646	910	935	Island	748	749	904	1315	1587
Jefferson	523	641	784	1140	1173	Kittitas	468	546	719	963	1000
Klickitat	541	549	652	915	943	Lewis	452	577	694	927	970
Lincoln	405	479	619	831	857	Mason	508	598	717	979	1160
Okanogan	453	545	641	877	965	Pacific	444	478	627	889	924
Pend Oreille	405	479	619	831	857	San Juan	639	688	850	1221	1492
Stevens	402	485	619	848	926	Wahkiakum	450	559	653	951	1091
Walla Walla	417	487	643	925	953	Whitman	452	498	646	912	1117

WEST VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boone County, WV HMFA	352	456	540	668	740	Boone
Charleston, WV HMFA	466	509	636	810	834	Clay, Kanawha, Lincoln, Putnam
Cumberland, MD-WV MSA	406	492	577	778	908	Mineral
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Cabell, Wayne
Jefferson County, WV HMFA	476	642	731	1067	1285	Jefferson
Martinsburg, WV HMFA	534	602	723	967	1160	Berkeley, Morgan
Morgantown, WV MSA	489	509	602	781	926	Monongalia, Preston
Parkersburg-Marietta-Vienna, WV-OH MSA	422	451	578	768	828	Pleasants, Wirt, Wood
Weirton-Steubenville, WV-OH MSA	382	468	577	721	782	Brooke, Hancock
Wheeling, WV-OH MSA	375	452	577	725	846	Marshall, Ohio
Winchester, VA-WV MSA	547	568	749	1034	1064	Hampshire

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	416	434	540	707	745	Braxton	416	434	540	707	745
Calhoun	394	469	569	739	850	Doddridge	372	474	560	674	797
Fayette	450	451	540	668	718	Gilmer	416	434	540	707	745
Grant	471	544	611	800	993	Greenbrier	429	488	540	649	854
Hardy	471	544	611	800	993	Harrison	463	464	557	698	780
Jackson	394	469	569	739	850	Lewis	426	461	540	677	697
Logan	377	457	540	664	682	McDowell	450	466	540	737	936
Marion	385	492	591	707	861	Mason	448	458	540	684	731
Mercer	449	465	540	730	924	Mingo	352	474	540	680	883
Monroe	449	487	540	673	696	Nicholas	449	487	540	687	752
Pendleton	470	542	612	799	991	Pocahontas	449	466	540	661	784
Raleigh	455	483	545	696	717	Randolph	425	426	549	708	729

WEST VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ritchie	394	469	569	739	850
Summers	449	487	540	673	696
Tucker	416	434	540	707	745
Upshur	351	438	540	725	748
Wetzel	353	481	540	687	782
Roane	394	469	569	739	850
Taylor	372	474	560	671	797
Tyler	394	469	569	739	850
Webster	449	466	540	661	784
Wyoming	450	466	540	737	936

WISCONSIN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton, WI MSA	520	534	663	956	983	Calumet, Outagamie
Columbia County, WI HMFA	470	549	723	976	1007	Columbia
Duluth, MN-WI MSA	404	492	621	780	994	Douglas
Eau Claire, WI MSA	411	490	613	831	865	Chippewa, Eau Claire
Fond du Lac, WI MSA	495	531	639	840	911	Fond du Lac
Green Bay, WI HMFA	536	549	691	972	1001	Brown, Kewaunee
Iowa County, WI HMFA	453	529	696	832	855	Iowa
Janesville, WI MSA	487	569	709	928	955	Rock
Kenosha County, WI HMFA	636	663	822	1130	1300	Kenosha
La Crosse, WI-MN MSA	407	477	627	832	1022	La Crosse
Madison, WI HMFA	574	716	846	1135	1406	Dane
*Milwaukee-Waukesha-West Allis, WI MSA	589	702	839	1057	1089	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul-Bloomington, MN-WI MSA	610	719	873	1143	1284	Pierce, St. Croix
Oconto County, WI HMFA	429	520	577	747	778	Oconto
Oshkosh-Neenah, WI MSA	460	542	641	841	1090	Winnebago
Racine, WI MSA	494	578	725	902	990	Racine
Sheboygan, WI MSA	413	530	626	774	950	Sheboygan
Wausau, WI MSA	410	512	631	842	931	Marathon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	436	479	592	771	794
Barron	384	484	577	736	758
Buffalo	404	459	586	743	775
Clark	373	441	577	789	812
Dodge	577	579	697	882	953
Dunn	441	476	597	870	894
Forest	436	479	592	771	794
Green	425	458	601	763	891
Iron	394	460	577	739	766
Jefferson	496	581	766	918	1157
Lafayette	426	449	577	739	828
Lincoln	481	482	577	840	866
Marinette	481	519	577	756	779
Menominee	446	501	609	784	871
Oneida	432	472	620	793	1091
Ashland	445	448	577	733	993
Bayfield	394	460	577	739	766
Burnett	394	460	577	739	766
Crawford	479	513	577	716	882
Door	426	544	655	880	986
Florence	386	466	577	734	770
Grant	479	480	577	747	1013
Green Lake	434	497	577	755	921
Jackson	404	459	586	743	775
Juneau	383	472	588	774	798
Langlade	479	480	577	761	830
Manitowoc	386	452	595	712	885
Marquette	446	501	609	784	871
Monroe	398	465	613	778	850
Pepin	404	459	586	743	775

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 53

WISCONSIN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Polk	441	515	677	833	859	Portage	507	514	613	812	835
Price	394	460	577	739	766	Richland	406	453	577	740	763
Rusk	394	460	577	739	766	Sauk	438	582	668	898	927
Sawyer	394	464	577	739	766	Shawano	397	469	577	720	827
Taylor	394	460	577	739	766	Trempealeau	454	455	577	788	812
Vernon	458	460	577	729	795	Vilas	436	479	592	806	831
Walworth	512	602	785	980	1011	Washburn	394	460	577	739	766
Waupaca	392	493	599	782	806	Waushara	446	501	609	784	871
Wood	385	473	586	713	781						

WYOMING

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	461	505	638	928	1118	Natrona
Cheyenne, WY MSA	530	559	709	965	1243	Laramie

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Albany	483	553	702	964	1021	Big Horn	479	501	599	782	936
Campbell	537	579	648	877	956	Carbon	376	449	577	723	879
Converse	376	464	577	787	1014	Crook	479	501	599	782	936
Fremont	473	475	604	757	965	Goshen	478	479	577	711	979
Hot Springs	479	501	599	782	936	Johnson	481	500	617	784	937
Lincoln	529	560	637	850	1006	Niobrara	479	501	599	782	936
Park	448	515	606	761	1003	Platte	479	501	599	782	936
Sheridan	482	519	638	816	996	Sublette	532	560	650	851	1008
Sweetwater	460	559	701	980	1017	Teton	824	918	1155	1522	1567
Uinta	477	602	686	937	1112	Washakie	479	501	599	782	936
Weston	479	501	599	782	936						

GUAM

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	773	830	1013	1476	1765						

PUERTO RICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla-Isabela-San Sebastián, PR MSA	338	367	407	523	586	Aguada, Aguadilla, Añasco, Isabela, Lares, Moca, Rincón, San Sebastián
Arecibo, PR HMFA	356	387	430	587	687	Arecibo, Camuy, Hatillo
Barranquitas-Aibonito-Quebradillas, PR HMFA	351	379	422	537	617	Aibonito, Barranquitas, Ciales, Maunabo, Orocovis, Quebradillas
Caguas, PR HMFA	391	423	471	653	787	Caguas, Cayey, Cidra, Gurabo, San Lorenzo

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 54

PUERTO RICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fajardo, PR MSA	405	441	490	712	859	Ceiba, Fajardo, Luquillo
Guayama, PR MSA	357	385	429	609	755	Arroyo, Guayama, Patillas
Mayagüez, PR MSA	383	416	462	552	762	Hormigueros, Mayagüez
Ponce, PR MSA	414	450	498	692	789	Juana Díaz, Ponce, Villalba
San Germán-Cabo Rojo, PR MSA	333	346	401	525	565	Cabo Rojo, Lajas, Sabana Grande, San Germán
San Juan-Guaynabo, PR HMFA	431	468	520	688	814	Aguas Buenas, Barceloneta, Bayamón, Canóvanas, Carolina, Cataño, Comerío, Corozal, Dorado, Florida, Guaynabo, Humacao, Juncos, Las Piedras, Loíza, Manatí, Morovis, Naguabo, Naranjito, Río Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto, Vega Alta, Vega Baja, Yabucoa
Yauco, PR MSA	330	349	397	500	637	Guánica, Guayanilla, Peñuelas, Yauco

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adjuntas	330	356	397	544	590	Coamo	330	356	397	544	590
Culebra	330	356	397	544	590	Jayuya	330	356	397	544	590
Las Marías	330	356	397	544	590	Maricao	330	356	397	544	590
Salinas	330	356	397	544	590	Santa Isabel	330	356	397	544	590
Utuado	330	356	397	544	590	Vieques	330	356	397	544	590

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Criox	563	587	711	888	1016	St. John	640	765	984	1219	1274
St. Thomas	640	765	984	1219	1274						

Note1: The FMRs for unit sizes larger then 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.
Note2: 50th percentile FMRs are indicated by an * before the FMR Area name. 06/04/2008

SCHEDULE D - FY 2009 FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

State	Area Name	Space Rent
California	*San Diego-Carlsbad-San Marcos, CA MSA	$736
	Los Angeles-Long Beach, CA HUD Metro FMR A	$612
	Orange County, CA HUD Metro FMR Area	$744
	Riverside-San Bernardino-Ontario, CA MSA	$482
	Santa Rosa-Petaluma, CA MSA	$643
	Vallejo-Fairfield, CA MSA	$517
Colorado	Boulder, CO MSA	$425
Maryland	St. Mary's County	$451
Oregon	Bend, OR MSA	$330
	Salem, OR MSA	$442
Pennsylvania	Adams County	$506
Washington	Olympia, WA MSA	$528
	Seattle-Bellevue, WA HUD Metro FMR Area	$581
West Virginia	Logan County	$409
	McDowell County	$409
	Mercer County	$409
	Mingo County	$409
	Wyoming County	$409

* 50th percentile FMR areas.

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Federal Register

Monday,
September 29, 2008

Part III

The President

Memorandum of September 25, 2008—Assignment of Function Under Section 203(e)(2)(A) of the Andean Trade Preference Act, As Amended

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Title 3—

The President

Memorandum of September 25, 2008

Assignment of Function Under Section 203(e)(2)(A) of the Andean Trade Preference Act, As Amended

Memorandum for the United States Trade Representative

I propose to suspend Bolivia's designation as a beneficiary country under the Andean Trade Preference Act, as amended (the ''Act''), and as an Andean Trade Promotion and Drug Eradication Act beneficiary country.

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code and the Act, you are hereby assigned the function vested in me by section 203(e)(2)(A) of the Act (19 U.S.C. 3202(e)(2)(A)), to publish a notice in the **Federal Register** announcing the proposed action set forth above.

You are authorized and directed to publish this memorandum in the **Federal Register**.

THE WHITE HOUSE,
Washington, September 25, 2008

[FR Doc. E8–23078
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Crustacean Fisheries; Deepwater Shrimp; comments due by 10-6-08; published 8-22-08 [FR E8-19579]

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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 ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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S. 3406/P.L. 110–325

ADA Amendments Act of 2008 (Sept. 25, 2008; 122 Stat. 3553)

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53–59	(869–064–00143–9)	34.00	July 1, 2008
60 (60.1–End)	(869–062–00144–4)	58.00	July 1, 2007
60 (Apps)	(869–062–00145–2)	57.00	July 1, 2007
61–62	(869–064–00146–3)	48.00	July 1, 2008
63 (63.1–63.599)	(869–064–00147–1)	61.00	July 1, 2008
63 (63.600–63.1199)	(869–062–00148–7)	50.00	July 1, 2007
63 (63.1200–63.1439)	(869–064–00149–8)	53.00	July 1, 2008
*63 (63.1440–63.6175)	(869–064–00150–1)	35.00	July 1, 2008
63 (63.6580–63.8830)	(869–062–00151–7)	32.00	July 1, 2007
63 (63.8980–End)	(869–064–00152–8)	38.00	July 1, 2008
64–71	(869–064–00153–6)	32.00	July 1, 2008
72–80	(869–062–00154–1)	62.00	July 1, 2007
81–84	(869–064–00155–2)	53.00	July 1, 2008
85–86 (85–86.599–99)	(869–064–00156–1)	64.00	July 1, 2008
86 (86.600–1–End)	(869–064–00157–9)	53.00	July 1, 2008
87–99	(869–062–00158–4)	60.00	July 1, 2007
100–135	(869–064–00159–5)	48.00	July 1, 2008
136–149	(869–062–00160–6)	61.00	July 1, 2007
150–189	(869–062–00161–4)	50.00	July 1, 2007
190–259	(869–064–00162–5)	42.00	July 1, 2008
260–265	(869–064–00163–3)	53.00	July 1, 2008
266–299	(869–062–00164–9)	50.00	July 1, 2007
*300–399	(869–064–00165–0)	45.00	July 1, 2008
400–424	(869–062–00166–5)	56.00	[7] July 1, 2007
425–699	(869–062–00167–3)	61.00	July 1, 2007
700–789	(869–062–00168–1)	61.00	July 1, 2007
790–End	(869–062–00169–0)	61.00	July 1, 2007
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–064–00170–6)	27.00	July 1, 2008
101	(869–062–00171–1)	21.00	July 1, 2007
102–200	(869–064–00172–2)	56.00	July 1, 2008
201–End	(869–062–00173–8)	24.00	July 1, 2007
42 Parts:			
1–399	(869–062–00174–6)	61.00	Oct. 1, 2007
400–413	(869–062–00175–4)	32.00	Oct. 1, 2007
414–429	(869–062–00176–2)	32.00	Oct. 1, 2007
430–End	(869–062–00177–1)	64.00	Oct. 1, 2007
43 Parts:			
1–999	(869–062–00178–9)	56.00	Oct. 1, 2007
1000–end	(869–062–00179–7)	62.00	Oct. 1, 2007
44	(869–062–00180–1)	50.00	Oct. 1, 2007
45 Parts:			
1–199	(869–062–00181–9)	60.00	Oct. 1, 2007
200–499	(869–060–00182–7)	34.00	[9] Oct. 1, 2007
500–1199	(869–062–00183–5)	56.00	Oct. 1, 2007
1200–End	(869–062–00184–3)	61.00	Oct. 1, 2007
46 Parts:			
1–40	(869–062–00185–1)	46.00	Oct. 1, 2007
41–69	(869–062–00186–0)	39.00	Oct. 1, 2007
70–89	(869–062–00187–8)	14.00	Oct. 1, 2007
90–139	(869–062–00188–6)	44.00	Oct. 1, 2007
140–155	(869–062–00189–4)	25.00	Oct. 1, 2007
156–165	(869–062–00190–8)	34.00	Oct. 1, 2007
166–199	(869–062–00191–6)	46.00	Oct. 1, 2007
200–499	(869–062–00192–4)	40.00	Oct. 1, 2007
500–End	(869–062–00193–2)	25.00	Oct. 1, 2007
47 Parts:			
0–19	(869–062–00194–1)	61.00	Oct. 1, 2007
20–39	(869–062–00195–9)	46.00	Oct. 1, 2007
40–69	(869–062–00196–7)	40.00	Oct. 1, 2007
70–79	(869–062–00197–5)	61.00	Oct. 1, 2007
80–End	(869–062–00198–3)	61.00	Oct. 1, 2007
48 Chapters:			
1 (Parts 1–51)	(869–062–00199–1)	63.00	Oct. 1, 2007
1 (Parts 52–99)	(869–062–00200–9)	49.00	Oct. 1, 2007
2 (Parts 201–299)	(869–062–00201–7)	50.00	Oct. 1, 2007
3–6	(869–062–00202–5)	34.00	Oct. 1, 2007

Title	Stock Number	Price	Revision Date
7–14	(869–062–00203–3)	56.00	Oct. 1, 2007
15–28	(869–062–00204–1)	47.00	Oct. 1, 2007
29–End	(869–062–00205–0)	47.00	Oct. 1, 2007
49 Parts:			
1–99	(869–062–00206–8)	60.00	Oct. 1, 2007
100–185	(869–062–00207–6)	63.00	Oct. 1, 2007
186–199	(869–062–00208–4)	23.00	Oct. 1, 2007
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300–399	(869–062–00210–6)	32.00	Oct. 1, 2007
400–599	(869–062–00210–3)	64.00	Oct. 1, 2007
600–999	(869–062–00212–2)	19.00	Oct. 1, 2007
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1200–End	(869–062–00214–9)	34.00	Oct. 1, 2007
50 Parts:			
1–16	(869–062–00215–7)	11.00	Oct. 1, 2007
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17.96–17.99(h)	(869–062–00218–1)	61.00	Oct. 1, 2007
17.99(i)–end and 17.100–end	(869–062–00219–0)	47.00	[8] Oct. 1, 2007
18–199	(869–062–00226–3)	50.00	Oct. 1, 2007
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Complete set (one-time mailing)		332.00	2006

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2007. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2006, through July 1, 2007. The CFR volume issued as of July 1, 2006 should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2007. The CFR volume issued as of October 1, 2005 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2006, through October 1, 2007. The CFR volume issued as of October 1, 2006 should be retained.