

1998 to assure continued public participation in the management of the sanctuary. Serving in a volunteer capacity, the advisory council's 15 voting members represent a variety of local user groups, as well as the general public. In addition, five Federal government agencies and one federally funded program serve as non-voting, ex officio members. Since its establishment, the advisory council has played a vital role in advising the sanctuary and NOAA on critical issues. In addition to providing advice on management issues facing the Sanctuary, the Council members serve as a communication bridge between constituents and the Sanctuary staff.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: December 8, 2008.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E8-29651 Filed 12-15-08; 8:45 am]

**BILLING CODE 3510-NK-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applicants for the following vacant seats on the Stellwagen Bank National Marine Sanctuary Advisory Council (council): Business and Industry (Alternate). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve two-to-three-year terms, pursuant to the council's Charter.

**DATES:** Applications are due by 23 February 2009.

**ADDRESSES:** Application kits may be obtained from *Elizabeth.Stokes@noaa.gov* Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066. Telephone 781-545-8026 X201. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** For further questions contact: *Nathalie.Ward@noaa.gov*, External Affairs Coordinator. Telephone: 781-545-8026 X206.

**SUPPLEMENTARY INFORMATION:** The Stellwagen Bank National Marine Sanctuary Advisory Council was established in March 2001 to assure continued public participation in the management of the Sanctuary. The Advisory Council's 21 members represent a variety of local user groups, as well as the general public, plus seven local, state and federal government agencies. Since its establishment, the Council has played a vital role in advising the Sanctuary and NOAA on critical issues and is currently focused on the sanctuary's new five-year Management Plan.

The Stellwagen Bank National Marine Sanctuary encompasses 842 square miles of ocean, stretching between Cape Ann and Cape Cod. Renowned for its scenic beauty and remarkable productivity, the sanctuary supports a rich diversity of marine life including 22 species of marine mammals, more than 30 species of seabirds, over 60 species of fishes, and hundreds of marine invertebrates and plants.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: December 12, 2008.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E8-29648 Filed 12-15-08; 8:45 am]

**BILLING CODE 3510-NK-M**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice to Renew an Existing Collection—3038-0033.

**SUMMARY:** In compliance with the Paperwork Reduction Act (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 collection and its expected costs and burden; it includes the actual data collection instruments [if any].

**DATES:** Comments must be submitted on or before January 15, 2009.

**FOR FURTHER INFORMATION OR A COPY CONTACT:** Lynn A. Bulan, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418-5143; FAX: (202) 418-5567; e-mail: *lbulan@cftc.gov* and refer to OMB Control No. 3038-0033.

**SUPPLEMENTARY INFORMATION:** This is a request for extension of a currently approved information collection.

**Abstract:** Title: Notification of Pending Legal Proceedings Pursuant to 17 CFR 1.60, OMB Control No. 3038-0033—Extension

The rule is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants and their principals by the Commodity Exchange Act, or otherwise. These rules are promulgated pursuant to the Commission's rulemaking authority contained in Sections 4a(a), 4i, and 8a(5) of the Act, 7 U.S.C. 6a(1), 6i, and 12a(5).

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 the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on October 2, 2008 (73 FR 57338).

**Burden statement:** The respondent burden for this collection is estimated to average .10 hours per response.

**Respondents/Affected Entities:** 157.

**Estimated number of responses:** 1.

**Estimated total annual burden on respondents:** .10 hours.

**Frequency of collection:** On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0033 in any correspondence.

Lynn A. Bulan, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: December 9, 2008.

**David Stawick,**

*Secretary of the Commission.*

[FR Doc. E8-29684 Filed 12-15-08; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Notice of Department of Defense Adoption of a Program Comment for DoD Rehabilitation Treatment Measures

**AGENCY:** Department of Defense.

**ACTION:** Notice of Department of Defense (DoD) Adoption of a Program Comment for DoD Rehabilitation Treatment Measures (Program Comment).

**SUMMARY:** This provides notice of the DoD adoption of the Advisory Council on Historic Preservation's (ACHP's) Program Comment for DoD Rehabilitation Treatment Measures. The Program Comment provides DoD with an alternative way to comply with its responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and its implementing regulations, 36 CFR part 800 (Section 106), with regard to the effects of rehabilitation treatment measures.

**DATES:** The Program Comment went into effect on November 14, 2008.

**ADDRESSES:** Copies of the Program Comment are available on the Defense Environmental Network Information eXchange (DENIX) Web site at <https://www.denix.osd.mil/ProgramAlternatives>.

**FOR FURTHER INFORMATION CONTACT:** Brian Lione, Deputy Federal Preservation Officer, Department of Defense, 3400 Defense Pentagon Room 5C646, Washington, DC 20301-3400. Fax (703) 607-3124. [brian.lione@osd.mil](mailto:brian.lione@osd.mil).

Dated: December 10, 2008.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

**SUPPLEMENTARY INFORMATION:** On November 14, 2008, the ACHP approved and issued to DoD a Program Comment for DoD Rehabilitation Treatment Measures. The following information includes the full text of the Program Comment. Copies of appurtenant rehabilitation treatment measures are

available at the DENIX Web address listed above.

#### Program Comment for Department of Defense

##### Rehabilitation Treatment Measures

*I. Establishment and Authority:* This Program Comment was issued by the ACHP on November 14, 2008 pursuant to 36 CFR 800.14(e).

It provides DoD with an alternative way to comply with its responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and its implementing regulations, 36 CFR part 800 (Section 106), with regard to the effects of rehabilitation treatment measures [available at <https://www.denix.osd.mil/ProgramAlternatives>] to this Program Comment.

The intent of this Program Comment is to reduce compliance timeframes for routine repair and maintenance undertakings involving historic properties where DoD chooses to repair and maintain those resources in accordance with the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67 (Secretary's Standards for Rehabilitation).

*II. Applicability to Department of Defense:* Only DoD may use this Program Comment.

*III. Date of Effect:* This Program Comment [went] into effect on November 14, 2008.

*IV. Use of Rehabilitation Treatment Measures To Comply With Section 106 Regarding Their Effects:*

(1) DoD may comply with Section 106 regarding the effects of rehabilitation treatment measures on historic properties, and those properties whose eligibility has not yet been determined, by:

(i) Conducting such work as provided by the relevant rehabilitation treatment measure(s) [available at <https://www.denix.osd.mil/ProgramAlternatives>], in conformance with the implementation guidance documents numbered 01060.01 and 01091.01 in those [documents];

(ii) Ensuring that all work described in the rehabilitation treatment measures is conducted under the supervision and approval of a cultural resources professional who meets the relevant standards outlined in the Secretary of the Interior's Professional Qualification Standards, pursuant to 36 CFR part 61 (Secretary's Standards on Professional Qualification); and

(iii) Keeping a record, at the relevant DoD installation, detailing each use of a rehabilitation treatment measure under this Program Comment for no less than

five years from the final date of the implementation of the rehabilitation treatment measure. Each record must include the following information:

(a) A description of the implementation of the rehabilitation treatment measure (including the specific location of the treatment);

(b) The date(s) when the rehabilitation treatment measure was implemented;

(c) The name(s) of the personnel that carried out and/or supervised the use of the rehabilitation treatment measure;

(d) A summary of the treatment implementation, indicating how the rehabilitation treatment measure was carried out, any problems that arose, and the final outcome; and

(e) A summary of any refinements to the rehabilitation treatment measures that the installation and relevant State Historic Preservation Officer (SHPO) has agreed upon per Stipulation IV(4), below.

DoD must provide copies of these records, within a reasonable timeframe, when requested by the ACHP or the relevant SHPO.

(2) Before it begins using this Program Comment, a DoD installation must provide written notification to the relevant SHPO stating that it intends to begin using it and specifying which rehabilitation treatment measures it deems appropriate for use with regard to the historic properties at the installation. The installation may begin using this Program Comment 30 days after such notification.

(3) A DoD installation must also provide written notification to the relevant SHPO when it intends to begin using a rehabilitation treatment measure that has been added to this Program Comment per Stipulation VI. The installation may begin using such an added rehabilitation treatment measure 30 days after such notification.

(4) If, in the opinion of a DoD personnel or DoD contractor meeting the Secretary's Standards on Professional Qualification, quantifiable scientific or qualitative historic data indicates that a rehabilitation treatment measure covered by this Program Comment should be refined to accommodate a specific material or rehabilitation technique that is more suitable for the relevant historic properties at the installation and/or that more specifically meets the intent of the Secretary's Standards for Rehabilitation, the installation shall notify the relevant SHPO of that proposed refinement. (An example of a refinement would be the selection of a mortar joint profile appropriate for the historic property under consideration.) If, within 30 days of receiving that notification, the