

at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD. The report must include any finding of overextension or incorrect lockwiring to Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; facsimile (31) 252-627-211. Under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120-0056.

(1) If the inspection or measurement was done on or after the effective date of this AD: Submit the report within 30 days after the inspection or measurement, as applicable.

(2) If the inspection or measurement was accomplished prior to the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) As of 5 months after the effective date of this AD: No person may install a main landing gear on any airplane unless Part B of Messier-Dowty Service Bulletin F50-32-62, dated January 17, 2007, has been accomplished for that part.

#### Alternative Methods of Compliance (AMOCs)

(k) 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 principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

#### Related Information

(l) Civil Aviation Authority—The Netherlands (CAA-NL) Airworthiness Directive NL-2007-002, dated October 31, 2007, also addresses the subject of this AD.

#### Material Incorporated by Reference

(m) You must use Fokker Service Bulletin SBF50-32-039, dated July 2, 2007; and Messier-Dowty Service Bulletin F50-32-62, dated January 17, 2007; 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 these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For Fokker service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; Telephone +31 (0)252-627-350; fax +31 (0)252-627-211; e-mail [technicalservices.fokkerservices@stork.com](mailto:technicalservices.fokkerservices@stork.com); Internet <http://www.myfokkerfleet.com>.

(3) For Messier-Dowty service information identified in this AD, Messier-Dowty Limited, Cheltenham Road, Gloucester, GL2 9QH, England; Telephone +44 (0) 1452 711732; fax +44 (0) 1452 713821.

(4) You may review copies of this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(5) You may also review copies of the service information that is incorporated by reference 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on February 27, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9-5007 Filed 3-13-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 950

[Docket No: 090113018-9019-01]

**RIN 0648-AX74**

#### Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services

**AGENCY:** National Environmental Satellite, Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, NESDIS establishes a new schedule of fees for the sale of its data, information, and related products and services to users. NESDIS is revising the fee schedule to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. NESDIS is authorized under 15 U.S.C. 1534 to assess fees, up to fair market value, for access to environmental data, information, and products derived from, collected, and/or archived by NOAA. Other than depreciation, costs to upgrade computer hardware and software systems will not be included in the fees charged to users.

**DATES:** *Effective Date:* May 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Linda Neely (301) 713-3305.

**SUPPLEMENTARY INFORMATION:**

## Background

NESDIS operates NOAA's National Data Centers for Climate, Geophysics, Oceans, and Coasts. Through these Data Centers, NESDIS provides and ensures timely access to global environmental data from satellites and other sources, provides information services, and develops science products.

NESDIS maintains some 1,300 data bases containing over 2,400 environmental variables at three National Data Centers and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products annually from over 70 countries. This collection of environmental data and products is growing exponentially, both in size and sophistication.

Users have the ability to access the data offline, online and through the NESDIS e-Commerce System (NeS) online store. Our ability to provide these data, information, products and services depends on user fees.

## New Fee Schedule

The new fee schedule lists both the current fee charged for each item and the new fee to be charged to users that will take effect beginning May 1, 2009. The schedule applies to the listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

NESDIS will continue to review the user fees periodically, and will revise such fees as necessary. Any future changes in the user fees and their effective date will be announced through notice in the **Federal Register**.

## Classification

This rule has been determined to be not significant for purposes of E.O. 12866. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable because this rule falls within the proprietary exception of subparagraph (a)(2) of section 553. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of

the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

#### List of Subjects in 15 CFR Part 950

Organization and functions  
(Government agencies).

**Charles S. Baker,**

*Deputy Assistant Administrator for Satellite  
and Information Services.*

■ For the reasons set forth above, 15  
CFR Part 950 is amended as follows:

#### PART 950—ENVIRONMENTAL DATA AND INFORMATION

■ 1. The authority citation for part 950  
continues to read as follows:

**Authority:** (5 U.S.C. 552, 553).  
Reorganization Plan No. 4 of 1970.

2. Appendix A to Part 950 is revised  
to read as follows:

#### Appendix A to Part 950—Schedule of User Fees for Access to NOAA Environmental Data

| Name of product/data/publication/information/service   | Current fee | New fee   |
|--|-------------|-----------|
| <b>NOAA National Data Centers Standard User Fees:</b>  |             |           |
| Department of Commerce Certification .....   | \$91.00     | \$85.00   |
| General Certification .....  | 60.00       | 68.00     |
| Paper Copy .....   | 2.00        | 2.00      |
| Online In-Situ Digital Data .....  | 10.00       | 6.00      |
| Data Poster .....  | 18.00       | 18.00     |
| Shipping Service:  |             |           |
| For orders totaling less than \$50.00 .....  | 5.00        | 3.00      |
| For orders totaling \$50.00 or more .....  | 11.00       | 3.00      |
| Rush Order Fee .....   | 60.00       | 60.00     |
| Super Rush Order Fee .....   | 100.00      | 100.00    |
| Foreign Shipping Service:  |             |           |
| For orders totaling less than \$100.00 .....   | 10.00       | 22.00     |
| For orders totaling \$100.00 or more .....   | 20.00       | 22.00     |
| <b>Additional National Climatic Data Center (NCDC) User Fees:</b>  |             |           |
| NEXRAD Doppler Radar Color Prints .....  | 19.00       | 18.00     |
| Paper Copy from Electronic Media .....   | 6.00        | 6.00      |
| Offline In-Situ Digital Data .....   | 156.00      | 164.00    |
| Microfilm Copy (roll to paper) per frame from existing film .....  | 13.00       | 13.00     |
| Satellite Image Product .....  | 80.00       | 82.00     |
| Offline Satellite Digital Data (average unit size is 1.2 gigabytes) .....  | 115.00      | .....     |
| Offline Radar Digital Data (Level II) (average unit size is 4 gigabytes) .....   | 145.00      | .....     |
| Offline Satellite, Radar, and Model Digital Data (average unit size is 1 terabyte) .....   | .....       | 996.00    |
| Conventional CD-ROM/DVD .....  | 99.00       | 74.00     |
| Specialized CD-ROM/DVD .....   | .....       | 165.00    |
| CD-ROM/DVD Copy, Offline .....   | 40.00       | 35.00     |
| CD-ROM/DVD Copy, Online Store .....  | 22.00       | 17.00     |
| Facsimile Service .....  | 65.00       | 80.00     |
| <b>Additional National Oceanographic Data Center (NODC) User Fees:</b>   |             |           |
| World Ocean Circulation Experiment 2002 version 3.0 DVD .....  | 8.00        | *         |
| World Ocean Database 2001; World Ocean Atlas 2001; International Atlases .....   | 19.00       | *         |
| NODC Non-Standard Data, Select to FTP .....  | 198.00      | *         |
| NODC Non-Standard Data, 1–1 Copy to FTP .....  | 165.00      | *         |
| World Ocean Atlas Figures (DVD) .....  | 39.00       | *         |
| International Atlas 10: Climatic Atlas of the Sea of Azov 2006 (CD-ROM) .....  | 53.00       | *         |
| World Ocean Database 2005 (DVD) .....  | 12.00       | *         |
| World Ocean Atlas 2005; World Ocean Atlas Figures 2005 (DVD) .....   | 7.00        | *         |
| International Atlas 11: Barents Sea 1998 Climatic Atlas; International Atlas 2: Biological Atlas of the<br>Arctic Seas 2000; World Ocean Database 98 ..... | 55.00       | *         |
| International Atlas 9: Climatic Atlas of the Arctic Seas 2004 (DVD) .....  | 35.00       | *         |
| NODC Non-Standard Data, Select to CD or DVD, Specialized .....   | 203.00      | *         |
| NODC Non-Standard Data, 1–1 Copy to CD or DVD, Specialized .....   | 170.00      | *         |
| Conventional CD-ROM/DVD .....  | 75.00       | *         |
| NODC Non-Serial Publications .....   | 15.00       | 20.00     |
| NODC Non-Standard Data; Select/Copy to CD, DVD or Electronic Transfer, Specialized, Offline .....  | .....       | 42.00     |
| NODC Non-Standard Data; 1–1 Direct Copy to CD, DVD, or Electronic Transfer, Specialized, Offline ....  | .....       | 19.00     |
| NODC Digital and Non-Digital Off-the-Shelf Products, Online .....  | .....       | 4.00      |
| NODC Digital and Non-Digital Off-the-Shelf Products, Offline .....   | .....       | 6.00      |
| <b>Additional National Geophysical Data Center (NGDC) User Fees:</b>   |             |           |
| Mini Poster .....  | 1.00        | 1.00      |
| Icosahedron Globe .....  | 0.50        | 3.00      |
| Convert Data to Standard Image .....   | 5.00        | 5.00      |
| Single Orbit OLS .....   | 15.00       | 16.00     |
| Single Orbit OLS, Additional Orbits .....  | 5.00        | 5.00      |
| Single Orbit OLS—Subset .....  | 15.00       | 16.00     |
| Single Orbit OLS, Subset-Additional Orbits .....   | 5.00        | 5.00      |
| Geolocated Data .....  | 40.00       | 43.00     |
| Subset of Pre-existing Geolocated Data .....   | 25.00       | 26.00     |
| Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....   | 61,582.00   | 70,140.00 |
| Most Recent DMSP-OLS Thermal Band/Cloud Cover Mosaics from Multiple Satellites .....   | 215.00      | 238.00    |

| Name of product/data/publication/information/service   | Current fee | New fee   |
|--|-------------|-----------|
| Nightly DMSP-OLS Mosaics, Visible and Thermal Band Data from One Satellite .....                               | 201.00      | 223.00    |
| Global DMSP-OLS Nighttime Lights Lunar Cycle Composite from One Satellite .....                                | 5,624.00    | 6,020.00  |
| Radiance Calibrated Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....                 | 67,922.00   | 77,177.00 |
| Research Data Series CD-ROM/DVD .....  | 25.00       | 25.00     |
| Custom Analog Plotter Prints .....   | 49.00       | 60.00     |
| NOS Bathymetric Maps and Miscellaneous Archived Publication Inventory .....                                    | 6.00        | 7.00      |
| Global DMSP-OLS Annual Composite of Persistent Nighttime Lights on Monthly Increments from One Satellite ..... |             | 7,665.00  |

\* New prices for these products are not included since these products are now available under a different category of NODC products.

[FR Doc. E9-5590 Filed 3-13-09; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 172

[Docket No. FDA-2007-F-0274] (formerly Docket No. 2007F-0355)

#### Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D<sub>2</sub>

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of vitamin D<sub>2</sub> as a nutrient supplement in soy-based food products. This action is in response to a petition filed by Dean Foods Co. (Dean Foods).

**DATES:** This rule is effective March 16, 2009. Submit written or electronic objections and requests for a hearing by April 15, 2009. See section VII of this document for information on filing objections. The incorporation by reference of certain publications listed in the rule is approved by the Director of the **Federal Register** as of March 16, 2009.

**ADDRESSES:** You may submit written or electronic objections and requests for a hearing, identified by Docket No. FDA-2007-F-0274 (formerly Docket No. 2007F-0355), 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 objections, FDA is no longer accepting objections submitted to the agency by e-mail. FDA encourages you to continue to submit electronic objections by using the Federal eRulemaking Portal, as described in the *Electronic Submissions* portion of this paragraph.

**Instructions:** All submissions received must include the agency name and docket number for this rulemaking. All objections received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting objections, see the "Objections" 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:** Judith Kidwell, Center for Food Safety

and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-1071.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In a notice published in the **Federal Register** of October 4, 2007 (72 FR 56768), FDA announced that a food additive petition (FAP 7A4769) had been filed by Dean Foods Co., c/o Hogan and Hartson LLP, 555 13th St., NW., Washington, DC 20004-1109. The petition proposed to amend the food additive regulations in part 172 (21 CFR part 172) *Food Additives Permitted for Direct Addition to Food for Human Consumption* to provide for the safe use of vitamin D<sub>2</sub> as a nutrient supplement in soy-based food products. The petition pertains only to the use of crystalline vitamin D<sub>2</sub> and not the resin form of the vitamin. Foods identified in the petition are soy beverages, soy beverage products, soy-based butter substitute spreads, soy-based cheese substitutes, and soy-based cheese substitute products. The petitioner requested that part 172 be amended to permit the use of crystalline vitamin D<sub>2</sub> as a nutrient supplement at levels not to exceed 50 International Units (IU) per 100 grams (g) of soy beverages, 89 IU per 100 g of soy beverage products, 330 IU per 100 g of soy-based butter substitute spreads, and 270 IU per 100 g of soy-based cheese substitutes and soy-based cheese substitute products.

Vitamin D<sup>1</sup>, including vitamin D<sub>2</sub>, is affirmed as generally recognized as safe (GRAS) for use in food under 21 CFR 184.1950 (§ 184.1950) with the following specific limitations:

| Category of Food  | Maximum Levels in Food (as Served)         |
|-------------------|--|
| Breakfast cereals | 350 International Units (IU)/100 grams (g) |

<sup>1</sup> Vitamin D comprises a group of fat-soluble secosterols and comes in many forms. The two major physiologically relevant forms are vitamin D<sub>2</sub> and

vitamin D<sub>3</sub>. Vitamin D without a subscript represents either D<sub>2</sub> or D<sub>3</sub>. Section 184.1950 includes crystalline vitamin D<sub>2</sub>, crystalline vitamin

D<sub>3</sub>, vitamin D<sub>2</sub> resin, and vitamin D<sub>3</sub> resin. Section 172.379, which is established by this rule, includes only crystalline vitamin D<sub>2</sub>.