

Outreach Plan; and (4) review the status of cooperative environmental activities the Parties are implementing consistent with the CAFTA-DR ECA.

The public is advised to refer to the State Department Web site at <http://www.state.gov/g/oes/env/> and the USTR Web site at <http://www.ustr.gov> for further information.

Dated: February 27, 2009.

Daniel T. Fantozzi,

*Director, Office of Environmental Policy,
Department of State.*

[FR Doc. E9-4805 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0144; Notice 2]

Decision That Nonconforming 1997 and 1998 Left-Hand Drive and 1997 through 2001 Right-Hand Drive Jeep Cherokee Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of decision by the National Highway Traffic Safety Administration (NHTSA) that nonconforming 1997 and 1998 left-hand drive and 1997 through 2001 right-hand drive Jeep Cherokee multipurpose passenger vehicles are eligible for importation.

SUMMARY: This document announces a decision by NHTSA that nonconforming 1997 and 1998 left-hand drive (LHD) and 1997 through 2001 right-hand drive (RHD) Jeep Cherokee multipurpose passenger vehicles (MPVs) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs), and (2) they are capable of being readily altered to conform to the standards.

DATES: This decision is effective on Friday, February 27, 2009.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Auto Boutique, Ltd., of Costa Mesa, California (ABL) (Registered Importer 08-356), petitioned NHTSA to decide whether nonconforming 1997-2001 RHD Jeep Cherokee MPVs are eligible for importation into the United States. Shortly after ABL's petition was filed, U.S. Drive Right (USDR), of Spring Arbor, Michigan (Registered Importer 08-355) separately petitioned NHTSA to decide whether nonconforming 1997 and 1998 RHD and LHD Jeep Cherokee MPVs are eligible for importation into the United States. NHTSA published a combined notice of the petitions on September 17, 2008 (73 FR 53927) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petitions.

No comments were received in response to the notice of the petitions.

The ABL and USDR petitions differed in scope: USDR included LHD versions of the subject vehicles for model years 1997 and 1998 but did not address LHD

or RHD 1999-2001 vehicles, while ABL only addressed RHD 1999-2001 vehicles.

The following discussion applies equally to both LHD and RHD vehicles. That is because in this unique case, the original manufacturer of the vehicles certified as conforming to all applicable FMVSS both LHD and RHD versions of the substantially similar U.S.-certified models in model years 1997-2001. Moreover, the description of the modifications required to convert these vehicles do not differ with respect to the driver's seating position.

The agency notes that the petitions differed significantly with respect to the need for alterations to conform the vehicles to applicable FMVSS. ABL did not indicate the need for any alterations other than adding labeling to meet the requirements of 49 CFR part 565, while USDR contended that the vehicles must be altered in order to meet Standards No. 101, 108, 120 and 208 and 49 CFR part 565. A complete description of the alterations described by the two petitioners can be found in the notice of petition.

To reconcile these differences, the agency has decided that all vehicles covered by this decision must be examined for compliance with Standards No. 101, 108, 120 and 208 as well as 49 CFR Part 565 and that RIs must demonstrate, in the conformity statements submitted for any vehicle imported under this eligibility decision, that each vehicle either conformed to the standard as originally manufactured or has been altered to conform by the RI.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA has decided that nonconforming 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs that were not originally manufactured to comply with all applicable FMVSS are substantially similar to nonconforming 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs originally manufactured for sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable FMVSS.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-516 is the vehicle eligibility number assigned to 1997 and 1998 LHD Jeep Cherokee

MPVs and VSP-515 is the vehicle eligibility number assigned to 1997 through 2001 RHD Jeep Cherokee MPVs admissible under this notice of final decision.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on February 27, 2009.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
[FR Doc. E9-4808 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from GATX Rail (WB512-14-12/16/08), for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Scott Decker, (202) 245-0330.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-4747 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Capital Magnet Fund

AGENCY: Community Development Financial Institutions Fund, U.S. Department of the Treasury.

ACTION: Request for public comment.

SUMMARY: This notice invites comments from the public on issues regarding how the Community Development Financial Institutions (CDFI) Fund should design, implement, and administer the Capital Magnet Fund, as set forth in Section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (the Act), which was added

through Section 1131(b) of the Housing and Economic Recovery Act of 2008. All materials submitted will be available for public inspection and copying.

DATES: All comments and submissions must be received by May 5, 2009.

ADDRESSES: Comments may be sent by mail to: Deputy Director of Policy and Programs, CDFI Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005; by e-mail to cdfihelp@cdfi.treas.gov; or by facsimile at (202) 622-7754. Please note this is not a toll free number.

FOR FURTHER INFORMATION CONTACT:

Information regarding the CDFI Fund and the Capital Magnet Fund may be downloaded from the CDFI Fund's Web site at <http://www.cdfifund.gov>.

SUPPLEMENTARY INFORMATION: The Capital Magnet Fund was established through the Housing and Economic Recovery Act of 2008, which added Section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (the Act), 12 U.S.C. 4569. Through the Capital Magnet Fund, the CDFI Fund will carry out a competitive grant program for CDFIs and nonprofit organizations (if one of their principal purposes is the development or management of affordable housing) to attract private capital for and increase investment in the development, preservation, rehabilitation, and purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and economic development activities or community service facilities (such as day care centers, workforce development centers, and health care clinics) which in conjunction with affordable housing activities will implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area. Section 1339 established the Capital Magnet Fund as a program that will be administered by the CDFI Fund.

The CDFI Fund invites and encourages comments and suggestions germane to the mission, purpose, and implementation of the Capital Magnet Fund. The CDFI Fund is particularly interested in comments in the following areas:

Eligible Use of Funds

Section 1339(c) of the Act states that Capital Magnet Fund grants shall be used to attract private capital for and increase investment in: (a) The development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and (b) economic development activities or

community service facilities, such as daycare centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area. Section 1339(f) of the Act states that grant amounts awarded from the Capital Magnet Fund may be used in furtherance of the purposes above, including for the following eligible uses:

- (1) To provide loan loss reserves;
- (2) To capitalize a revolving loan fund;
- (3) To capitalize an affordable housing fund;
- (4) To capitalize a fund to support economic development activities or community service facilities, as described in Section 1339(c)(2) of the Act; and
- (5) For risk-sharing loans.

The CDFI Fund welcomes comments on issues relating to the eligibility of certain activities, particularly with respect to the following questions:

(a) What definition should the CDFI Fund use to assess what constitutes "affordable housing?" What affordability thresholds or restrictions (if any) should the Fund require, and for how long a period should these be in place?

(b) How should "primarily" be defined, as such term is used in Section 1339(c)(1)? What are the appropriate minimum levels of targeting that each project should be required to achieve (e.g., 50 percent of housing units are affordable to low-income persons, 20 percent of housing units are available to extremely low-income persons, etc.)?

(c) How should "preservation" be defined, as such term is used in Section 1339(c)(1)? Should it include the refinancing of single- or multi-family mortgages as eligible activities?

(d) How should "rehabilitation" be defined, as such term is used in Section 1339(c)(1)?

(e) Capital Magnet Fund grants may be used to finance economic development activities and/or community service facilities "in conjunction with affordable housing activities."

(i) What restrictions (if any) should the CDFI Fund place on the percentage of award dollars that an awardee may apply towards economic development activities and/or community service facilities (e.g., no more than 20 percent of a total award)?

(ii) Should the CDFI Fund support economic development activities/ community service facilities in conjunction with affordable housing activities financed by sources other than