

# Proposed Rules

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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 TRANSPORTATION

### Office of the Secretary

14 CFR Parts 234, 259, and 399

[Docket No. OST-2007-0022]

RIN 2105-AD72

### Enhancing Airline Passenger Protections

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Extension of comment period on proposed rule.

**SUMMARY:** The Department is extending through March 9, 2009, the period for interested persons to submit comments to its proposed rule on enhancing airline passenger protections.

**DATES:** Comments must be received by March 9, 2009. Comments received after this date will be considered to the extent practicable.

**ADDRESSES:** You may file comments identified by the docket number DOT-OST-2007-0022 by any of the following methods:

- *Federal eRulemaking Portal:* go to <http://www.regulations.gov> and follow the online instructions for submitting written comments. A standard form has been created for those who wish to use it in submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays

- *Fax:* (202) 493-2251.

We strongly encourage you to use the standard form to submit comments. To access the form, go to <http://www.regulations.gov> and use the SEARCH DOCUMENTS field provided to input the docket number for this rulemaking. You can then search the index for "Public comment standard

form." This form may then be moved to your computer desktop, where you can type in your comments. You may then attach the form when you submit your comments to the docket.

If you do not use the standard form, you must include the agency name and docket number DOT-OST-2007-0022 or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comment. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Daeleen Chesley or Blane Workie, Office of Assistant General Counsel for Aviation Enforcement and Proceedings, 1200 New Jersey Ave., SW., W96-414, Washington, DC 29590. Phone: 202-366-9342. TTY: 202-366-0511. Fax: 202-366-7152. E-mail: [daeleen.chesley@dot.gov](mailto:daeleen.chesley@dot.gov) or [blane.workie@dot.gov](mailto:blane.workie@dot.gov).

**SUPPLEMENTARY INFORMATION:** On December 8, 2008, 73 FR 74586, Dec. 8, 2008, the Department of Transportation (DOT or Department) published in the **Federal Register** a notice of proposed rulemaking (NPRM) that proposed to enhance airline passenger protections in the following ways: By requiring air carriers to adopt contingency plans for lengthy tarmac delays and incorporate them in their contracts of carriage, by requiring air carriers to respond to consumer problems, by deeming the continued operation of a flight that is chronically late to be unfair and deceptive in violation of 49 U.S.C. 41712, by requiring air carriers to publish information on flight delays on their Web sites, and by requiring air carriers to adopt customer service plans, incorporate these into their contracts of carriage, and audit their own compliance with their plans. Comments on the matters proposed are due 60 days after publication of the NPRM, or by February 6, 2009.

On December 30, 2008, the Air Transport Association (ATA) requested an extension of 60 days time in the comment period for this rulemaking. According to ATA, the extension of time is needed in order for it to develop a more complete and accurate cost-benefit analysis of the proposed rule than is contained in the Initial Regulatory Evaluation. In support of its request, ATA states that the Initial Regulatory

Evaluation contains estimates on costs of the rule without input from affected carriers and that other estimates are vastly underestimated. In particular, ATA points to costs associated with litigation that it asserts will result if carriers are required to make contingency plans or customer service plans part of their contracts of carriage, costs of developing Web sites to contain information not currently required to be provided consumers, and costs on carriers and the public of any requirement dictating maximum tarmac delay times. ATA also points, in support of its request for additional time, to the coordination it claims will be necessary on the rule and notes that the comment period includes the end-of-year holiday. As of January 13, 2009, no comments were filed in response to ATA's request.

We have decided to grant an extension of 31 days time, or until March 9, 2009, for the public to comment on the NPRM. In doing so, we note that ATA and other interested parties already have had a significant amount of time to review and analyze the matters at issue in the NPRM, including providing the Department with the cost data it says is necessary. On November 18, 2008, 20 days prior to the December 8, 2008, publication of the NPRM in the **Federal Register**, which began the 60-day comment period, the Department published the proposal in its own public docket system and publicized that fact. Thus, all interested parties would have had 80 days to review and comment on the proposals, even without the additional 31 days we are now granting. Moreover, most of the issues encompassed by the NPRM are not by any means new to ATA and other interested parties, since they were first proposed for comment approximately 14 months ago in an Advance Notice of Proposed Rulemaking, issued November 15, 2007, on which ATA among others commented. Accordingly, the Department finds that good cause exists to extend the time for comments on the proposed rule from February 6, 2009, to March 9, 2009.

Issued in Washington, DC, this 29th day of January 2009, under authority assigned to me by 14 CFR 385.17 (c).

**Neil R. Eisner,**

*Assistant General Counsel, Office of Regulation and Enforcement, U.S. Department of Transportation.*

[FR Doc. E9-2548 Filed 2-5-09; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

[FWS-R7-SM-2009-0001; 701 01-1 261-0000L6]

**RIN 1018-AW30**

#### **Subsistence Management Regulations for Public Lands in Alaska—2010-11 and 2011-12 Subsistence Taking or Wildlife Regulations**

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** In accordance with the January 20, 2009, memorandum "Regulatory Review," signed by Chief of Staff Rahm Emanuel, we, the U.S. Forest Service and U.S. Fish and Wildlife Service, withdraw our proposed rule published January 29, 2009, to establish regulations for hunting and trapping seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses in Alaska during the 2010-11 and 2011-12 regulatory years.

**DATES:** Effective February 4, 2009, the Forest Service and the Fish and Wildlife Service withdraw the joint proposed rule published January 29, 2009 (74 FR 5127).

**FOR FURTHER INFORMATION CONTACT:** For Fish and Wildlife Service questions, contact Peter 3. Probasco, Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Office of Subsistence Management, at (907) 786-3888 (telephone) or [subsistence@fws.gov](mailto:subsistence@fws.gov) (e-mail). For National Forest System lands questions, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region, at (907) 743-9461 (telephone).

**SUPPLEMENTARY INFORMATION:**

### Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (program). This program grants a preference for subsistence uses of fish and wildlife resources on Federal public lands and waters in Alaska. The Secretaries originally published regulations to carry out the program in the **Federal Register** on May 29, 1992 (57 FR 22940), and the program has subsequently amended these regulations several times. Because this program is a joint effort between Interior and Agriculture, its regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively.

Among other things, subpart D of these regulations set forth specific harvest seasons and limits. Subpart D regulations are subject to periodic review and revision. The Federal Subsistence Board completes the biennial process of revising subsistence hunting and trapping regulations for wildlife in even-numbered years and subsistence fishing and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable biennial cycle.

On January 29, 2009 (74 FR 5127), we published a proposed rule in the **Federal Register** revising the subpart D regulations that set forth specific harvest seasons and limits for wildlife and the subpart C customary and traditional use determinations. The text of the 2008-10 subparts C and D final rule that published June 24, 2008 (73 FR 35726), serve as the text for our 2010-12 subparts C and D proposed rule (January 29, 2009, 74 FR 5127).

We are withdrawing this rule because publication did not follow the requirements set forth in a January 20, 2009, memorandum signed by the President's Chief of Staff. That memorandum requires Administration appointees to review rules prior to publication. This rule did not receive complete Administration review.

For more about the background and structure of the Federal Subsistence Program, Federal Subsistence Board, and Federal Subsistence Regional Advisory Councils; our Public Review

Process involving Comments, Proposals, and Public Meetings; Compliance with Statutory and Regulatory Authorities; and discussion of our original proposed rule, see 74 FR 5127.

Dated: January 29, 2009.

**Rowan Gould,**

*Acting Director, U.S. Fish and Wildlife Service.*

Dated: February 3, 2009.

**Abigail Kimbell,**

*Chief of the U.S. Forest Service.*

[FR Doc. E9-2608 Filed 2-4-09; 11:15 am]

**BILLING CODES 3410-11-P; 4310-55-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### **New Standards for Domestic Mailing Services, Revised Proposal**

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule; supplemental.

**SUMMARY:** On January 29, 2009, the Postal Service published a proposed rule to provide mailing standards that would accompany new prices for mailing services in 2009 and 2010. Upon further review, the Postal Service has determined that it is appropriate to make certain changes in its initial proposal. In particular, language has been inserted to clarify that proposed new standards relating to static charge and coefficient of friction standards for automation and machinable letters would be recommended, not mandatory, and a proposal to revise the standards for window envelopes on letter-size envelopes has been removed. For purposes of clarity and convenience, the entire revised version of the proposed rule is being published for comment.

**DATES:** We must receive your comments on or before March 9, 2009.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments, containing the name and address of the commenter, may be sent to:

[MailingStandards@usps.gov](mailto:MailingStandards@usps.gov), with a subject line of "Price-related Proposal Comments." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Bill Chatfield, 202-268-7278.