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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 71

[Docket No. 00–094–2]

RIN 0579–AB84

Interstate Movement of Sheep and Goats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the interstate movement of animals to add sheep and goats to the approved livestock facility agreement. Livestock facilities that handle sheep and goats in interstate commerce must meet the requirements for approval including complying with this agreement to utilize certain provisions in our scrapie regulations that reduce the movement requirements for sheep and goats moving to or from these establishments. Such facilities may include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep and goats in interstate commerce are assembled. Our approval will be contingent on the facility operator meeting certain minimum standards and other conditions related to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. These standards and other conditions will serve, in part, to support our regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats.

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

FOR FURTHER INFORMATION CONTACT: Dr. Diane Sutton, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1236; (301) 734–6954.

SUPPLEMENTARY INFORMATION:

Background

On August 26, 2004, we published in the **Federal Register** (69 FR 52451–52461, Docket No. 00–094–1) a proposed rule to amend our regulations governing the interstate movement of sheep and goats to require livestock facilities that handle sheep and goats in interstate commerce to be approved by the Animal and Plant Health Inspection Service (APHIS) if they want to take advantage of provisions in our scrapie regulations in 9 CFR part 79 that reduce the movement requirements for sheep and goats moving to or from these establishments. Approval would be contingent on the facility operator meeting certain minimum standards and certain other conditions relating to receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The proposed standards and other conditions were based, in part, on our regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats.

We solicited comments concerning our proposal for 60 days ending October 25, 2004. We received nine comments by that date. The comments came from private citizens, a livestock marketer and marketing association, wool growers associations, a sheep industry association, a farm bureau association, and a veterinary medical association. The comments generally supported the proposed rule. They did, however, raise several issues associated with the proposed rule. Those issues are discussed below.

Some commenters said that the definitions of *exposed animal* and *high-risk animal* in 9 CFR parts 54 and 79 did not properly describe animals that pose a true risk for the spread of scrapie based on current science. These commenters stated that genetically resistant sheep pose a minimal risk of transmitting scrapie and therefore should not be required to be quarantined at assembly points as proposed. In addition, the commenters stated that the definitions in the proposed rule excluded some animals that could pose a risk, such as genetically susceptible animals that have resided on infected premises.

We agree with the commenters and intend to modify the definitions in 9 CFR 54.1 and 79.1 in a future rulemaking. In our proposed rule, we proposed requiring exposed sheep that have not also been designated as high-risk animals be kept in quarantine pens away from other animals at livestock facilities. Because we agree with the commenters that genetically resistant exposed sheep pose a minimal risk of transmitting scrapie, we have removed the provision from this final rule.

Some commenters asked for clarification of the term ''breeding sheep and goats,'' which is not spelled out in the existing regulations. They said that a single, clear definition of breeding sheep and goats would help clarify both existing identification requirements and the additional requirements described in the proposed rule.

We agree with the commenters and have added the following definition of *breeding sheep and goats* to § 71.1: ''Any sexually intact sheep or goat that is not moving either directly to slaughter or through one or more restricted sales and/or terminal feedlots and then directly to slaughter.''

Several commenters requested clarification of the definition of a facility. The proposed rule suggests that a facility has permanent pens, etc., but some commenters stated that some business owners gather sheep for resale in interstate commerce using portable pens and loading ramps. The commenters believe that this portable equipment should be exempt from a definition of a facility.

Becoming an approved livestock facility for sheep and goats is only required if a facility wishes to utilize the provisions in part 79 that reduce the movement requirements for animals moving to or from these facilities, such as the ability to accept unidentified animals in interstate commerce that otherwise would have been required to be identified before entering the facility. As such it places no additional burden on facilities that are not currently approved, or on tent shows or other informal gatherings that use portable equipment.

A few commenters requested clarification of ''interstate commerce,''

which is defined in part as trade, traffic, or transportation of livestock interstate. The commenters noted that some sheep might cross State lines without ownership change and noted that there are also producers who buy and sell replacement females across State lines. The commenters asked if these types of movement are to be exempt from the proposed requirements which relate to the inspection of facilities, etc. If so, they stated, that exemption needs to be clearly spelled out; if not, then an exemption should be provided, as these activities by and of themselves are not likely to cause the dissemination of scrapie.

The movement of animals by private agreement or without transfer of ownership is governed by the requirements of part 79, and their premises of origin are not considered livestock facilities for the purposes of § 71.20.

Some commenters questioned why the proposed rule did not include a requirement for high-risk or exposed sheep intended for slaughter to be kept in pens apart from the general population of sheep and goats, especially those that may return to a farm for breeding. They pointed out that if any of these high-risk animals have lambed or may lamb in the livestock facility, they could introduce scrapie contamination into the environment.

We agree with the commenters and will revise paragraph (a)(5) of § 71.20 to read: ''Any reactor, suspect, exposed, high-risk, or scrapie-positive livestock shall be held in quarantined pens apart from all other livestock at the facility. This requirement shall not apply to scrapie exposed sheep that are not also designated high-risk animals or to sheep or goats designated under 9 CFR part 79 as scrapie exposed or high-risk animals that either are not pregnant based on the animal being male, an owner certification that any female animals have not been exposed to a male in the preceding 6 months, or a certificate issued by an accredited veterinarian stating that the animals are open; or that the animals are under 12 months of age and are not visibly pregnant and are maintained in the same pen only with other animals that will be moved directly to slaughter or to a terminal feedlot in accordance with 9 CFR parts 71 and 79.'' This is intended to prevent potential breeding animals from being exposed to scrapie during the time they are held in an approved livestock facility while allowing exposed and high-risk slaughter lambs and kids to move through markets.

We will also change 71.20(a)(11) to add ''and the quarantined animal gave birth or aborted at the facility'' after ''if the disease of concern is scrapie.'' This will significantly reduce the number of times the disinfection procedure specified in 9 CFR 54.7(e)(2) will be required in addition to the standard disinfection procedure.

One commenter noted that the proposed rule would require that facility operators separate breeding and slaughter animals at all times, but questioned how operators are to distinguish between animals for breeding and animals for slaughter. The commenter pointed out that sorting animals might entail a substantial amount of time being added to the check-in process, and that the increased time in unloading at the facility could be detrimental to the well-being of the animals.

In response to this comment, we are changing the wording of § 71.20(a)(17)(iv) from ''breeding and slaughter animals must be separated at all times so that no contact will occur'' to ''sexually intact animals that do not meet the requirements of part 79 to be sold as breeding animals must be maintained in separate enclosures at all times from animals that may be offered for sale as breeding animals unless all animals maintained in an enclosure arrived at the facility as part of the same consignment and are separated prior to sale.''

One commenter stated that the market approval requirement to provide quarantine pens for reactor, suspect, or exposed sheep or goats makes no sense since the approval requirements also prohibit ''the sale of any reactor, suspect, or exposed livestock, and any livestock that show signs of being infected with any communicable disease.'' The commenter asserted that market operators are unlikely to know the disease status of the animals entering their market, and even if the animals were known to be reactors, exposed, or suspect, the market operators would refuse to receive them for sale.

We agree it is unlikely that these animals would be found at a market. However, if they are found, it is important that they be segregated. These animals could be placed in a non-species specific quarantine pen that could be disinfected after the affected animals were removed. An APHIS or State animal health official must be notified immediately when such animals are quarantined. We also agree that facilities should not have to indicate that they will handle classes of animals that are prohibited from sale and are amending § 71.20(a)(17) accordingly.

Some commenters said that it is not clear if businesses doing less than $750,000 in sales per year will be exempted from the requirements. The commenters further said that such small businesses pose little threat to the nation's economy because of the transport of sheep infected with scrapie and their transactions should be protected.

The $750,000 figure included in the regulatory flexibility analysis for the proposed rule represents the threshold established by the Small Business Administration for transition between small and large entities and has nothing to do with compliance requirements. Businesses doing less that $750,000 in sales per year will not be exempt from these regulations.

Some commenters expressed concern about a lack of resources for enforcement and that APHIS will expect the States and private enterprise to handle enforcement without offering sufficient funding.

APHIS establishes the necessary regulations on interstate commerce to conduct disease eradication, control, and surveillance programs. The States, through cooperative agreements and memorandums of understanding with APHIS, support these efforts by promulgating the necessary laws and regulations and undertaking associated compliance and enforcement activities within the State. The standards that States must meet to qualify as Consistent States are described in § 79.6; as we are not amending that section in this rule, we do not agree that States are being assigned additional enforcement responsibilities. Some States currently work collaboratively with APHIS on market approvals and would likely continue to do so. Private enterprises are required to comply with the regulations, not enforce them.

One commenter noted that the issue of individual animal identification is hampered by the fact that there is no technology currently available that is workable at the speed of commerce and is affordable to the sheep and goat industry. The commenter stated that until a suitable technology is available, APHIS cannot assume that individual identification records can be kept on sheep and goats.

We agree with the commenter that in some circumstances reading and recording of pre-existing identification numbers may be impractical and are taking steps in conjunction with the sheep and goat industry ID working group to identify appropriate ID methods which meet the needs of commerce, the needs of disease eradication and surveillance programs,

and the economics of sheep and goat production. As appropriate technologies are identified, they will be introduced through the scrapie eradication program and industry initiatives. Until this is achieved, we will continue to follow the established identification requirements in 9 CFR 79.2.

One commenter asserted that there are incorrect statements made in the rule, for example: ''Most of the sheep and lambs shipped for immediate slaughter would not be affected by the proposed rule since they would not be handled by a livestock market or other assembly point en route to the slaughter facility.'' The commenter asserted that most sheep and lambs are handled by livestock markets and other assembly points (dealers or feed yards) sometime during their lifetimes. As supporting evidence, the commenter asserted that of the approximately 170,595 head of sheep exported to Mexico in 2003, probably 95 percent came through a market or some other dealer in Texas. The commenter also asserted that many of the kid goats and lambs that are sold for immediate slaughter to slaughterhouses all over the United States go through markets first.

We acknowledge the major role of markets in the movement of lambs and cull sheep into and through slaughter channels; however, we believe it is accurate that more than 50 percent of slaughter animals do not move directly to slaughter through livestock facilities that would require approval under this rule.

Some commenters said that there was an inconsistency between the current recordkeeping requirements for livestock facilities and the proposed requirements, specifically with respect to how long the records must be kept. Given this, the commenters stated, clarification of the distinction between the recordkeeping schedule for sheep and goats and that for other species may be warranted in the final rule.

Approved markets that handle sheep and goats would have to agree to maintain records in a manner consistent with the requirements of the scrapie eradication program in 9 CFR part 79. Those recordkeeping requirements support the need for tracing activities for a disease with an incubation period of 4 to 5 years in most cases.

Some commenters stated that the current regulations are sufficient and that there is no need to add additional requirements. They stated that current efforts to eradicate scrapie through genetic selection in show animals would do more than any new regulations, and furthermore the proposed rule would add to the economic burden on producers and be detrimental to the health of the industry.

In order for the United States to eradicate scrapie, we must be able to trace all infected and exposed animals. To do this we need to increase compliance with the identification requirements in 9 CFR part 79. Accelerating the scrapie eradication program could help the United States sheep and goat industry to become more competitive in both the domestic and global market. Since both actual product quality and purchaser's perception of quality contribute to continued market acceptance, efforts to eradicate scrapie will serve the economic interests of the industry.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This final regulatory flexibility analysis examines the rule's expected costs and benefits in accordance with requirements of the Office of Management and Budget for regulatory analysis and its expected impact on small entities, in accordance with the Regulatory Flexibility Act. This analysis for the final rule follows an earlier analysis that was prepared for the proposed rule, and takes into account public comment received in response to the proposed rule. There were no public comments in response to the initial regulatory flexibility analysis.

Overview of U.S. Sheep and Goat Industry Operations, Inventory, and Trade

Production and trade: As of January 1, 2008, there were 6.055 million sheep and lambs in 67,160 operations, and values at $836 million.[1] This number represented a 1.9 percent inventory decline from January 1, 2000. The above total consists of 4.505 million breeding sheep and lambs and 1.55 million market sheep. Of the breeding sheep, ewes, 1 year old or older, totaled 3.617 million, replacement lambs were 0.695 million, and rams totaled 0.193 million.

Sheep are produced in all parts of the United States, although stock levels vary from State to State. Ten States (Colorado, California, Idaho, Montana, Iowa, Oregon, South Dakota, Texas, Utah, and Wyoming) account for nearly 68 percent of the total inventory, with most in the Mountain, North Central, and South Central areas. These States also account for about 81 percent of incoming shipments, indicating most sheep and sheep meat production activities take place in these States.[2] Northern and southeastern States have the smallest sheep populations, accounting only for 7.8 percent of the total.

A total of about 4.8 million sheep and lambs were marketed in 2007. A little over 84 percent of these are lambs and the rest mature sheep. Marketing includes animals for slaughter market, younger animals shipped to other States for feeding and breeding purposes, and some exports. Most animals shipped for immediate slaughter will not be affected by this rule. A total of 2.69 million sheep and lambs were slaughtered in 2007, of which 95 percent were lambs.[3]

In 2002 (the latest year for which detailed data is available for goats), there were 91,462 goat operations in the United States, which raised about 2.53 million goats, valued at approximately $141 million, an increase of about 12 percent from the 1997 level. About 11.9 percent were Angora goats, about 11.5 percent were milk goats, and 76.6 percent were goats other than Angora or milk-type. The State of Texas accounted for about 47 percent of the goat inventory. Other important goat raising States are Alabama, California, Georgia, Kentucky, Missouri, North Carolina, Oklahoma, and Tennessee. These States together represented another 24 percent of the U.S. goat holdings. Goat holdings vary in size and degree of commercialization, with many producers relying on other sources of income. With an average holding of about 28 goats, most, if not all, goat operations are relatively small, and are classified as small entities with annual sales of $750,000 or less.[4] Of the total

[1] USDA/NASS, Sheep and Goats, January 2008.

[2] USDA/NASS, Meat Animal Production, Disposition, and Income: 2007 Summary, April 2008.

[3] USDA/NASS, Livestock Slaughter: 2007 Summary, March 2008. The national average sale price of a sheep between 2003 and 2007 was $132 (=(119 + 130 + 141 + 134 + 138)/5) per head (USDA/NASS, 2008 Agricultural Statistics). Note that these average sale prices reflect the sale of millions of slaughter sheep, selling near the average price, and a few thousand valuable registered breeding sheep selling for much more. The average price for registered breeding sheep is in the range of $300, with some selling for thousands of dollars (*http://showcase.netins.net/web/sam/ccd.htm*).

[4] The average price for goats between 2003 and 2007 was $72 (=(63.3 + 67.2 + 75.9 + 78.5 + 74.8)/5) per head USDA/NASS, 2008 Agricultural

Continued

number of operations, about 74 percent of goat producers were full owners, about 21 percent were part owners, and 5 percent were tenants.

The United States produced about 183 million pounds of lamb and mutton in 2007, a decline of about 43 percent from a decade earlier. Imports of lamb and mutton increased from 42.1 million pounds in 1991 to 183.9 million pounds in 2007, an increase of about 337 percent.[5]

An increasing proportion of domestic demand for lamb and mutton is met by imports. The share of imports in domestic consumption of lamb and mutton increased from about 11 percent in 1991 to about 50 percent in 2007. Even with such increased imports both total consumption as well as per capita consumption of lamb declined. Total consumption declined from about 396 million pounds to 367 million pounds, a decline of about 8 percent.

Trade

The United States has a limited foreign trade both in live sheep and goats and their products. Both the sources of imports and destination of exports are concentrated in a few countries. During calendar year 2007, the U.S. exported 116,618 sheep valued at $8.148 million (see table 1). Mexico (65,075 head) and Canada (50,808 head) accounted for over 95 percent of this total. Other importers were St. Vincent and the Grenadines (37), Ecuador (323), the Bahamas (22), and Guyana (20). The United States also exported 9,231 goats valued at $597,000 in 2007. Again, the primary importers were Mexico (7,211 head) and Canada (1,697). Other destinations included St. Vincent and the Grenadines, which imported 323 goats.

TABLE 1—SHEEP AND GOATS: IMPORTS AND EXPORTS, 2007

Item	Imports	Exports	Numbers	Value in millions
Sheep	92	$0.058	116,618	$8.148
Goats	33	0.010	9,231	0.597
Total	125	0.068	125,849	8.745

Source: Global Trade Atlas, November 2008.

The U.S. imported 92 sheep valued at $58,000 in 2007. The sheep imports in 2007 were from Canada (84 head), Australia (6) and New Zealand (2). Additionally, the U.S. imported 33 goats valued at $10,000 in 2007, all from Australia. The average value of an imported sheep ($630) is higher than the average value of an exported sheep ($70). Likewise, the average value of an imported goat ($300) is higher than the average value of an exported goat ($65).

In 2007, the United States imported 207 million pounds of sheep and goat meat valued at $490.5 million and exported 9.2 million pounds of sheep and goat meat valued at $11.7 million. Most lamb and mutton imports came from Australia and New Zealand. The U.S. exports are distributed to a larger number of markets.[6] Since imports of sheep and goats represent a very small fraction of domestic supply, most interstate movements would involve domestic sheep and goats.

Expected Costs and Benefits

There are currently 107 facilities that handle sheep and 62 facilities that handle goats moving in interstate commerce. These facilities would have to provide access to accredited veterinarians, State representatives, and APHIS representatives, as well as comply with certain notification requirements with respect to livestock known to be infected, exposed, or suspect, or that show signs of being infected with a communicable disease if they want to take advantage of provisions in our scrapie regulations in 9 CFR part 79 that reduce the movement requirements for sheep and goats moving to or from these establishments. Such facilities also would have to keep State animal health officials and APHIS informed of upcoming sale days at the facility. Some of the livestock facilities covered by this rule are already subject to these requirements as approved livestock facilities handling other classes of livestock.

To be approved, such livestock facilities also would have to follow certain identification, recordkeeping, and handling practices with respect to sheep or goats under their control as provided in 9 CFR parts 71 and 79. Documents such as weight tickets, sales slips, and records of origin, identification, and destination relating to livestock at the facility would have to be maintained by the facility for a period of 5 years. Some of these requirements are already provided for elsewhere in the regulations, and thus would not represent a new burden. Still, any new paperwork and administrative burdens may result in additional cost to facility operators who find it necessary to adjust their operations to meet the new requirements. However, the additional activities are not expected to be significant for most facilities.

The livestock facility and its equipment would have to be maintained in a state of good repair. Chutes, pens, alleys, and sales rings would have to be well constructed and well lighted for the inspection, identification, vaccination, testing, and branding of livestock. Electrical outlets would have to be provided at the chute area for branding purposes. The facility, including yards, docks, pens, alleys, sale rings, chutes, scales, means of conveyance, and their associated equipment would have to be maintained in a clean and sanitary condition. The operator of the facility would be responsible for maintaining an adequate supply of disinfectant and serviceable equipment for cleaning and disinfection. Meeting these standards could entail additional costs for some livestock facilities seeking to qualify as approved livestock facilities. Since most of these conditions represent good business practices and most facilities already follow them, it is not expected to be a significant issue. Most of these facilities are already complying with

Statistics). The annual prices are from various issues of Agricultural Statistics. The goat quantities are from the 2002 Census of Agriculture. As in the case of sheep there is variability in the market value of goats. Market values can vary depending on whether the animal is a slaughter goat, Angora goat, dairy goat, crossbred or purebred, etc. Boer goats are considered to be the most expensive goats with some commanding well over $50,000 for one Boer buck and over $10,000 for purebred does (*www.jackmauldin.com/new.htm*).

[5] USDA/NASS, *Livestock Slaughter:* 2004 Summary, March 2005; USDA/ERS, Livestock, Dairy, and Poultry Outlook/LDP–M–172/October 17, 2008.

[6] Global Trade Atlas, November 2008.

these conditions as approved livestock facilities handling other classes of livestock. Therefore, this rule should not result in a significant effect on facilities conducting their business.

In addition, as a condition of approval, reactor, suspect, exposed, scrapie high-risk, or scrapie-positive livestock would have to be held in quarantine pens apart from all other livestock at the facility except exposed sheep that are not also high-risk animals or exposed and high-risk animals that are segregated from breeding animals and that do not pose a significant risk of lambing or kidding while in the facility. The quarantine pens in which such animals are held would have to be clearly marked and would have to be cleaned and disinfected before being used to hold other animals not affected with diseases. The quarantine pens would also have to have proper drainage and be constructed of materials that are substantially impervious to moisture and able to withstand continued cleaning and disinfection. The regulations in 9 CFR 71.20(a)(5) already require that approved livestock facilities hold any reactor, suspect, or exposed livestock in quarantine pens apart from all other livestock at the facility. Facilities handling sheep or goats that do not have quarantine pens would likely incur a one-time capital investment of about $3,000 to $5,000 to install such a pen. Otherwise, the number of reactor, suspect, exposed, scrapie high-risk, or scrapie-positive livestock handled by approved livestock facilities is expected to be very small, and thus quarantining of such animals should not have a significant effect on facility operations or economic activity.

Furthermore, producers who are engaged in intrastate and interstate marketing may also pay higher consignment fees as approved facilities pass their increased costs of providing services to affected producers. Other costs to producers of this action could result for those animals requiring special handling at livestock facilities.

This rule could result in a small increase in the time that APHIS and State representatives spend monitoring livestock facilities. In those cases where a facility is already operating as an approved livestock facility for other classifications of livestock, and APHIS and State representatives are already on site, the addition of sheep and goats to the classifications of livestock covered by the agreement is unlikely to substantially increase the workload for those representatives. APHIS and State representatives monitor compliance at such facilities with the identification requirements of the scrapie regulations in 9 CFR part 79. Thus, any additional monitoring responsibilities on the part of State or Federal representatives that may result from implementation of this rule could be handled by existing staff.

This rule should not affect the interstate flow of sheep and goats. The interstate movement of sheep and goats is important as it reduces interstate price differences faced by consumers of livestock products and it allows movement of sheep and goats from areas of surplus to areas of deficit. A majority of sheep and goats moving across State lines are slaughter animals. Although we do not have specific data, based on our observation of livestock markets and the sheep and goat industry, we believe that most of these slaughter animals move directly to the slaughterhouse and bypass the types of livestock facilities that are the subject of this rule. In addition, the operators of livestock facilities that agree to handle animals affected by scrapie would be the entities most affected by this rule. However, the number of sheep and goats affected by scrapie and handled by these livestock facilities is likely to be very small. This rule should not post a significant burden on operators of livestock facilities or producers and is not expected to reduce interstate commerce or retard economic availability.

In spite of the potential small burdens to livestock facility operators and producers, the long-term avoided costs of coping with losses associated with scrapie by the U.S. sheep and goat industries as a result of accelerating the scrapie eradication program far exceed the potential costs of this rule. This includes the avoidance of veterinary and associated costs for managing scrapie-affected flocks. An APHIS estimate showed that scrapie costs the U.S. sheep industry about $24 million per year in losses. This includes an estimated $10 million in lost breeding stock and embryo sales, $10.5 million in disposal costs for offal, and $2.8 million in lost meat and bone meal sales.

Accelerating the eradication of scrapie in the United States also could facilitate movement of the U.S. sheep and goat industries toward increased competitiveness both in the domestic and global markets, particularly in the export of live sheep and goats. Currently, producers in countries such as Australia and New Zealand have a competitive advantage over U.S. producers, based in part on the absence of scrapie in those countries. The achievement of ''scrapie-free'' status in the United States could neutralize the competitive advantage of such countries.

Since both actual product quality as well as purchasers' perception of quality contribute to continued market acceptance, efforts to eradicate scrapie and secure the health of U.S. sheep and goats will continue to serve the economic interests of the industry and the nation.

Effects on Small Entities

This rule will affect livestock facilities that handle sheep and goats in interstate commerce, including stockyards, livestock markets, buying stations, concentration points, or any other premises under State or Federal veterinary supervision where sheep or goats have been assembled and which choose to become an approved livestock facility. These facilities are considered small if they have 100 or fewer employees (North American Industry Classification System [NAICS] 424520).[7] There are currently about 1,106 livestock facilities that handle cattle and calves, swine, or sheep and goats moving in interstate commerce. Of this total, about 107 handle sheep and 62 handle goats, and all are considered to be small entities.

Producers of sheep or goats (NAICS 112410) also could be affected by the rule if livestock facilities pass on the increased costs of providing services attributable to the rule to affected producers. There were 44,189 sheep operations and 43,495 goat operations that sold animals in 2002. An operation engaged in sheep or goat production is considered small if it has annual sales of not more that $750,000.[8] Small operations, as shown in table 2, accounted for over 99 percent of all operations that sold sheep and lambs. About 81 percent of the producers sold fewer than 100 animals each, but these accounted only for about 17 percent of total sales of sheep and lambs. On the other hand, large sheep operations that sold 5,000 sheep or more represented less than 1 percent of the farms but accounted for about 32 percent of the total number sold. The overall average size of a flock was 117 animals in 2002. The average size of a flock on large operations was 11,094 animals, while that on small operations was 80 animals. The vast majority of sheep and goat producers would be considered small entities based on such criteria. Of

[7] The Small Business Administration defines small market facilities (NAICS 424520) as those having fewer than 100 employees.

[8] Based on the size standard established by the Small Business Administration for livestock and animal specialties, sheep producers (NAICS 112410) and goat producers (NAICS 112420) with not more than $0.75 million in annual sales qualify as small entities.

the total number of operations, about 68 percent of producers were full owners, about 26 percent were part owners and 6 percent were tenants. Approximately 81 percent of these sheep are marketed, involving crossing State lines in most cases.

TABLE 2—SHEEP AND LAMBS: NUMBER SOLD BY SIZE OF FLOCK: 2002

Number of sheep/lambs per farm	Number of farms with sheep/lambs	Percent farms (based on total farms)	Inventory of sheep and lambs	Percent sheep and lambs (based on total inventory)	Average value per operation
1 to 99	35,647	80.7	899,589	17.4	$2,625
100 to 299	5,659	12.8	680,404	13.2	12,510
300 to 999	1,991	4.5	762,007	14.7	39,800
1,000 to 4,999	743	1.7	1,181,441	22.8	165,370
5,000 or more	149	0.3	1,653,010	31.9	1,153,780
Total	44,189	100	5,176,451	100	12,180

Source: USDA/NASS, 2002 Census of Agriculture.

Livestock facilities that are considered small entities would have to meet the same standards as other larger firms if they choose to become an approved facility. This would include following certain identification, recordkeeping, and handling practices with respect to sheep or goats. Some of these requirements are already provided in part 79 of the regulations, and thus would not represent a new burden. In addition, a certain number of these facilities already comply with many of the conditions in this rule in operating as approved livestock facilities for other classes of livestock.

We considered the feasibility of exempting small entities from some or all of the requirements in this rule or establishing differing compliance or reporting requirements that take into account the resources available to small entities. However, one of the aims of an effective national program to control and eradicate scrapie is to establish uniform standards that will be followed by all livestock facilities handling unidentified sheep or goats and animals with a certificate of veterinary inspection in interstate commerce. Programs relating to disease surveillance and control do not lend themselves to different compliance standards based on the size of the entity subject to regulation. Also, the requirements in part 79 pertaining to identification, recordkeeping, and handling of sheep and goats make no distinction as to the size of the producer or other livestock facility handling the animals.

As discussed above, producers who are engaged in intrastate and interstate marketing may be indirectly affected by this rule if they have to pay higher consignment fees as livestock facilities pass their increased costs of providing services. Other costs to producers of this action could result for those animals requiring special handling at approved livestock facilities. However, because most of the facilities that handle sheep and goats are already in compliance with the regulations in part 79, the potential costs to sheep and goat producers considered small entities should not be significant.

In sum, it is reasonable to expect that both small and large entities would benefit from this rule, which would strengthen scrapie control programs resulting in long-term avoided costs of coping with market losses associated with scrapie. Direct losses to the U.S. sheep industry alone are currently estimated to be as high as $24 million per year. We expect any costs to operators of livestock facilities or to producers to be more than offset by the added benefits to the industry at large in providing a more effective scrapie eradication program.

The primary alternative to the rule would be to make no changes at all to the existing regulations. The regulations in part 79 already include certain requirements to be followed by approved livestock markets with respect to the identification, recordkeeping and handling of sheep and goats in interstate commerce. However, the regulations in part 71 do not specify the process by which these facilities are to be approved. Therefore, it is imperative that an approval process be added to our regulations.

This rule contains various recordkeeping requirements, which were described in our proposed rule and which have been approved by the Office of Management and Budget (*see* ''Paperwork Reduction Act'' below).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that the APHIS approval of livestock facilities that handle sheep and goats in interstate commerce under the conditions specified in this rule will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), 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), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web

site.[9] Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0258.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this final rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 9 CFR part 71 as follows:

PART 71—GENERAL PROVISIONS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 71.1 is amended by revising the definitions of *Accredited veterinarian, Area veterinarian in charge, Interstate commerce, Livestock, State, State animal health official*, and *State representative* and by adding, in alphabetical order, new definitions for *Breeding sheep and goats, Consistent States* and *Inconsistent States* to read as follows:

§ 71.1 Definitions.

* * * * *

Accredited veterinarian. A veterinarian who is approved by the Administrator, in accordance with part 161 of this chapter, to perform official animal health work of the Animal and Plant Health Inspection Service specified in subchapters A, B, C, and D of this chapter and to perform work required by cooperative State-Federal disease control and eradication programs.

* * * * *

Area veterinarian in charge. The veterinary official of APHIS who is assigned by the Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

* * * * *

Breeding sheep and goats. Any sexually intact sheep or goat that is not moving either directly to slaughter or through one or more restricted sales and/or terminal feedlots and then directly to slaughter.

* * * * *

Consistent States. Those States listed as consistent States in § 79.1 of this subchapter because they meet certain standards, as provided in § 79.6 of this subchapter, for conducting an active State scrapie program involving the identification of scrapie in sheep and goats for the purpose of controlling the spread of scrapie.

* * * * *

Inconsistent States. Those States not included in the list of consistent States appearing in § 79.1 of this subchapter.

* * * * *

Interstate commerce. Trade, traffic, transportation, or other commerce between a place in a State and any place outside of that State, or between points within a State but through any place outside of that State.

* * * * *

Livestock. Horses, cattle, bison, cervids, camelids, sheep, goats, swine, and other farm-raised animals.

* * * * *

State. Any of the 50 States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the District of Columbia, and any territories and possessions of the United States.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

State representative. An individual employed in animal health work by a State or a political subdivision thereof and authorized by such State or political subdivision to perform the function involved.

* * * * *

■ 3. Section 71.3 is amended by reserving paragraph (c)(5) and by adding a new paragraph (c)(6) to read as follows:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

* * * * *

(c) * * *

(6) Sheep or goats designated, with regard to scrapie, as exposed animals, high-risk animals, suspect animals, or scrapie-positive animals, as those terms are defined in part 79 of this subchapter, may be moved interstate only in accordance with part 79 of this subchapter.

* * * * *

§ 71.6 [Amended]

■ 4. In § 71.6, paragraph (a), the first sentence is amended by adding the word ''goats,'' immediately after the word ''sheep,''.

§ 71.19 [Amended]

■ 5. In § 71.19, paragraph (d), the introductory text is amended by removing the words ''Area Veterinarian in Charge'' both times it appears and adding the words ''area veterinarian in charge'' in their place.

■ 6. Section § 71.20 is amended as follows:

■ a. In paragraph (a)(3), by adding the number ''79,'' immediately after the number ''78,''.

■ b. In paragraph (a)(4), by adding the words ''high-risk and scrapie-positive'' immediately after the word ''exposed,''.

■ c. By revising paragraphs (a)(5), (a)(6), (a)(7), and (a)(11) to read as set forth below.

■ d. In paragraph (a)(8), by adding the number ''79,'' immediately after the number ''78,''.

■ e. In paragraph (a)(12), by removing the words ''or suspect, or exposed'' and adding in their place the words ''suspect, exposed, high-risk, or scrapie-positive''.

■ f. By redesignating paragraphs (a)(17) through (a)(20) as paragraphs (a)(18) through (a)(21), respectively, and adding a new paragraph (a)(17) before the undesignated center heading ''*Approvals*'' to read as set forth below.

■ g. By revising newly redesignated paragraph (a)(18) to read as set forth below.

[9] Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0069*. The environmental assessment and finding of no significant impact will appear in the resulting list of documents.

■ h. By adding a parenthetical containing an OMB citation at the end of the section to read as set forth below.

§ 71.20 Approval of livestock facilities.

* * *

(5) Any reactor, suspect, exposed, high-risk, or scrapie positive livestock shall be held in quarantined pens apart from all other livestock at the facility. This requirement shall not apply to scrapie-exposed sheep that are not also designated high-risk animals or to sheep or goats designated under 9 CFR part 79 as scrapie-exposed or high-risk animals that either are not pregnant based on the animal being male, an owner certification that any female animals have not been exposed to a male in the preceding 6 months, or a certificate issued by an accredited veterinarian stating the animals are open; or that the animals are under 12 months of age and are not visibly pregnant and are maintained in the same pen only with other animals that will be moved directly to slaughter or to a terminal feedlot in accordance with 9 CFR parts 71 and 79.

(6) No reactor, suspect, exposed, high-risk, or scrapie-positive livestock, nor any livestock that show signs of being infected with any infectious, contagious, or communicable disease, may be sold at or moved from the facility, except in accordance with 9 CFR parts 71, 75, 78, 79, and 85.

Records

(7) Documents such as weight tickets, sales slips, and records of origin, identification, and destination that relate to livestock that are in, or that have been in, the facility shall be maintained by the facility for a period of 2 years, or for a period of 5 years in the case of sheep or goats. APHIS representatives and State representatives shall be permitted to review and copy those documents during normal business hours.

* * * * *

(11) Quarantined pens shall be clearly labeled with paint or placarded with the word ''Quarantined'' or the name of the disease of concern, and shall be cleaned and disinfected in accordance with 9 CFR part 71 as well as 9 CFR 54.7(e)(2) if the disease of concern is scrapie and the quarantined animal gave birth or aborted at the facility, before being used to pen livestock that are not reactor, suspect, exposed, high-risk, or scrapie-positive animals.

* * * * *

(17) Sheep and goats:

—This facility will handle breeding sheep or goats: [*Initials of operator, date*]

—This facility will handle slaughter sheep or goats: [*Initials of operator, date*]

—This facility will handle scrapie-exposed goats or high-risk sheep or goats: [*Initials of operator, date*]

—This facility will not handle goats known to be scrapie-exposed or sheep or goats known to be high-risk animals, nor permit such animals to enter the facility: [*Initials of operator, date*]

(i) All sheep and goats must be received, handled, and released by the facility only in accordance with 9 CFR parts 71 and 79.

(ii) All sheep and goats at the facility must be officially identified and relevant records related to those identified animals must be maintained by the facility operator, as required under 9 CFR part 79.

(iii) The identity of sheep and goats from consistent States and inconsistent States must be maintained by the facility operator.

(iv) Sexually intact animals that do not meet the requirements of part 79 to be sold as breeding animals must be maintained in separated enclosures at all times from animals that may be offered for sale as breeding animals unless all animals maintained in an enclosure arrived at the facility as part of the same consignment and are separated prior to sale.

(v) Any sheep or goats that are designated, with regard to scrapie, as high-risk, suspect or scrapie-positive animals, and goats designated with regard to scrapie as exposed animals, excluding slaughter sheep or goats that are designated as exposed or high-risk animals and are not pregnant, must be held in quarantined pens while at the facility.

Approvals

(18) Request for approval:

I hereby request approval for this facility to operate as an approved livestock facility for the classes of livestock indicated in paragraphs (14) through (17) of this agreement. I acknowledge that I have received a copy of 9 CFR parts 71, 75, 78, 79, and 85, and acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement and the applicable provisions of 9 CFR parts 71, 75, 78, 79, and 85 constitutes a basis for the withdrawal of this approval. [*Printed name and signature of operator, date of signature*]

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0258)

Done in Washington, DC, this 26th day of March 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–7233 Filed 3–31–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145, 146, and 147

[Docket No. APHIS–2007–0042]

RIN 0579–AC78

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The changes were voted on and approved by the voting delegates at the Plan's 2006 National Plan Conference. These changes will keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

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

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of

certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS, also referred to as ''the Service'') of the U.S. Department of Agriculture (USDA, also referred to as ''the Department'') amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

On May 28, 2008, we published in the **Federal Register** (73 FR 30528–20543, Docket No. APHIS–2007–0042) a proposal [1] to amend the Plan and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 2006 National Plan Conference. These changes were intended to keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

We solicited comments concerning our proposal for 60 days ending July 28, 2008. We received 11 comments by that date. They were from State agencies, a university, a diagnostic laboratory association, and private citizens. All 11 commenters raised specific issues regarding the proposed rule. Those issues are discussed below.

We proposed to amend §§ 145.14(d) and 146.13(b), which describe approved tests for avian influenza (AI) under the Plan, to approve the use of two agent detection tests for AI: The real time reverse transcriptase/polymerase chain reaction (RRT–PCR) assay and the USDA-licensed type A influenza antigen capture immunoassay (ACIA). In the proposed regulatory text, we stated that agent detection tests that detect influenza A matrix gene or protein would be allowed to be performed by an authorized laboratory, but tests that determine hemagglutinin (H) or neuraminidase (N) subtypes would not be allowed to be performed by an authorized laboratory.

Several commenters stated that laboratories that are not part of the National Animal Health Laboratory Network (NAHLN) should not be authorized to perform RRT–PCR assays for AI. As the commenters noted, many laboratories that are considered authorized laboratories under the Plan are operated by poultry industry groups or other parties and thus are not part of NALHN, which is composed of State and university laboratories and APHIS' National Veterinary Services Laboratories (NVSL).

NAHLN is a multifaceted network composed of sets of laboratories that focus on different diseases, using common testing methods and software platforms to process diagnostic requests and share information. The State and university laboratories in NAHLN perform routine diagnostic tests for endemic animal diseases as well as targeted surveillance and response testing for foreign animal diseases. The laboratories have the capability and capacity to conduct nationwide surveillance testing for the early detection of an animal disease outbreak, and they are able to test large numbers of samples rapidly during an outbreak and to demonstrate freedom from disease after eradication.

The commenters cited many concerns regarding allowing laboratories other than NAHLN laboratories to perform RRT–PCR assays for AI, including conflicts of interest in reporting positive results from industry-operated laboratories; loss of data or delays in reporting to State animal health officials in the event of positive results; lack of standardization of procedures between other laboratories and NALHN; NVSL's lack of resources for auditing industry laboratories; the potential for false positives or premature reporting from non-NAHLN laboratories; and biosafety and public health concerns. One of the commenters noted that only NALHN laboratories are currently authorized to perform RRT–PCR assays; this commenter stated that this system has worked well.

We agree with the commenters that RRT–PCR assays for AI should only be performed by NAHLN laboratories. We proposed that RRT–PCR assays would have to be conducted using the NVSL official protocol for RRT–PCR (AVPR01510) and be conducted by personnel who have passed an NVSL proficiency test. The protocol and the proficiency testing we proposed to require are only available to NALHN laboratories and personnel.

To resolve any confusion that may have arisen from our statement that tests that detect influenza A matrix gene or protein would be allowed to be performed by an authorized laboratory, we have modified that provision in this final rule. The regulatory text in this final rule states that agent detection tests may be used to detect influenza A matrix gene or protein but not to determine H or N subtypes. As described earlier, the specific requirements for performing RRT–PCR assays make it clear that only NAHLN laboratories can perform those assays. (As commenters noted, the ACIA may be performed by authorized laboratories as well as NAHLN laboratories.)

The proposed rule contained several other proposed changes related to AI. We proposed to add in a new § 145.15 the requirements in § 146.14 for AI diagnostic surveillance programs, which must include examination of all submitted cases of unexplained respiratory disease, egg production drops, and mortality for AI; this proposed change was intended to clearly indicate that these requirements apply to breeding poultry as well as commercial poultry. We proposed to increase the frequency at which multiplier egg-type chicken breeding flocks, multiplier meat-type chicken breeding flocks, and multiplier turkey breeding flocks that participate in the U.S. Avian Influenza Clean classifications in §§ 145.23(h)(2), 145.33(l)(2), and 145.43(g)(2), respectively, are tested, allowing 90 days rather than 180 days between tests. We proposed to establish a U.S. Avian Influenza Clean classification for ostrich, emu, rhea, and cassowary breeding flocks. We proposed to modify the sampling requirements for the U.S. H5/H7 Avian Influenza Monitored classification for meat-type turkey slaughter plants to allow testing at the flock level rather than at slaughter. Finally, we proposed to establish a U.S. H5/H7 Avian Influenza Monitored classification for commercial upland game bird slaughter plants, commercial waterfowl slaughter plants, raised-for-release upland game bird premises, and raised-for-release waterfowl premises.

One commenter stated a presumption that there is no AI being found in the U.S. chicken industry, based on the lack of such reports. Based on this information, the commenter stated, increasing sampling frequency does not appear to make sense. The commenter recommended instead that we require end-of-life testing of long-lived birds, such as breeder flocks, and symptomatic flocks, such as flocks with respiratory disease. The commenter stated that testing every meat bird flock in low-risk environments, such as conventional commercial poultry houses, appears to be an unnecessary step to placate international trading partners.

We agree with the commenter that testing of breeding flocks and symptomatic flocks is important. Our proposals to increase the frequency at which breeding flocks participating in

[1] To view the proposed rule and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0042.*

the U.S. Avian Influenza Clean classification are tested and to add diagnostic AI surveillance program provisions to 9 CFR part 145 speak to our concern on those issues. However, contrary to the commenter's assertion, occurrences of AI in U.S. poultry are rare but regular. The testing requirements for participants in the U.S. H5/H7 Avian Influenza Monitored classifications for meat-type flocks and slaughter plants are necessary to provide assurance that such flocks and slaughter plants are monitored for AI.

We proposed to establish new requirements for authorized laboratories in a new § 147.51. These included a requirement for an annual site visit and recordkeeping audit by the Official State Agency (OSA), which the regulations define as the State authority recognized by the Department to cooperate in the administration of the Plan. (In some States, the OSA is also the State animal health authority; in some States, the OSA includes representation from, but is not identical to, the State animal health authority.)

One commenter recommended that we require that the OSA and the State animal health authority of the State in which the laboratory is located be in concurrence before a laboratory is approved. The commenter also recommended that the Plan be modified where applicable to say that a representative of the State animal health authority may accompany the OSA whenever a site visit is conducted.

The OSA is the entity designated in the NPIP to carry out the administration of the Plan within a State and, in that capacity, makes the final determination on whether to authorize a laboratory. Therefore, requiring in the regulations that the State animal health authority concur with the OSA to authorize a laboratory or that the State animal health authority participate in site visits with the OSA would be inappropriate. However, we note that, in those cases when the OSA is not the State animal health authority itself, the OSA always includes representation from the State animal health authority.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities.

We are amending the Plan and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The changes were voted on and approved by the voting delegates at the Plan's 2006 National Plan Conference. These changes will keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

The United States is the world's largest poultry producer, the second-largest egg producer, and the largest exporter of poultry meat. U.S. poultry meat production totals over 42 billion pounds annually; over four-fifths is broiler meat, most of the remainder is turkey meat, and a small fraction is other chicken meat. Cash receipts (*see* table 1) from sales of poultry and eggs (broilers, farm chickens, eggs, turkey, ducks, and other poultry) were about $28.9 billion in 2005 (with preliminary value for 2006 and forecasted value for 2007 being a little higher).[2] Of this total, 72 percent was from broilers, 14 percent from eggs, 11 percent from turkeys, and 3 percent from other poultry.

TABLE 1—CASH RECEIPTS FOR POULTRY AND EGGS, UNITED STATES, 2000–05; 2006, AND 2007

Commodity	2002	2003	2004	2005	2006 P	2007 F
	$1000s					
Poultry/eggs	21,138,999	23,959,134	29,540,692	28,903,545	27,700,000	29,600,000
Broilers	13,437,700	15,214,945	20,446,096	20,901,934	19,000,000	20,100,000
Farm chickens	49,850	47,508	57,260	63,963	+	+
Chicken eggs	4,232,433	5,273,099	5,239,082	4,000,142	4,400,000	5,100,000
Turkeys	2,643,273	2,631,862	2,995,802	3,157,637	3,500,000	3,500,000
Ducks	15,300	19,200	20,900	21,390	+	+
Other poultry	760,443	772,521	781,553	758,479	800,000	900,000

P = preliminary, F = Forecast, + = included in other poultry.
Source: USDA/ERS, Farm Income/Farm Cash Receipts, 1924–2005; 2006P, and 2007.F (*http://www.ers.usda.gov/data/FarmIncome/finfidmuxls.htm*).

In terms of tonnage, poultry production and trade exceeds that of beef or pork. For instance, in 2006, the United States produced 41.4 billion pounds of poultry meat, compared with 26.2 billion pounds of beef and 21 billion pounds of pork. The United States also produced 6.5 billion dozen eggs in 2006. Per capita consumption of poultry meat (103.8 pounds in 2006) exceeds per capita consumption of both beef (65.7 pounds) and pork (49.3 pounds). Furthermore, the United States exports more poultry meat (5.8 billion pounds in 2006) than beef and veal (1.2 billion pounds) or pork (3 billion pounds).[3]

Broiler production is concentrated in a group of States stretching from Delaware south along the Atlantic coast to Georgia, then westward through Alabama, Mississippi, and Arkansas. The top broiler-producing State is Georgia, followed by Arkansas, Alabama, North Carolina, Mississippi, and Texas. Operations in these States account for over 65 percent of broiler cash receipts.

Most U.S. broiler production is conducted under contract with broiler processors. The grower normally supplies the grow-out house with all the necessary heating, cooling, feeding, and watering systems. The grower also supplies the labor needed in growing the birds. The broiler processor supplies the chicks, feed, and veterinary medicines. The processor schedules transportation of the birds from the farm

[2] USDA/Economic Research Service (ERS), Farm Income/Cash receipts, 2002–2007.

[3] USDA/ERS, Livestock, Dairy, and Poultry Outlook/LDP–M–158, August 20, 2007.

to the slaughter plant. In many cases, the processor also supplies the crews who place broilers into cages for transportation to the slaughter plant.

The U.S. turkey industry produces over one-quarter of a billion birds annually, with the live weight of each bird averaging over 25 pounds. Production of turkeys is somewhat more scattered geographically than broiler production. The top five turkey-producing States are Minnesota, North Carolina, Missouri, Arkansas, and Virginia. The United States is by far the world's largest turkey producer, followed by the European Union. Even though exports are a major component of the U.S. turkey industry, the United States consumes more turkey per capita than any other country.

U.S. egg operations produce over 77 billion eggs annually. Over three-fourths of egg production is for human consumption (the table-egg market). The remainder of production is for the hatching market. These eggs are hatched to provide replacement birds for the egg-laying flocks and broiler chicks for grow-out operations. The top five egg-producing States are Iowa, Ohio, Pennsylvania, Indiana, and California.[4]

The United States is the world's largest exporter of poultry meat. Annual poultry meat exports totaled about 5.8 billion pounds in 2006, which is about 14.5 percent of U.S. production. (All trade statistics in this and the following paragraph are for 2006.) Demand for U.S. poultry meat products has fluctuated over the last several years due to changing economic conditions and currency exchange rates in major importing countries. The largest importers of U.S. broiler products are Russia, Mexico, China, Canada, Hong Kong, Turkey, Taiwan, Angola, South Korea, and Ukraine. Together, these markets accounted for over 74 percent of U.S. poultry meat exports, on a quantity basis. The United States imports only small amounts of poultry meat, accounting for less than two-tenths of 1 percent of domestic production. Over 98 percent of imports come from Canada.

As in the case of poultry meat, U.S. exports of live poultry and exports of fresh shell eggs are widely distributed and significantly outweigh imports of these products. The United States exported 1,302 million eggs and imported 65.4 million eggs in 2006. The major importers of eggs are Canada, Mexico, Jamaica, United Kingdom, Hong Kong, Brazil, Trinidad and Tobago, Dominican Republic, Guyana, and Nicaragua. These countries altogether accounted for about 80 percent of U.S. egg exports. U.S. imports are mainly from Canada, China, France, and Taiwan. These countries together accounted for 91 percent of U.S. imports of eggs. The United States exported 51 million live poultry and imported 13.7 million live poultry in 2006. Major destinations include Canada, Mexico, China, Thailand, Peru, Colombia, Guatemala, Indonesia, Egypt, and El Salvador. These countries accounted for 70 percent of U.S. total live poultry exports. All U.S. imports of live poultry came from Canada, United Kingdom, and Italy.

The decision to participate in the NPIP program is voluntary. Being a participating flock in NPIP has many benefits. These include: The flock being recognized as a participating member of NPIP; the flock having an approval number which may be used on shipping labels, certificates, invoices, and other documents for identification purposes; the flock being listed in the official *NPIP Directory of Participants*; free listing in various State fair brochures; and receiving emergency disease management updates. Furthermore, being a participant in the NPIP allows for greater ease in moving hatching eggs and live birds within a State, across State lines, and into international markets. In fact, most countries will not accept hatching eggs, live birds, table eggs, or broilers unless they can be shown to be from an NPIP participant.

Any increased cost to NPIP participants due to the proposed rule will be minor compared to the expected benefits of the changes in this final rule. Additional costs are likely to be minor because most of the participants already had been implementing these changes for several years. Even if additional tests are required, the additional number of birds tested will be very small compared to the size of flocks in the industry. Individual producers will continue to participate in the NPIP program only if the benefits they receive from participation outweigh the costs. Over 99 percent of poultry breeders and hatcheries, commercial table-egg layer flocks, and commercial meat-type chicken and turkey slaughter plants are Plan participants.

Impact on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small entities. According to the Small Business Administration's (SBA's) Office of Advocacy, regulations create economic disparities based on size when they have a significant economic impact on a substantial number of small entities.

Entities engaged in production of breeding stock and hatcheries will be affected by this final rule. Currently there are four major firms that produce primary breeding stock of egg-type chickens, three breeders of meat-type chickens, two breeders of turkeys, and one firm producing breeding stock of both egg-type and meat-type chickens.[5] All of these are large facilities headquartered in the United States that operate in domestic and international markets, and would not be considered small entities. Few, if any, small producers will be directly affected by this final rule.

Broiler operations (North American Industry Classification System [NAICS] code 112320), turkey operations (NAICS 112330), hatcheries (NAICS 112340), and other poultry operations (112390) could also be affected by the changes in this final rule. All of these operations are considered to be small if they have annual sales of $750,000 or less (SBA Table of Small Business Size Standards, *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf*). Commercial egg producers (NAICS 112310) are considered small if they have annual sales of not more than $11.5 million.

The broiler industry has evolved from small backyard flocks to fewer than 50 highly specialized, vertically integrated agribusiness firms. A measure of the changing structure is the number and size of chicken hatcheries. In 1973, there were 989 facilities that hatched all chickens in the United States. Those hatcheries had the capacity to incubate 436 million eggs at one time for an average capacity of 440,849 eggs per facility. In 2006, there were 313 chicken hatcheries, with an incubator capacity of 910 million eggs for an average capacity of 2.9 million eggs per facility. Similarly, there were 203 turkey hatching facilities with capacity to incubate 45 million eggs at one time, for an average capacity of 221,675 eggs per facility. In 2006, there were 55 turkey hatcheries, with an incubator capacity of 39 million eggs for an average capacity of 703,927 eggs per facility.[6]

We do not foresee any significant impact of this final rule on small

[4] USDA/ERS, Livestock, Dairy, and Poultry Outlook/LDP–M–158, August 20, 2007.

[5] Mary E. Delany, *Genetic Diversity and Conservation of Poultry*, p. 261, in W.M. Muir and S.E. Aggrey, *Poultry Genetics, Breeding and Biotechnology*, August 2003; Susanne Gura, *Livestock Genetics Companies: Concentration and Proprietary Strategies of an Emerging Power in the Global Economy* (*http://pastoralpeoples.org/docs/Livestock_genetics.pdf*).

[6] USDA, ERS, Hatchery Production, March 1975; Hatchery Production 2006 Summary, April 2007.

entities. The NPIP is a voluntary program, so poultry producers can decide if it is beneficial for them to participate.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Parts 145, 146, and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR parts 145, 146, and 147 as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 1. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 145.1 is amended as follows:

■ a. By revising the definition of *authorized laboratory* to read as set forth below.

■ b. By adding, in alphabetical order, new definitions of *NPIP Technical Committee* and *Senior Coordinator* to read as set forth below.

■ c. In the definition of *equivalent or equivalent requirements*, by adding the words ''or exceed'' after the words ''equal to'' and the words ''they are'' after the words ''with which.''

§ 145.1 Definitions.

* * * * *

Authorized laboratory. An authorized laboratory is a laboratory that meets the requirements of § 147.51 and is thus qualified to perform the assays described in part 147 of this subchapter.

* * * * *

NPIP Technical Committee. A committee made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics. The committee consists of representatives from the poultry and egg industries, universities, and State and Federal governments and is appointed by the Senior Coordinator and approved by the General Conference Committee.

* * * * *

Senior Coordinator. An employee of the Service whose duties may include, but will not necessarily be limited to:

(1) Serving as executive secretary of the General Conference Committee;

(2) Serving as chairperson of the Plan Conference described in § 147.47;

(3) Planning, organizing, and conducting the Plan Conference;

(4) Reviewing NPIP authorized laboratories as described in § 147.51;

(5) Coordinating the State administration of the NPIP through periodic reviews of the administrative procedures of the Official State Agencies, according to the applicable provisions of the Plan and the Memorandum of Understanding;

(6) Coordinating rulemaking to incorporate the proposed changes of the provisions approved at the Plan conference into the regulations in parts 145, 146, and 147 of this subchapter;

(7) Directing the production of official NPIP publications;

(8) Proposing an annual budget for plan activities and the General Conference Committee; and

(9) Providing overall administration of the NPIP.

* * * * *

■ 3. In § 145.2, paragraph (a) is amended by adding a new sentence at the end of the paragraph to read as follows:

§ 145.2 Administration.

(a) * * * In the Memorandum of Understanding, the Official State Agency must designate a contact representative to serve as a liaison between the Service and the Official State Agency.

* * * * *

■ 4. Section 145.14 is amended as follows:

■ a. By adding a new paragraph (b)(5) to read as set forth below.

■ b. By revising paragraph (d) to read as set forth below.

§ 145.14 Blood testing.

* * * * *

(b) * * *

(5) The official molecular examination procedures for *Mycoplasma gallisepticum* and *M. synoviae* are the polymerase chain reaction (PCR) test described in § 147.30 of this subchapter and the real-time PCR test described in § 147.31 of this subchapter.

* * * * *

(d) *For avian influenza.* The official tests for avian influenza are described in paragraphs (d)(1) and (d)(2) of this section.

(1) *Antibody detection tests.* (i) *Enzyme-linked immunosorbent assay (ELISA).* ELISA must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in accordance with the recommendations of the producer or manufacturer.

(ii) *The agar gel immunodiffusion (AGID) test.*

(A) The AGID test must be conducted on all ELISA-positive samples.

(B) The AGID test must be conducted using reagents approved by the Department and the Official State Agency.

(C) Standard test procedures for the AGID test for avian influenza are set forth in § 147.9 of this subchapter. The test can be conducted on egg yolk or blood samples.

(D) Positive tests for the AGID must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(2) *Agent detection tests.* Agent detection tests may be used to detect influenza A matrix gene or protein but not to determine hemagglutinin or neuraminidase subtypes. Samples for agent detection testing should be collected from naturally occurring flock mortality or clinically ill birds.

(i) *The real time reverse transcriptase/polymerase chain reaction (RRT–PCR) assay.*

(A) The RRT–PCR tests must be conducted using reagents approved by the Department and the Official State Agency. The RRT–PCR must be conducted using the National Veterinary Services Laboratories (NVSL) official protocol for RRT–PCR (AVPR01510) and must be conducted by personnel who have passed an NVSL proficiency test.

(B) Positive results from the RRT–PCR must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(ii) *USDA-licensed type A influenza antigen capture immunoassay (ACIA).*

(A) The USDA-licensed type A influenza ACIA must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in accordance with the recommendations of the producer or manufacturer.

(B) Positive results from the ACIA must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(3) The official determination of a flock as positive for the H5 or H7 subtypes of avian influenza may be made only by NVSL.

* * * * *

■ 5. Section 145.15 is revised to read as follows:

§ 145.15 Diagnostic surveillance program for low pathogenic avian influenza.

(a) The Official State Agency must develop a diagnostic surveillance program for H5/H7 low pathogenic avian influenza for all poultry in the State. The exact provisions of the program are at the discretion of the States. The Service will use the standards in paragraph (b) of this section in assessing individual State plans for adequacy, including the specific provisions that the State developed. The standards should be used by States in developing those plans.

(b) Avian influenza must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for avian influenza by both an approved serological test and an approved antigen detection test. Memoranda of understanding or other means must be used to establish testing and reporting criteria (including criteria that provide for reporting H5 and H7 low pathogenic avian influenza directly to the Service) and approved testing methods. In addition, States should conduct outreach to poultry producers, especially owners of smaller flocks, regarding the importance of prompt reporting of clinical symptoms consistent with avian influenza.

§ 145.23 [Amended]

■ 6. In § 145.23, paragraphs (h)(2)(i) and (h)(2)(ii) are amended by removing the number ''180'' and replacing it with the number ''90'' each time it occurs.

§ 145.33 [Amended]

■ 7. In § 145.33, paragraphs (l)(2)(i) and (l)(2)(ii) are amended by removing the number ''30'' and replacing it with the number ''15'' each time it occurs; and by removing the number ''180'' and replacing it with the number ''90'' each time it occurs.

§ 145.43 [Amended]

■ 8. In § 145.43, paragraphs (g)(2)(i) and (g)(2)(ii) are amended by removing the number ''180'' and replacing it with the number ''90'' each time it occurs.

■ 9. In § 145.52, paragraph (c) is revised to read as follows:

§ 145.52 Participation.

* * * * *

(c) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using either VS Form 9–3, ''Report of Sales of Hatching Eggs, Chicks, and Poults,'' or by using a hatchery invoice form (9–3I) approved by the Official State Agency and the Service to identify poultry sales to clients. If the selling hatchery uses the 9–3I form, the following information must be included on the form:

(1) The form number ''9–3I'', printed or stamped on the invoice;

(2) The hatchery name and address;

(3) The date of shipment;

(4) The hatchery invoice number;

(5) The purchaser name and address;

(6) The quantity of products sold;

(7) Identification of the products by bird variety or by NPIP stock code as listed in the NPIP APHIS 91–55–078 appendix; and

(8) The appropriate NPIP illustrative design in § 145.10. One of the designs in § 145.10(b) or (g) must be used. The following information must be provided in or near the NPIP design:

(i) The NPIP State number and NPIP hatchery approval number; and

(ii) The NPIP classification for which product is qualified (e.g., U.S. Pullorum-Typhoid Clean).

* * * * *

■ 10. In § 145.63, a new paragraph (b) is added to read as follows:

§ 145.63 Terminology and classification; flocks and products.

* * * * *

(b) *U.S. Avian Influenza Clean.* This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in all ostrich, emu, rhea, and cassowary breeding flocks through routine serological surveillance of each participating breeding flock. Acceptable tests include antigen and antibody detection tests, as approved by the Official State Agency. A flock, and the hatching eggs and chicks produced from it, will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a primary breeding flock in which 10 percent of the flock, up to a maximum of 30 birds, has been tested negative for type A influenza virus with all pens represented equally and when the tested birds are more than 4 months of age. Positive samples shall be further tested by an authorized laboratory. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days, or

(ii) A sample of less than 10 percent of the birds, up to a maximum of 30 birds, may be tested and found to be negative at any one time if all pens are equally represented and a total of 30 birds are tested within each 180-day period.

(2) It is a multiplier breeding flock in which a minimum of 30 birds has been tested negative to type A influenza virus with all pens represented equally and when the tested birds are more than 4 months of age. Positive samples shall be further tested by an authorized laboratory. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days, or

(ii) A sample of at least 10 percent of birds from each pen with all pens being represented must be tested negative at intervals of 180 days; or

(iii) A sample of less than 10 percent of the birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 10 percent of the birds are tested within each 180-day period.

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

■ 11. The authority citation for part 146 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 12. Section 146.1 is amended as follows:

■ a. By revising the definition of *authorized laboratory* and the first sentence of the definition of *commercial meat-type flock* to read as set forth below.

■ b. In the definition of *equivalent*, by adding the words ''or exceed'' after the words ''equal to'' and the words ''they are'' after the words ''with which.''

§ 146.1 Definitions.

* * * * *

Authorized laboratory. An authorized laboratory is a laboratory that meets the requirements of § 147.51 and is thus qualified to perform the assays described in part 147 of this subchapter.

* * * * *

Commercial meat-type flock. All of the meat-type chickens, meat-type turkeys, commercial upland game birds, or commercial waterfowl on one farm.

* * *

* * * * *

■ 13. In § 146.2, paragraph (a) is amended by adding a new sentence at the end of the paragraph to read as follows:

§ 146.2 Administration.

(a) * * * In the Memorandum of Understanding, the Official State Agency must designate a contact representative to serve as a liaison between the Service and the Official State Agency.

* * * * *

■ 14. Section 146.3 is amended by revising paragraph (a) and the first sentence of paragraph (c) to read as follows:

§ 146.3 Participation.

(a) Any table-egg producer, raised-for-release upland game bird premises, and raised-for-release waterfowl premises and any commercial upland game bird, commercial waterfowl, meat-type chicken or meat-type turkey slaughter plant, including its affiliated flocks, may participate in the Plan when the producer or plant has demonstrated, to the satisfaction of the Official State Agency, that its facilities, personnel, and practices are adequate for carrying out the relevant special provisions of this part and has signed an agreement with the Official State Agency to comply with the relevant special provisions of this part.

* * * * *

(c) A participating slaughter plant shall participate with all of the commercial upland game bird, commercial waterfowl, meat-type chicken and/or meat-type turkey flocks that are processed at the facility, including affiliated flocks.* * *

* * * * *

■ 15. Section 146.6 is revised to read as follows:

§ 146.6 Specific provisions for participating slaughter plants.

(a) Only commercial upland game bird, commercial waterfowl, meat-type chicken, and meat-type turkey slaughter plants that are under continuous inspection by the Food Safety and Inspection Service of the Department or under State inspection that the Food Safety and Inspection Service has recognized as equivalent to Federal inspection may participate in the Plan.

(b) To participate in the Plan, meat-type chicken, meat-type turkey, and commercial upland game bird and commercial waterfowl slaughter plants must follow the relevant special provisions in §§ 146.33(a), 146.43(a), and 146.53(a), respectively, for sample collection and flock monitoring, unless they are exempted from the special provisions under §§ 146.32(b), 146.42(b), or 146.52(b), respectively.

§ 146.9 [Amended]

■ 16. In § 146.9, paragraph (a) is amended by removing the word ''and'' and adding the words '', and 146.53(a) and (b)'' at the end of the second sentence, before the period.

■ 17. Section 146.11 is amended as follows:

■ a. By revising paragraph (a) to read as set forth below.

■ b. By redesignating paragraphs (b) and (c) as (d) and (e), respectively.

■ c. By adding new paragraphs (b) and (c) to read as set forth below.

§ 146.11 Inspections.

(a) Each participating slaughter plant shall be audited at least once annually or a sufficient number of times each year to satisfy the Official State Agency that the participating slaughter plant is in compliance with the provisions of this part. The yearly audit will consist of an evaluation of 2 weeks' worth of records, selected at random, of the following data:

(1) The actual flock slaughter date for each flock. This information must come from a verifiable source. Verifiable sources include electronic record systems that have oversight from the Department's Grain Inspectors, Packers and Stockyards Administration or Food Safety and Inspection Service (FSIS) documents such as FSIS Form 9061–2.

(2) Laboratory test results for each flock slaughtered with the sample collection date and test result. The test must be NPIP-approved and performed in an authorized laboratory of the NPIP.

(b) A flock will be considered to be not conforming to protocol if there are no test results available, if the flock was not tested within 21 days before slaughter, or if the test results for the flocks were not returned before slaughter.

(c) Two or more flocks that are found to be not conforming to protocol in the yearly audit for a slaughter plant shall be cause for a deficiency rating for that plant. However, if the root cause for the deficiency was identified, corrected, and documented, the plant will be eligible for an immediate reevaluation of 2 additional weeks' worth of records, again selected at random. If no more than one missed flock is identified in this reevaluation, the plant will be considered in compliance and no further action will be required. Plants found to be deficient must provide a written corrective action plan to the auditor within 2 weeks of receipt of the deficiency rating. A followup audit on the information in paragraphs (a)(1) and (a)(2) of this section will occur within 90 days from the receipt of the corrective action plan. Slaughter plants will retain their classification and may continue to use the Plan emblem in § 146.9(a) during this process. A failure on the followup audit may result in disbarment from participation according to the procedures in § 146.12.

* * * * *

■ 18. In § 146.13, paragraph (b) is revised to read as follows:

§ 146.13 Testing.

* * * * *

(b) *Avian influenza.* The official tests for avian influenza are described in paragraphs (b)(1) and (b)(2) of this section:

(1) *Antibody detection tests.* (i) *Enzyme-linked immunosorbent assay (ELISA).* ELISA must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in accordance with the recommendations of the producer or manufacturer.

(ii) *The agar gel immunodiffusion (AGID) test.*

(A) The AGID test must be conducted on all ELISA-positive samples.

(B) The AGID test must be conducted using reagents approved by the Department and the Official State Agency.

(C) Standard test procedures for the AGID test for avian influenza are set forth in § 147.9 of this subchapter. The test can be conducted on egg yolk or blood samples.

(D) Positive tests for the AGID must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(2) *Agent detection tests.* Agent detection tests may be used to detect

influenza A matrix gene or protein but not to determine hemagglutinin or neuraminidase subtypes. Samples for this testing should be collected from naturally occurring flock mortality or clinically ill birds.

(i) *The real time reverse transcriptase/polymerase chain reaction (RRT–PCR) assay.*

(A) The RRT–PCR tests must be conducted using reagents approved by the Department and the Official State Agency. The RRT–PCR must be conducted using the National Veterinary Services Laboratories (NVSL) official protocol for RRT–PCR (AVPR01510) and must be conducted by personnel who have passed an NVSL proficiency test.

(B) Positive results from the RRT–PCR must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(ii) *USDA-licensed type A influenza antigen capture immunoassay (ACIA).*

(A) The USDA-licensed type A influenza ACIA must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in accordance with the recommendations of the producer or manufacturer.

(B) Positive results from the ACIA must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(3) The official determination of a flock as positive for the H5 or H7 subtypes avian influenza may be made only by NVSL.

■ 19. In § 146.43, in paragraph (a)(1), the first sentence is revised to read as follows:

§ 146.43 Terminology and classification; meat-type turkey slaughter plants.

* * * * *

(a) * * *

(1) It is a meat-type turkey slaughter plant that accepts only meat-type turkeys from flocks where a minimum of 6 birds per flock has tested negative for antibodies to type A avian influenza virus with an approved test no more than 21 days prior to slaughter. * * * * * * * * *

■ 20. A new subpart E, ''Special Provisions for Commercial Upland Game Birds, Commercial Waterfowl, Raised-for-Release Upland Game Birds, and Raised-for-Release Waterfowl,'' §§ 146.51 through 146.53, is added to read as follows:

Subpart E—Special Provisions for Commercial Upland Game Birds, Commercial Waterfowl, Raised-for-Release Upland Game Birds, and Raised-for-Release Waterfowl

Sec.

146.51 Definitions.
146.52 Participation.
146.53 Terminology and classification; slaughter plants and premises.

Subpart E—Special Provisions for Commercial Upland Game Birds, Commercial Waterfowl, Raised-for-Release Upland Game Birds, and Raised-for-Release Waterfowl

§ 146.51 Definitions.

Commercial upland game bird slaughter plant. A commercial upland game bird slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

Commercial upland game birds. Upland game bird pheasants, quail, or partridges grown under confinement for the primary purpose of producing meat for human consumption.

Commercial waterfowl. Domesticated ducks or geese grown under confinement for the primary purpose of producing meat for human consumption.

Commercial waterfowl slaughter plant. A commercial waterfowl slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

Raised-for-release upland game birds. Pheasants, quail, and partridge that are raised under confinement for release in game preserves and are not breeding stock.

Raised-for-release waterfowl. Waterfowl that are raised under confinement for release in game preserves and are not breeding stock.

Shift. The working period of a group of employees who are on duty at the same time.

§ 146.52 Participation.

(a) Participating commercial upland game bird slaughter plants, commercial waterfowl slaughter plants, raised-for-release upland game bird premises, and raised-for-release waterfowl premises shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this subpart E.

(b) Commercial waterfowl and commercial upland game bird slaughter plants that slaughter fewer than 50,000 birds annually are exempt from the special provisions of this subpart E.

(c) Raised-for-release upland game bird premises and raised-for-release waterfowl premises that raise fewer than 25,000 birds annually are exempt from the special provisions of this subpart E.

§ 146.53 Terminology and classification; slaughter plants and premises.

Participating flocks which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 146.9 of this part:

(a) *U.S. H5/H7 Avian Influenza Monitored.* This program is intended to be the basis from which the commercial waterfowl and commercial upland game bird industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in commercial waterfowl and commercial upland game birds through routine surveillance of each participating slaughter plant. A slaughter plant will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant where a minimum of 11 birds per shift are tested negative for the H5/H7 subtypes of avian influenza at slaughter;

(2) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant that only accepts commercial upland game birds or commercial waterfowl from flocks where a minimum of 11 birds per flock have been tested negative for antibodies to the H5/H7 subtypes of avian influenza no more than 21 days prior to slaughter; or

(3) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant that has an ongoing active and passive surveillance program for H5/H7 subtypes of avian influenza that is approved by the Official State Agency and the Service.

(b) *U.S. H5/H7 Avian Influenza Monitored.* This program is intended to be the basis from which the raised-for-release upland game bird and raised-for-release waterfowl industries may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza through routine surveillance of each participating premises. A premises will qualify for the classification when the Official State Agency determines that a representative sample of 30 birds from

the participating premises has been tested with negative results for the H5/H7 subtypes of avian influenza every 90 days.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

■ 21. The authority citation continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 22. Section 147.9 is amended as follows:

■ a. By revising paragraph (a)(4)(i)(F) to read as follows.

■ b. By removing figure 1.

■ c. By redesignating figures 2 and 3 as figures 1 and 2, respectively.

§ 147.9 Standard test procedures for avian influenza.

(a) * * *

(4) * * *

(i) * * *

(F) To prepare the wells, place 50 µl of avian influenza AGID antigen in the center well using a micropipette with an attached pipette tip. Place 50 µl AI AGID positive control antiserum in each of three alternate peripheral wells, and add 50 µl per well of test sera in the three remaining wells. This arrangement provides a positive control line on each side of the test serum, thus providing for the development of lines of identity on both sides of each test serum (see figure 1).

Note: A pattern can be included with positive, weak positive, and negative reference serum in the test sera wells to aid in the interpretation of results (*see* figure 2).

* * * * *

§ 147.12, 147.14–16, 147.30 [Amended]

■ 23. Sections 147.12, 147.14, 147.15, 147.16, and 147.30 are amended by redesignating footnotes 12 through 24 as footnotes 8 through 20, respectively

■ 24. A new § 147.31 is added to read as follows:

§ 147.31 Laboratory procedures recommended for the real-time polymerase chain reaction test for Mycoplasma gallisepticum (MGLP ReTi).

(a) *DNA extraction.* Use Qiagen Qiamp Mini Kit for DNA extraction or equivalent validated technique/procedure. This kit utilizes the following methods: 100 µl of swab suspension incubates with 10 µl of proteinase K and 400 µl of lysis buffer at 56 °C for 10 minutes. Following incubation, 100 µl of 100 percent ethanol is added to lysate. Wash and centrifuge following extraction kit recommendations.

(b) *Primer selection.* A forward primer mglpU26 (5′-CTA GAG GGT TGG ACA GTT ATG–3′) located at nucleotide positions 765,566 to 765,586 of the *M. gallisepticum* R strain genome sequence; a reverse primer mglp164 (5′-GCT GCA CTA AAT GAT ACG TCA AA–3′) located at nucleotide positions 765,448 to 765,470 of the *M. gallisepticum* R strain genome sequence; and a Taqman dual-labeled probe mglpprobe (5′-FAM–CAG TCA TTA ACA ACT TAC CAC CAG AAT CTG–BHQ1–3′) located at nucleotide positions 765,491 to 765,520 of the *M. gallisepticum* R strain genome should be used to amplify a 139-bp fragment of the lp gene.

(c) *MGLP ReTi.* Primers and probe should be utilized in a 25 µl reaction containing 12.5 µl of Quantitect Probe PCR 2X mix (Qiagen, Valencia, CA),[21] primers to a final concentration of 0.5 µmolar, and probe to a final concentration of 0.1 µmolar, 1µl of HK–UNG Thermolabile Uracil N-glycosylase (Epicentre, Madison, WI), 2 µl of water, and 5 µl of template. The reaction can be performed in a SmartCycler (Cepheid, Sunnyvale, CA) or other equivalent validated platform procedure for real-time thermocycler at 50 °C for 2 minutes; 95 °C for 15 minutes with optics OFF; and 40 cycles of 94 °C for 15 seconds followed by 60 °C for 60 seconds with optics ON.

(d) *Determination of positive.* For each MGLP ReTi assay reaction, the threshold cycle number (CT value) was determined to be the PCR cycle number at which the fluorescence of the reaction exceeded 30 units of fluorescence. For all samples tested, any MGLP reaction that has a recorded CT value was considered positive, while any MGLP reaction that had no recorded CT value was considered negative.

(e) *Controls.* Proper controls should be used when conducting the MGLP ReTi assay as an official test of the Plan. Positive, quantitative, extraction, and internal controls are commercially available from GTCAllison, LLC, Mocksville, NC.

■ 25. Section 147.43 is amended as follows:

■ a. By revising paragraph (d)(4) to read as set forth below.

■ b. In paragraph (d)(6), by removing the words ''a forum'' and adding the words ''an official advisory committee'' in their place.

[21] Trade names are used in these procedures solely for the purpose of providing specific information. Mention of a trade name does not constitute a guarantee or warranty of the product by the U.S. Department of Agriculture or an endorsement over other products not mentioned.

§ 147.43 General Conference Committee.

* * * * *

(d) * * *

(4) Consider each proposal submitted as provided in § 147.44 and make recommendations to subpart Committees and the Conference. Meet jointly with the NPIP Technical Committee and consider the technical aspects and accuracy of each proposal. Recommend whether new proposals (i.e., proposals that have not been submitted as provided in § 147.44) should be considered by the delegates to the Plan Conference.

* * * * *

■ 26. In § 147.45, the first sentence is revised to read as follows:

§ 147.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs prescribed in subparts B, C, D, E, F, G, and H of part 145 of this chapter and for each of the programs prescribed in subparts B, C, D, and E of part 146 of this chapter in which it has one or more participants at the time of the Conference. * * *

■ 27. In § 147.46, a new paragraph (a)(9) is added to read as follows:

§ 147.46 Committee consideration of proposed changes.

(a) * * *

(9) Commercial upland game birds and waterfowl and raised-for-release upland game birds and waterfowl.

* * * * *

■ 28. A new Subpart F, ''Authorized Laboratories and Approved Tests,'' §§ 147.51 and 147.52, is added to read as follows:

Subpart F—Authorized Laboratories and Approved Tests

Sec.

147.51 Authorized laboratory minimum requirements.
147.52 Approved tests.

Subpart F—Authorized Laboratories and Approved Tests

§ 147.51 Authorized laboratory minimum requirements.

These minimum requirements are intended to be the basis on which an authorized laboratory of the Plan can be evaluated to ensure that official Plan assays are performed and reported as described in this part A satisfactory evaluation will result in the laboratory being recognized by the NPIP office of the Service as an authorized laboratory qualified to perform the assays provided for in this part.

(a) *Check-test proficiency.* The laboratory must use a regularly

scheduled check test for each assay that it performs.

(b) *Trained technicians.* The testing procedures at the laboratory must be run or overseen by a laboratory technician who has attended and satisfactorily completed Service-approved laboratory workshops for Plan-specific diseases within the past 3 years.

(c) *Laboratory protocol.* Official Plan assays must be performed and reported as described in this part.

(d) *State site visit.* The Official State Agency will conduct a site visit and recordkeeping audit annually.

(e) *Service review.* Authorized laboratories will be reviewed by the Service (NPIP staff) every 3 years. The Service's review may include, but will not necessarily be limited to, checking records, laboratory protocol, check-test proficiency, technician training, and peer review.

(f) *Reporting.* (1) A memorandum of understanding or other means shall be used to establish testing and reporting criteria to the Official State Agency, including criteria that provide for reporting H5 and H7 low pathogenic avian influenza directly to the Service.

(2) *Salmonella pullorum* and *Mycoplasma* Plan disease reactors must be reported to the Official State Agency within 48 hours.

(g) *Verification.* Random samples may also be required to be submitted for verification as specified by the Official State Agency.

§ 147.52 Approved tests.

(a) The procedures for the bacteriological examination of poultry and poultry environments described in this part are approved tests for use in the NPIP. In addition, all tests that use veterinary biologics (e.g., antiserum and other products of biological origin) that are licensed or produced by the Service and used as described in this part are approved for use in the NPIP.

(b) Diagnostic test kits that are not licensed by the Service (e.g., bacteriological culturing kits) may be approved through the following procedure:

(1) The sensitivity of the kit will be estimated in at least three authorized laboratories selected by the Service by testing known positive samples, as determined by the official NPIP procedures found in Subparts A, B, C, and D of this part. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

(2) The specificity of the kit will be estimated in at least three authorized laboratories selected by the Service by testing known negative samples, as determined by the official NPIP procedures found in this part. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

(3) The kit will be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories must perform the assay exactly as stated in the supplied instructions. Each laboratory must test a panel of at least 25 known positive clinical samples supplied by the manufacturer of the test kit. In addition, each laboratory will be asked to test 50 known negative clinical samples obtained from several sources, to provide a representative sampling of the general population. The identity of the samples must be coded so that the cooperating laboratories are blinded to identity and classification. Each sample must be provided in duplicate or triplicate, so that error and repeatability data may be generated.

(4) Cooperating laboratories will submit to the kit manufacturer all raw data regarding the assay response. Each sample tested will be reported as positive or negative, and the official NPIP procedure used to classify the sample must be submitted in addition to the assay response value.

(5) The findings of the cooperating laboratories will be evaluated by the NPIP technical committee, and the technical committee will make a recommendation regarding whether to approve the test kit to the General Conference Committee. If the technical committee recommends approval, the final approval will be granted in accordance with the procedures described in §§ 147.46 and 147.47.

Done in Washington, DC, this 26th day of March 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–7240 Filed 3–31–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1206; Directorate Identifier 2008–NE–19–AD; Amendment 39–15869; AD 2009–07–10]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–80A Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for General Electric Company (GE) CF6–80A series turbofan engines with a high-pressure turbine rotor (HPTR) stage 1 disk, part number (P/N) 9367M45G06, installed. This AD requires removing any HPTR stage 1 disk, P/N 9367M45G06, before exceeding 2,075 cycles-since-new (CSN). This AD results from an error by GE that incorrectly cited a cyclic life of 12,600 CSN for the HPTR stage 1 disk, P/N 9367M45G06. We are issuing this AD to prevent the HPTR stage 1 disk from exceeding its part life, which could cause fatigue cracks to start and grow. These cracks could result in a possible uncontained disk failure and damage to the airplane.

DATES: This AD becomes effective May 6, 2009.

ADDRESSES: The Docket Operations office is located at the 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: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: robert.green@faa.gov*; telephone (781) 238–7754; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to GE CF6–80A series turbofan engines with a HPTR stage 1 disk, P/N 9367M45G06, installed. We published the proposed AD in the **Federal Register** on November 14, 2008 (73 FR 67433). That action proposed to require removing any HPTR stage 1 disk, P/N 9367M45G06, before exceeding 2,075 CSN.

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.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment received. The commenter supports the proposal.

Conclusion

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

Costs of Compliance

We estimate that this AD will affect 10 engines installed on airplanes of U.S. registry. We also estimate that it will take about 110 work-hours per engine to perform the actions, and that the average labor rate is $80 per work-hour. Required parts will cost about $437,000 per engine. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $4,458,000.

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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

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 Federal Aviation Administration 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 airworthiness directive:

2009–07–10 General Electric Company: Amendment 39–15869. Docket No. FAA–2008–1206; Directorate Identifier 2008–NE–19–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective May 6, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Co. (GE) CF6–80A, CF6–80A1, CF6–80A2, and CF6–80A3 turbofan engines with a high-pressure turbine rotor (HPTR) stage 1 disk, part number (P/N) 9367M45G06, installed. These engines are installed on, but not limited to, Airbus A310 series and Boeing 767 series airplanes.

Unsafe Condition

(d) This AD results from an error by GE that incorrectly cited a cyclic life of 12,600 CSN in the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) for the HPTR stage 1 disk, P/N 9367M45G06. We are issuing this AD to prevent the HPTR stage 1 disk from exceeding its part life, which could cause fatigue cracks to start and grow. These cracks could result in a possible uncontained disk failure and damage to the airplane.

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.

New Reduced Life Limit for HPTR Stage 1 Disks, P/N 9367M45G06

(f) After the effective date of this AD, remove HPTR stage 1 disks, P/N 9367M45G06, from service before exceeding the new, reduced life limit of 2,075 cycles-since-new.

Alternative Methods of Compliance

(g) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(h) Under 14 CFR part 39.23, we are prohibiting any special flight permits.

Related Information

(i) Contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *robert.green@faa.gov;* telephone (781) 238–7754; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(j) None.

Issued in Burlington, Massachusetts, on March 25, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–7280 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

[Docket No. FDA–2009–N–0144]

Revision of Organization and Conforming Changes to Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing this final rule to amend the regulations to reflect organizational changes in the agency and to make other conforming changes. This action is editorial in nature and is intended to improve the accuracy of the agency's regulations.

DATES: This rule is effective April 1, 2009.

FOR FURTHER INFORMATION CONTACT: Vanessa Starks, Office of Management Programs (HFA–410), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4654; or Sharon Burgess, Office of Management Programs (HFA–410), 5600 Fishers Lane, Rockville, MD 20857, 301–827–2065.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this final rule to amend the agency's regulations by updating the organizational information in part 5 (21 CFR part 5). The agency has updated the references to part 5, subpart M.

The portion of this final rule updating the organizational information in part 5, subpart M is a rule of agency organization, procedure, or practice. FDA is issuing these provisions as a final rule without publishing a general notice of proposed rulemaking because such notice is not required for rules of agency organization, procedure, or practice under 5 U.S.C. 553(b)(3)(A). For the conforming changes to the other regulations, the agency finds good cause under 5 U.S.C. 553(b)(3)(B) to dispense with prior notice and comment, and good cause under 5 U.S.C. 553(d)(3) to make these conforming changes effective less than 30 days after publication because such notice and comment and delayed effective date are unnecessary and contrary to the public interest. As discussed previously, these conforming changes merely update the footnotes in part 5, subpart M. These changes do not result in any substantive change in the regulations.

II. Analysis of Impacts

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 consistent with the principles identified in the Executive order. In addition, the final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under 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 rule simply updates the organizational information, it does not impose any additional costs on industry. Consequently, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

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.

III. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

IV. Environmental Impact

FDA has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Federalism

FDA has analyzed this 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.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority of the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

■ 1. Revise part 5 to read as follows:

PART 5—ORGANIZATION

Subparts A–L—[Reserved]

Subpart M—Organization

Sec.

5.1100 Headquarters.
5.1105 Chief Counsel, Food and Drug Administration.
5.1110 FDA Public Information Offices.

Authority: 5 U.S.C. 552; 21 U.S.C. 301–397.

Subparts A–L—[Reserved]

Subpart M—Organization

§ 5.1100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER.[1]
Office of the Chief Counsel.[2]
Office of the Administrative Law Judge.
Office of Chief of Staff.
Office of Executive Secretariat.
Office of Public Affairs.
Office of Legislation.[3]
Office of External Relations.
Office of the Ombudsman.
Office of Scientific and Medical Programs.
Office of Critical Path.
Office of Science and Health Coordination.

[1] Mailing address: 10903 New Hampshire Ave., Bldg. 1, Silver Spring, MD 20993–0002.

[2] The Office of the Chief Counsel (also known as the Food and Drug Division, Office of the General Counsel, Department of Health and Human Services), while administratively within the Office of the Commissioner, is part of the Office of the General Counsel of the Department of Health and Human Services.

[3] Mailing address: 5600 Fishers Lane, Rockville, MD 20852.

Office of Orphan Products Development.
Office of Women's Health.
National Center for Toxicology Research.[4]
Office of Management, NCTR.
Office of Executive Programs and Services, NCTR.
Office of Scientific Coordination, NCTR.
Office of Research, NCTR.
Division of Biochemical Toxicology, NCTR.
Division of Genetic and Reproductive Toxicology, NCTR.
Division of Personalized Nutrition and Medicine, NCTR.
Division of Microbiology, NCTR.
Division of Neurotoxicology, NCTR.
Division of Veterinary Services, NCTR.
Office of Regulatory Compliance and Risk Management, NCTR.
Office of Management, NCTR.
Office of Executive Programs and Services, NCTR.
Office of Scientific Coordination, NCTR.
Office of Research, NCTR.
Division of Biochemical Toxicology, NCTR.
Division of Genetic and Reproductive Toxicology, NCTR.
Division of Personalized Nutrition and Medicine, NCTR.
Division of Microbiology, NCTR.
Division of Neurotoxicology, NCTR.
Division of Veterinary Services, NCTR.
Office of Regulatory Compliance and Risk Management, NCTR.
Office of International Activities and Strategic Initiatives.[3]
Office of International Programs.[3]
Office of Pediatric Therapeutics.[3]
Office of Combination Products.[5]
Office of Operations.[1]
Office of Information Management.[3]
Division of Business Partnership and Support.
Division of Chief Information Officer Support.
Division of Systems Management.
Division of Infrastructure Operations.
Division of Technology.
Office of Management.[1]
Office of Management Programs.[3]
Division of Human Capital Management.
Division of Freedom of Information.
Division of Dockets Management.[6]
Office of Shared Services.[6]
Office of Acquisitions and Grants Services.
Division of Contracts and Grants Management.
Office of Financial Services.
Division of Travel Services.
Division of Payment Services.
Office of Equal Employment Opportunity and Diversity Management.[3]
Office of Real Property.[6]
Division of Portfolio Development.
Division of Engineering Services.
Division of Facilities Operations.
Division of Logistic Services.
Office of Field Financial and Acquisition Services.[6]
FDA Bioscience Library.[6]
Office of Financial Management.[3]
Division of Financial Support Services.
Division of Accounting.
Division of Budget Execution and Control.
Office of Executive Operations.[3]
Office of Crisis Management.[1]
Office of Emergency Operations.[3]
Office of Security Operations.[6]
Office of Policy, Planning, and Preparedness.[1]
Office of Counter-Terrorism and Emerging Threats.[1]
Office of Integrity and Accountability.[1]
Office of Policy and Planning.[3]
Office of Policy.[3]
Office of Planning.[3]

CENTER FOR BIOLOGICS EVALUATION AND RESEARCH.[7]

Office of the Center Director.
Office of Management.
Regulatory Information Management Staff.
Division of Planning, Evaluation, and Budget.
Division of Management Services.
Office of Compliance and Biologics Quality.
Division of Case Management.
Division of Inspection and Surveillance.
Division of Manufacturing and Product Quality.
Office of Biostatistics and Epidemiology.
Division of Biostatistics.
Division of Epidemiology.
Office of Information Management.
Division of Vaccines and Related Products Applications.
Office of Communication, Training, and Manufacturers Assistance.
Division of Disclosure and Oversight Management.
Division of Manufacturers Assistance and Training.
Division of Communication and Consumer Affairs.
Office of Biostatistics and Epidemiology.
Division of Biostatistics.
Division of Epidemiology.
Office of Information Management.
Division of Information Operations.
Division of Information Development.
Office of Cellular, Tissue, and Gene Therapies.
Division of Cell and Gene Therapies.
Division of Clinical Evaluation and Pharmacology/Toxicology Review.
Division of Human Tissues.
Information Technology Staff.
Division of Information Operations.
Division of Information Development.
Office of Blood Research and Review.
Division of Emerging and Transfusion Transmitted Diseases.
Division of Hematology.
Division of Blood Applications.
Office of Vaccines Research and Review.
Analytical Chemistry Staff.
Standards and Testing Staff.
Program Operation Staff.
Division of Bacterial, Parasitic, and Allergenic Products.
Division of Viral Products.
Division of Vaccines and Related Product Applications.
Office of Cellular, Tissue, and Gene Therapies.
Regulatory Management Staff.
Division of Cell and Gene Therapies.
Division of Clinical Evaluation and Pharmacology/Toxicology Review.
Division of Human Tissues.
Office of Communication, Training, and Manufacturers Assistance.
Division of Disclosure and Oversight Management.
Division of Manufacturers Assistance and Training.
Division of Communication and Consumer Affairs.

CENTER FOR FOOD SAFETY AND APPLIED NUTRITION.[8]

Office of the Center Director.

[4] Mailing address: 3900 NCTR Rd., Jefferson, AR 72079.
[5] Mailing address: 15800 Crabbs Branch Way, Rockville, MD 20855.
[6] Mailing address: Mailing address: 5630 Fishers Lane, Rockville, MD 20852.
[7] Mailing address: 5515 Security Ln., Rockville, MD 20852.
[8] Mailing address: 5100 Paint Branch Pkwy., College Park, MD 20740–3835.

Senior Science Advisor Staff.
Executive Operations Staff.
International Staff.
Office of Management Systems.
Division of Planning and Financial Resources Management.
Division of Program Support Services.
Office of Food Defense, Communication and Emergency Response.
Division of Education and Communication.
Division of Public Health and Biostatistics.
Office of Food Safety.
Retail Food and Cooperative Programs Support Staff
Division of Seafood Science and Technology.
Division of Food Processing Science and Technology.
Division of Plant and Dairy Food Safety.
Division of Seafood Safety.
Office of Cosmetics and Colors.
Cosmetic Staff.
Division of Color Certification and Technology.
Office of Regulatory Science.
Division of Analytical Chemistry.
Division of Microbiology.
Division of Bioanalytical Chemistry.
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Division of Food Contact Notifications.
Division of Biotechnology and GRAS Notice Review.
Office of Compliance.
Division of Enforcement.
Division of Field Programs and Guidance.
Office of Applied Research and Safety Assessment.
Muirkirk Technical Operations Staff.
Division of Molecular Biology.
Division of Virulence Assessment.
Division of Toxicology.
Office of Regulations, Policy and Social Sciences.
Regulations and Special Government Employees Management Staff.
Office of Nutrition, Labeling and Dietary Supplements.
Food Labeling and Standards Staff.
Nutrition Programs Staff.
Infant Formula and Medical Foods Staff.
Division of Dietary Supplement Programs.

CENTER FOR DRUG EVALUATION AND RESEARCH.[1]

Office of the Center Director.
Equal Employment Opportunity Staff.
Controlled Substance Staff.
Office of Regulatory Policy.
Division of Regulatory Policy I.
Division of Regulatory Policy II.
Division of Information Disclosure Policy.
Office of Management.
Division of Management and Budget.
Division of Management Services.
Office of Training and Communication.
Medwatch Staff.
Division of Library and Information Services.
Division of Training and Development.
Division of Public Affairs.
Division of Drug Information.
Office of Surveillance Research and Communication Support.
Division of Medical Errors and Technical Support.
Division of Drug Risk Evaluation.
Office of Compliance.
Division of Compliance Risk Management and Surveillance.
Division of New Drugs and Labeling Compliance.
Division of Manufacturing and Product Quality.
Division of Scientific Investigations.
Office of New Drugs.
Office of Drug Evaluation I.
Division of Cardiorenal Drug Products.
Division of Neuropharmacological Drug Products.
Division of Metabolic and Endocrine Drug Products.
Division of Pulmonary and Allergy Drug Products.
Division of Anesthetic, Critical Care and Addiction Drug Products.
Division of Oncology Drug Products.
Office of Drug Evaluation II.
Division of Metabolic and Endocrine Drug Products.
Division of Pulmonary and Allergy Drug Products.
Division of Anesthetic, Critical Care and Addiction Drug Products.
Office of Drug Evaluation III.
Division of Gastrointestinal and Coagulation Drug Products.
Division of Medical Imaging and Radiopharmaceutical Drug Products.
Division of Reproductive and Urologic Drug Products.
Office of Drug Evaluation IV.
Division of Anti-Infective Drug Products.
Division of Anti-Viral Drug Products.
Division of Special Pathogen and Immunologic Drug Products.
Office of Drug Evaluation V.
Division of Anti-Inflammatory, Analgesic and Ophthalmologic Drug Products.
Division of Dermatologic and Dental Drug Products.
Division of Over-The-Counter Drug Products.
Office of Drug Evaluation VI.
Division of Therapeutic Biological Oncology Products.
Division of Therapeutic Biological Internal Medicine Products.
Division of Review Management and Policy.
Office of Post-Marketing Drug Risk Assessment.
Division of Therapeutic Biological Oncology Products.
Division of Therapeutic Biological Internal Medicine Products.
Division of Review Management and Policy.
Office of Post-Marketing Drug Risk Assessment.
Extramural Programs Staff.
Information Technology Staff.
Division of Drug Risk Evaluation I.
Division of Drug Risk Evaluation II.
Office of Pediatric Drug Development and Program Initiatives.
Pediatric Therapeutics Staff.
Program Initiatives Staff.
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Operations Staff.
Informatics and Computational Safety Analysis Staff.
Office of Clinical Pharmacology and Biopharmaceutics.
Division of Pharmaceutical Evaluation I.
Division of Pharmaceutical Evaluation II.
Division of Pharmaceutical Evaluation III.[1]
Office of Generic Drugs.[9]
Division of Bioequivalence.
Division of Chemistry I.
Division of Chemistry II.
Division of Labeling and Program Support.
Division of Chemistry III.
Office of New Drug Chemistry.
Division of New Drug Chemistry I.
Division of New Drug Chemistry II.
Division of New Drug Chemistry III.
Office of Testing and Research.
Laboratory of Clinical Pharmacology.

[9] Mailing address: 7519 Standish Pl., Rockville, MD 20855.

Division of Applied Pharmacology Research.
Division of Pharmaceutical Analysis.
Division of Product Quality Research.
Office of Biotechnology Products.
Division of Monoclonal Antibodies.
Division of Therapeutic Protein.
Office of Information Technology.[3]
Division of Applications Development and Services.[3]
Division of Infrastructure Management and Service.
Office of Medical Policy.
Division of Drug Marketing, Advertising and Communication.
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Executive Operations Staff.
Quality Assurance Staff.
Advisors and Consultants Staff.[3]
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Office of Biostatistics.
Division of Biometrics I.
Division of Biometrics II.
Division of Biometrics III.
Division of Biometrics IV.
Division of Biometrics V.
Division of Biometrics VI.
Office of Clinical Pharmacology.
Division of Clinical Pharmacology I.
Division of Clinical Pharmacology II.
Division of Clinical Pharmacology III.
Division of Clinical Pharmacology IV.
Division of Clinical Pharmacology V.
Office of Counter-Terrorism and Pediatric Drug Development.

OFFICE OF REGULATORY AFFAIRS.[3]
Equal Employment Opportunity Staff.
Office of Resource Management.[3]
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Division of Human Resource Development.
Division of Management Operations.
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Division of Compliance Policy.
Division of Compliance Information and Quality Assurance.
Office of Regional Operations.[3]
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Division of Field Science.
Division of Import Operations and Policy.
Division of Field Investigations.
Office of Criminal Investigations.[10]
Mid-Atlantic Area Office.[11]
Midwest Area Office.[12]
Northeast Area Office.[13]
Pacific Area Office.[14]
Southeast Area Office.[15]
Southwest Area Office.[16]

CENTER FOR VETERINARY MEDICINE.[17]
Office of the Center Director.
Office of Management.
Management Services Staff.
Information Resources Management Staff.
Office of New Animal Drug Evaluation.
Division of Therapeutic Drugs for Non-Food Animals.
Division of Biometrics and Production Drugs.
Division of Therapeutic Drugs for Food Animals.
Division of Human Safety.
Division of Manufacturing Technologies.
Division of Scientific Support.
Office of Surveillance and Compliance.
Division of Surveillance.
Division of Animal Feeds.
Division of Compliance.
Division of Epidemiology.
Office of Research.
Division of Residue Chemistry.
Division of Animal Research.
Division of Animal and Food Microbiology.

CENTER FOR DEVICES AND RADIOLOGICAL HEALTH.[18]
Office of the Center Director.
Office of Systems and Management.
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Division of Planning, Analysis and Finance.
Division of Information Dissemination.
Division of Information Technology.
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Promotion and Advertising Policy Staff.
Division of Bioresearch Monitoring.
Division of Program Operations.
Division of Enforcement A.
Division of Enforcement B.
Office of Device Evaluation.
Program Management Staff.
Program Operations Staff.
Division of Cardiovascular Devices.
Division of Reproductive, Abdominal, and Radiological Devices.
Division of General, Restorative, and Neurological Devices.
Division of Ophthalmic, and Ear, Nose and Throat Devices.
Division of Anesthesiology, General Hospital, Infection Control, and Dental Devices.
Office of Science and Engineering Laboratories.[1]
Division of Biology.
Management Support Staff.
Standards Management Staff.
Division of Chemistry and Materials Science.
Division of Solid and Fluid Mechanics.
Division of Physic.
Division of Imaging and Applied Mathematics.
Office of Communication, Education and Radiation Programs.
Program Operations Staff.
Regulations Staff.
Staff College.
Division of Device User Programs and Systems Analysis.
Division of Small Manufacturers Assistance.
Division of Mammography Quality and Radiation Programs.
Division of Communication Media.
Office of Surveillance and Biometrics.
Issues Management Staff.
Division of Biostatistics.
Division of Postmarket Surveillance.
Division of Surveillance Systems.
Office of In Vitro Diagnostic Device Evaluation and Safety.
Division of Chemistry and Toxicology Devices.
Division of Immunology and Hematology Devices.
Division of Microbiology.

§ 5.1105 Chief Counsel, Food and Drug Administration.

The Office of the Chief Counsel's mailing address is 5600 Fishers Lane, rm. 6–05, Rockville, MD 20857.[1]

[10] Mailing address: 7500 Standish Pl., Rockville, MD 20855.

[11] Mailing address: 11750 Beltsville Dr., Beltsville, MD 20705.

[12] Mailing address: 901 Warrenville Rd., Lisle, IL 60532.

[13] Mailing address: 10 Exchange Pl., Jersey City, NJ 07302.

[14] Mailing address: 201 Avenida Fabricante, San Clemente, CA 92672.

[15] Mailing address: 865 SW., 78th Ave., Plantation, FL 33324.

[16] Mailing address: 5799 Broadmoor St., Mission, KS 66202.

[17] Mailing address: 7500 Standish Pl. (MPN–2), Rockville, MD 20855.

[18] Mailing address: 9200 Corporate Blvd., Rockville, MD 20850.

[1] The Office of the Chief Counsel (also known as the Food and Drug Division, Office of the General Counsel, Department of Health and Human

§ 5.1110 FDA public information offices.

(a) *Division of Dockets Management (HFA–305).* The Division of Dockets Management public room is located in rm. 1061, 5630 Fishers Lane, Rockville, MD 20852, Telephone: 301–827–6860.

(b) *Division of Freedom of Information (HFI–35).* The Freedom of Information public room is located in rm. 6–30, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–827–6567.

(c) *Press Relations Staff (HFI–40).* Press offices are located at 10903 New Hampshire Ave., Bldg. 1, Silver Spring, MD 20993–0002, Telephone: 301–827–6242; and at 5100 Paint Branch Pkwy., College Park, MD 20740, Telephone: 301–436–2335.

Dated: March 27, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–7349 Filed 3–31–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 30

[Docket No. FR–5081–C–04]

RIN 2501–AD23

Civil Money Penalties: Certain Prohibited Conduct; Technical Amendment

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule, technical amendment.

SUMMARY: On January 15, 2009, HUD published a final rule to revise HUD's regulations that govern the imposition of civil money penalties. The effect of the rulemaking was to remove one item from the list of actions for which the Mortgagee Review Board may initiate a civil money penalty action against a mortgagee or lender, reducing the list from 15 numbered items to 14, and redesignating the 15th item as item number 14. However, a related cross reference was not updated to reflect this change. In addition, a section revised in 2006 involving delinquent mortgages, also requires a cross-reference change. This document corrects these cross-references.

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

FOR FURTHER INFORMATION CONTACT: Dane Narode, Associate General Counsel for Program Enforcement, Department of Housing and Urban Development, 1250 Maryland Avenue, SW., Suite 200, Washington, DC 20024–0500; telephone number 202–708–2350 (this is not a toll-free number), or e-mail address *Dane.M.Narode@hud.gov*. Individuals with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On January 15, 2009 (74 FR 2750), HUD published a final rule that revised HUD's regulations that govern the imposition of civil money penalties, located at part 30 of Title 24 of the Code of Federal Regulations. The final rule followed a proposed rule published on October 17, 2008 (73 FR 61754), that provided a 60 day public comment period. HUD received no comments in response to the proposed rule, the proposed rule was adopted as final without change., The rule was adopted as final effective February 17, 2009, see 74 FR 2750, Jan. 15, 2009.

The civil money penalty regulations at 24 CFR 30.35 contain a list of actions, the commission of which allows the mortgagee review board to initiate a civil money penalty action. There were originally 14 such actions (see 61 FR 50216–50217). On April 26, 2005, HUD amended the rule to add a 15th action, failure to engage in loss mitigation. This action was codified at 24 CFR 30.35(a)(15). Along with this addition, 24 CFR 30.35(c)(2) was added pursuant to statutory requirement to provide for a triple civil money penalty for violations of this section.

On January 15, 2009, HUD adopted as final regulations that revised 24 CFR 30.35(a) to remove item 24 CFR 30.35(a)(14) from the list, and to redesignate the failure to engage in loss mitigation item from 24 CFR 30.35(a)(15) to 24 CFR 30.35(a)(14) (74 FR 2751, Jan. 15, 2009). However, the 2009 rule failed to incorporate the related cross reference. Therefore, this technical amendment revises 24 CFR 30.35(c)(2) to refer to § 30.35(a)(14).

The civil money penalty regulations at § 30.35(a)(9)(vi) contain a provision stating that the mortgagee review board may initiate a civil money penalty action for failure to report all delinquent mortgages to HUD. Section 30.35(a)(9)(vi) cross-references § 203.332 on delinquent mortgages. In 2006, § 203.332 was moved to § 203.330 and revised (71 FR 16234, Mar.31, 2006). Therefore, this technical amendment revises the cross-reference.

List of Subjects in 24 CFR Part 30

Administrative practice and procedure, Grant programs-housing and community development, Loan programs-housing and community development, Mortgages, Penalties.

■ Accordingly, 24 CFR part 30 is amended as follows:

PART 30—[AMENDED]

■ 1. The authority citation for 24 CFR part 30 continues to read as follows:

Authority: 12 U.S.C. 1701q–1, 1703, 1723i, 1735f–14, 1735f–15; 15 U.S.C. 1717a; 28 U.S.C. 2461 note; 42 U.S.C. 1437z–1 and 3535(d).

■ 2. Amend § 30.35 by revising paragraphs (a)(9)(vi) and (c)(2) to read as follows.

§ 30.35 Mortgagees and lenders.

(a) * * *

(9) * * *

(vi) Report all delinquent mortgages to HUD, as required by § 203.330 of this title;

* * * * *

(c) * * *

(2) *Maximum penalty for failing to engage in loss mitigation.* The penalty for a violation of paragraph (a)(14) of this section shall be three times the amount of the total mortgage insurance benefits claimed by the mortgagee with respect to any mortgage for which the mortgagee failed to engage in such loss mitigation actions.

Dated: March 25, 2009.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. E9–7078 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0150]

Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the P.J. McArdle Bridge across the Chelsea River, mile 0.3, between Chelsea and East Boston, Massachusetts. This deviation is

Services), while administratively within the Office of the Commissioner, is part of the Office of the General Counsel of the Department of Health and Human Services.

necessary to facilitate the Chelsea River Revel and 5K Road Race. This deviation allows the bridge to remain in the closed position during the running of the 5K Road Race and for the remainder of the Chelsea River Revel. Vessels that can pass under the draw without a bridge opening may do so at all times.

DATES: This deviation is effective from 8 a.m. through 5 p.m. on June 13, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0150 and are available online at *http://www.regulations.gov*. They are also available for inspection or copying at two locations: 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, and the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the City of Boston, requested this temporary deviation. The P.J. McArdle Bridge, across the Chelsea River at mile 0.3, between Chelsea and East Boston, Massachusetts, has a vertical clearance in the closed position of 21 feet at mean high water and 30 feet at mean low water. The bridge opens on signal as required by 33 CFR 117.593.

This deviation which allows the bridge to remain closed is effective from 8 a.m. through 5 p.m. on June 13, 2009. Vessels able to pass under the closed draw may do so at any time. Tankers, and tug and barge units transit Chelsea Creek under the McArdle Bridge. Waterway users were advised of the requested bridge closure period and offered no objection.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 17, 2009.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E9–7257 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0104]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Jay Jay, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the NASA Railroad bridge across the Atlantic Intracoastal Waterway, mile 876.6, at Jay Jay, FL. The deviation is necessary to perform rehabilitation work on the bridge. This deviation allows the bridge to not open to vessel traffic from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m., Monday through Friday except federal holidays until June 30, 2009; all other times the bridge will continue to operate in accordance with 33 CFR 117.261(j).

DATES: This deviation is effective from March 11, 2009, until June 30, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0104 and are available online at *www.regulations.gov*. They are also available for inspection or copying at two locations: 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, and the Commander (dpb), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, Florida 33131–3028 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. Barry Dragon, Bridge Branch, Seventh Coast Guard District, at 305–415–6743. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: This deviation was requested by NASA, the bridge owner, in order to complete rehabilitation of the NASA Bridge, mile 876.6, of the Atlantic Intracoastal Waterway, Jay Jay, FL. The bridge has a vertical clearance of 7 feet in the closed position and a horizontal clearance of 90 feet. The work will require four hours of continuous closure followed by two hours for vessel passage followed by four hours of continuous closure, Monday through Friday except Federal holidays. The normal operating schedule for the bridge is in 33 CFR 117.261(j). The draw is normally in the fully open position and lowers upon command by operator of approaching train. This deviation is effective until June 30, 2009.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 11, 2009.

R.S. Branham,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E9–7258 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0411]

RIN 1625–AA00

Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, FL

AGENCY: Coast Guard, DHS.

ACTION: Final Rule.

SUMMARY: The Coast Guard is establishing four safety zones to protect infrastructure and marine traffic from the hazards associated with recurring space vehicle launches from Cape Canaveral Air Force Station (CCAFS). The safety zones extend from the shoreline to points approximately 12 nautical miles offshore and will only be activated and enforced during pre-launch hours and terminate approximately 15 minutes after a successful launch. In addition to protecting marine traffic from the hazards associated with the launching of space vehicles, the regulation will expedite notification to the public of such launches and also reduce the administrative workload of the Coast Guard.

DATES: This rule is effective May 1, 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–2008–0411 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2008–0411 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at two locations: 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 and the Coast Guard Sector Jacksonville Prevention Department, 4200 Ocean Street, Atlantic Beach, Florida 32233, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call LCDR Mark Gibbs at Coast Guard Sector Jacksonville Prevention Department (904) 564–7563. If you have questions on viewing docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On August 18, 2008, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, FL in the **Federal Register** (73 FR 160). We received 0 letters commenting on the rule. No public meeting was requested, and none was held.

Background and Purpose

Space vehicle launches from CCAFS occur throughout the year and have a decided impact on the waters offshore Cape Canaveral. These waters are located within the boundaries of Seventh Coast Guard District, Captain of the Port (COTP) Zone Jacksonville, as defined by CFR 3.35–20. Currently, CCAFS launches 12 to 15 vehicles per year. For each launch, the Coast Guard activates and enforces the security zone in 33 CFR 165.701. The offshore portion of that security zone extends three miles from the baseline. However, to ensure the safety of all maritime interests, CCAFS has requested an additional safety buffer be added to an extent reaching 12 nautical miles offshore, the maximum distance from baseline for which the COTP has jurisdictional authority to establish safety zones. Presently, for each space vehicle launch, CCAFS requests, and the Coast Guard creates, a Temporary Final Rule establishing a safety zone from the baseline out to 12 nautical miles. This temporary safety zone covers an area of the Atlantic Ocean that commences at the shoreline and extends 3 miles either side of the launch azimuth bearing out to 12 nautical miles. Administrative efficiency and can be achieved while improving public notice through the promulgation of a final rule and subsequent enforcement notice rather than through promulgation of individual temporary final rules for each launch. In 2007, the Coast Guard issued 12 temporary regulations. In addition to the administrative burden, the repeated temporary rules have caused confusion among maritime interests who must adjust plans and operations to each new and different temporary zone. This problem will worsen in the near future as CCAFS pursues more robust launch schedules.

Furthermore, the unpredictability of weather causes a significant proportion of launches to be delayed. Any delay precludes suitable notification to the public on the effective date and time safety zones are enacted and enforced. The Coast Guard must therefore create temporary final rules that sometimes are not completed until days or hours before the event. This Final Rule coupled with notice will serve the public interest by ensuring the safety of maritime interests at risk during a launch.

This rule will significantly relieve the administrative burden on the Coast Guard, and at the same time allow the Coast Guard to notify the public of launch area restrictions in a timely manner. The public notification of launch date and time along with a description of the regulated zone will be furnished via Broadcast Notice to Mariners, Public Notices, and on-scene Patrol Commanders. In addition, the closing of the area will be signified by the display of a yellow ball from a 90-foot pole near the shoreline at approximately 28°35′00″ N, 080°34′36″ W, and from a 90-foot pole near the shoreline at approximately 28°25′18″ N, 080°35′00″ W.

Discussion of Comments and Changes

On August 18, 2008 the Coast Guard published a notice of proposed rulemaking (NPRM) that proposed establishment of four safety zones to protect infrastructure and marine traffic from the hazards associated with recurring space vehicle launches from Cape Canaveral Air Force Station. No comments were received in response to the NPRM, however the COTP has incorporated the following changes to notify the public the safety zone has been activated.

The closing of the area will be signified by the display of a yellow ball from a 90-foot pole near the shoreline at approximately 28°35′00″ N, 080°34′36″ W, and from a 90-foot pole near the shoreline at approximately 28°25′18″ N, 080°35′00″ W.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analysis based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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 Evaluation is unnecessary. Safety zones will be enacted 45 minutes prior to launch time and only extend 15 minutes beyond a successful launch. During this time, no vessel will be permitted to transit through the safety zone(s).

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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. Total time of safety zone activation and thus restriction to the public is expected to be one hour per launch. We do not anticipate any significant economic impact resulting from activation of the safety zone(s).

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM 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 process.

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).

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.

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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

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.

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.

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 would not create an environmental risk to health or risk to safety that may disproportionately affect children.

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.

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.

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.

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), and have concluded under the Instruction that 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, paragraph (34)(g), of the Instruction, from further environmental documentation.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add section 165.775 to read as follows:

§ 165.775 Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida.

(a) *Regulated Area.* (1) Zone (A) is defined by four latitude and longitude corner points. Zone A originates from the baseline at position 28°45.7′ N, 080°42.7′ W; then proceeds northeast to 28°50.1′ N, 080°29.9′ W; then proceeds southeast to 28°31.3′ N, 080°19.6′ W; then proceeds west back to the baseline at position 28°31.3′ N, 080°33.4′ W.

(2) Zone (B) is defined by four latitude and longitude corner points. Zone B originates from the baseline at position 28°40.1′ N, 080°38.4′ W; then proceeds northeast to 28°48.8′ N, 080°28.9′ W; then proceeds southeast to 28°29.7′ N, 080°18.9′ W; then proceeds west back to the baseline at position 28°29.7′ N, 080°31.6′ W.

(3) Zone (C) is defined by four latitude and longitude corner points. Zone C originates from the baseline at position 28°36.2′ N, 080°35.3′ W; then proceeds northeast to 28°45.6′ N, 080°25.2′ W; then proceeds south to 28°26′ N, 080°20.8′ W; then proceeds west back to the baseline at position 28°26′ N, 080°34.4′ W.

(4) Zone (D) is defined by four latitude and longitude corner points. Zone D originates from the baseline at position 28°31.6′ N, 080°34′ W; then proceeds east to 28°31.6′ N, 080°20.1′ W; then proceeds south to 28°16.7′ N, 080°23.3′ W; then proceeds northwest back to the baseline at position 28°21.6′ N, 080°36.1′ W.

(b) *Definitions.* The following definitions apply to this section:

Designated representative means Coast Guard Patrol Commanders

including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Jacksonville in the enforcement of regulated navigation areas, safety zones, and security zones.

(c) *Regulations*. In accordance with the general regulations in § 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Jacksonville or his designated representative.

(d) *Notice of a Safety Zone*. The proposed safety zones are temporary in nature and will only be enacted and enforced prior to, and just after a successful launch. The COTP will inform the public of the existence or status of the safety zone(s) by Broadcast Notice to Mariners on VHF–FM channel 16, Public Notice, on-scene presence, and by the display of a yellow ball from a 90-foot pole near the shoreline at approximately 28°35′00″ N, 080°34′36″ W, and from a 90-foot pole near the shoreline at approximately 28°25′18″ N, 080°35′00″ W. Coast Guard assets or other Federal, State, or local law enforcement assets will be clearly identified by lights, markings, or with agency insignia.

(e) *Contact Information*. The COTP Jacksonville may be reached by telephone at (904) 564–7513. Any on-scene Coast Guard or designated representative assets may be reached on VHF–FM channel 16.

Dated: November 26, 2008.

Paul F. Thomas,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

Editorial Note: This document was received in the Office of the Federal Register on Friday, March 27, 2009.

[FR Doc. E9–7259 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1272]

RIN 1625–AA00

Safety Zone; Underwater Object, Massachusetts Bay, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending the duration of a temporary safety zone surrounding the fishing vessel PATRIOT located approximately 17 miles northeast of Scituate, Massachusetts in Massachusetts Bay. This action is necessary to ensure that vessels are not endangered by conducting dredging, diving, salvage, anchoring, fishing or other activities in this area. This temporary rulemaking is needed to protect the environment, the commercial fishing industry, and the general public from potential hazards associated with the underwater object.

DATES: This rule is effective from 11:59 p.m. March 14, 2009 through 11 p.m. April 28, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–1272 and will be available online at *www.regulations.gov*. They will also be available for inspection or copying in two locations: 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, and United States Coast Guard Sector Boston, 427 Commercial St, Boston, MA 02109 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Chief Eldridge McFadden, Waterways Management Division, at 617–223–3000. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because initial immediate action was needed to protect the public from the hazards posed by an unknown underwater object located in Massachusetts Bay. This object was later identified as the F/V Patriot. The F/V PATRIOT is located in approximately 95 feet of water 17 miles northeast of Scituate, Massachusetts. This rule extends the duration of the existing safety zone, which would have expired on March 14, 2009, to ensure, to the extent practicable, the immeadiate, continued protections for the environment, the commercial fishing industry, and the general public from the hazards associated with the F/V PATRIOT, while investigative efforts continue, risk mitigation strategies are further explored and implemented, and salvage efforts are conducted.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On January 3, 2009, the F/V PATRIOT, a 54-foot steel-hull boat, sank with the loss of two crewmembers onboard. The vessel was reported to have an estimated 5000 gallons of fuel onboard. There were no survivors and the exact position of the vessel was not immediately known. On January 8, 2009, the Coast Guard established a temporary safety zone around a reported underwater object believed to be the F/V PATRIOT, located in Massachusetts Bay approximately 17 miles northeast of Scituate, Massachusetts, in position 42°24′27.34″ N, 70°27′17.23″ W.

This underwater object created an immediate and significant danger to the environment, the commercial fishing industry, and the general maritime public, as mariners unaware of its presence could make contact with the object and cause damage to their vessel, equipment below the water or fishing gear. On January 14, 2009, the Coast Guard extended the temporary safety zone until March 14, 2009, while investigative efforts continued and risk mitigation strategies were further explored. On January 23, 2009, underwater exploratory operations with photographic equipment confirmed that the object was the F/V PATRIOT. The owners of the vessel intend to conduct dive and salvage operations on the vessel. The extension of this zone will help ensure the planned dive and salvage operations can be conducted safely.

Discussion of Rule

This regulation extends the duration of the temporary safety zone on the navigable waters of Massachusetts Bay, Massachusetts, 17 miles northeast of Scituate, Massachusetts. This extension is necessary to allow the owners of the F/V PATRIOT to conduct salvage operations. The first safety zone, on this matter, was effective from January 8, through January 14, 2009. On January 14, 2009, the duration of the zone was extended until March 14, 2009 (74 FR 7817). With this rule, we are extending the duration of the safety zone from March 14, 2009 through April 28, 2009. The zone extends for 500 yards, in all directions, from the F/V PATRIOT in approximate position 42°24′27.34″ N,

70°27′17.23″ W. The position of the safety zone has been modified slightly from the prior safety zones so as to better identify its location.

This action is intended to prohibit vessels and persons from entering, transiting, anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port Boston, Massachusetts. Public notifications about this safety zone have been and will continue to be made through broadcast and local notice to mariners. Marine traffic may transit safely in surrounding areas of Massachusetts Bay, but are restricted from entering the area delineated above.

The Captain of the Port anticipates minimal negative impact on vessel traffic due to the limited area and duration covered by this safety zone.

Regulatory Analyses

We developed this 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 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 will be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public. This impact, however, is outweighed by the safety risks mitigated by the enactment of this zone. Further, the safety zone extends only 500 yards in all directions of the fishing vessel PATRIOT, and as such mariners will be able to transit around the zone without incurring additional costs.

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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit, anchor, or fish in a portion of the Massachusetts Bay covered by the safety zone. This rule will not have a significant impact on a substantial number of small entities for the following reasons: The area this rule is affecting is very small and there is plenty of water in the area for vessels to transit around.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023.1 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 concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation as the rule pertains to a temporary safety zone established and extended to address an emergency situation lasting more than one week. The written environmental analysis checklist and Categorical Exclusion Determination prepared for the initial effective period of this safety zone regulation is applicable to this extension. These documents are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise temporary § 165.T01–1272, to read as follows:

§ 165.T01–1272 Safety Zone: Underwater Object, Massachusetts Bay, MA.

(a) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, of Massachusetts Bay within a 500 yard radius of underwater object, in approximate position 42°24′27.34″ N, 70°27′17.23″ W.

(b) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port Boston.

(c) *Regulations.* (1) The general regulations contained in 33 CFR § 165.23 apply.

(2) In accordance with the general regulations in § 165.23 of this part, all vessels and persons are prohibited from entering the safety zone without permission from the Captain of the Port Boston. In addition, all vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port Boston.

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port Boston or designated representative.

(4) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Persons desiring to enter the safety zone may request permission from the Captain of the Port Boston via VHF Channel 16 or via telephone at (617) 223–3201.

(d) *Enforcement Period.* This rule will be enforced from 11 p.m. January 8, 2009, until 11 p.m. April 28, 2009.

Dated: March 6, 2009.

G.P. Kulisch,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. E9–7260 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2008–0509; FRL–8788–8]

Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the New Mexico Albuquerque/Bernalillo County State Implementation Plan (SIP). This revision replaces Regulation 8, Airborne Particulate Matter, with New Mexico Administrative Code (NMAC), 20.11.20, Fugitive Dust Control. This rulemaking action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on June 1, 2009 without further notice, unless EPA receives adverse comment by May 1, 2009. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2008–0509, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Mr. Guy Donaldson at *donaldson.guy@epa.gov*. Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. 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 to Docket ID No. EPA–R06–OAR–2008–0509. 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 *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.

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 hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 am and 4:30 pm weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

The City of Albuquerque, Environmental Health Department, One Civic Plaza, Albuquerque, NM, 87102.

FOR FURTHER INFORMATION CONTACT: Joe Kordzi, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7186; fax number 214–665–7263; e-mail address *kordzi.joe@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Outline

I. Background
II. Evaluation of the Albuquerque Fugitive Dust Control Rule
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

The Albuquerque/Bernalillo County Air Quality Control Board (AQCB) is the federally delegated air quality authority for Albuquerque and Bernalillo County. The AQCB is authorized to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards.

EPA approved the AQCB's Rule 8, Airborne Particulate Matter, on February 23, 1993 (58 FR 10970). The AQCB revised this regulation with NMAC 20.11.20, Airborne Particulate Matter, in 1996. The AQCB later substantially revised NMAC 20.11.20 on January 14, 2004, and renamed it ''Fugitive Dust Control.'' On September 7, 2004, the Governor of New Mexico submitted a SIP revision requesting that EPA revise the New Mexico Albuquerque/Bernalillo County SIP by replacing Regulation 8 with NMAC 20.11.20, Fugitive Dust Control. The AQCB later requested that this SIP submission be placed on hold, anticipating that NMAC 20.11.20 would again be revised. Subsequently, on April 3, 2008, the Governor of New Mexico submitted a SIP revision with the newly revised NMAC 20.11.20.

II. What did the state submit and how did we evaluate it?

The AQCB's SIP revision package included (1) Regulation 8, Airborne Particulate Matter; (2) NMAC 20.11.20, Fugitive Dust Control; (3) documents associated with a public hearing and a public meeting conducted on February 13, 2008; (4) evidence that legal notices were published in the local newspaper and the New Mexico Register, and (5) evidence NMAC 20.11.20, Fugitive Dust Control was filed with the New Mexico State Records Center on February 15, 2008.

NMAC 20.11.20, Fugitive Dust Control has a number of changes over Regulation 8, Airborne Particulate Matter, that will enable the City of Albuquerque Air Quality Division to improve its ability to address particulate matter emissions. In general, NMAC 20.11.20, Fugitive Dust Control is designed to capture all sources of fugitive dust, in contrast to Regulation 8, which targeted industrial and commercial activities. Examples of the improvements incorporated into NMAC 20.11.20, Fugitive Dust Control include the following:

- The use of reasonably available control measures identified in the regulation, or other effective control measures to prevent or abate fugitive dust leaving a property where human actions may or will generate fugitive dust.
- The stabilization of new and existing unpaved roadways and unpaved lots in Bernalillo County to abate fugitive dust.
- A requirement that permits be obtained for surface disturbing activities involving ¾ acre or more.
- Control of greenwaste (e.g., grass clippings or leaves) from being deposited on publicly owned properties, where it can become airborne.
- Provisions for programmatic permits for routine maintenance, routine surface disturbance activities, or routine ongoing active operations.
- Provisions for construction permits.
- Re-seeding specifications for native plants.
- Provisions for public outreach and training on fugitive dust for those involved in earthwork activities.
- Guidelines for responding to complaints, especially where damage to private property by fugitive dust is alleged.
- Appeal procedures for permits and enforcement actions.

See the Technical Support Document for a more detailed comparison of NMAC 20.11.20, Fugitive Dust Control with the earlier Regulation 8.

Under section 110(l), EPA cannot approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP), or any other applicable requirement of the CAA. As shown above, this revision makes the SIP more stringent and includes coverage of more sources. It will not result in increased emissions. Therefore, EPA's approval of this SIP revision will not interfere with any

applicable requirement concerning attainment and RFP or any other CAA requirement in compliance with the requirements of section 110(l) of the Act.

III. What is our final action?

The EPA is approving the April 3, 2008 revision to the New Mexico Albuquerque/Bernalillo County SIP regarding Fugitive Dust Control. This revision replaces Regulation 8, Airborne Particulate Matter, with NMAC 20.11.20, Fugitive Dust Control because it is a substantial improvement over the approved SIP. Furthermore, as the April 3, 2008 SIP submission is a replacement of the September 7, 2004 SIP submission, we are taking no action on the September 7, 2004 submission. This rulemaking action is being taken under section 110 of the CAA.

IV. Why is this a ''final action?''

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on June 1, 2009 without further notice unless we receive adverse comment by May 1, 2009. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 16, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7402 *et seq.*

Subpart GG—New Mexico

■ 2. In § 52.1620(c), the second table entitled ''EPA Approved Albuquerque/Bernalillo County, NN Regulations,'' is amended as follows:

■ a. Under the centered heading ''Albuquerque/Bernalillo County, Air Quality Control Regulations,'' by removing the entry for ''Regulation No. 8, Airborne Particulate Matter;'' and

■ b. Under the centered heading ''New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11- Albuquerque/Bernalillo County Air Quality Control Board,'' immediately following the entry for ''Part 8 (20.11.8 NMAC),'' by adding a new entry for ''Part 20 (20.11.20 NMAC), Fugitive Dust Control,'' to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NN REGULATIONS

State citation	Title/subject	State approval/ effective date	EPA approval date	Explanation
* * * * * * *				
New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board				
* * * * * * *				
Part 20 (20.11.20 NMAC)	Fugitive Dust Control	3/17/2008	April 1, 2009 [Insert FR page where document begins].	
* * * * * * *				

[FR Doc. E9–7296 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2008–0020; FRL–8775–6]

Approval and Promulgation of Implementation Plans; Variance Determination for Particulate Matter From a Specific Source in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State Implementation Plan (SIP) submitted by the State of New Jersey. This SIP revision consists of a source-specific reasonably available control technology (RACT) determination for controlling particulate matter from the cooling tower operated by the PSEG Nuclear LLC Hope Creek and Salem Generating Stations. This action approves a source-specific variance determination and emission limitations that were made by New Jersey in accordance with the provisions of its rule to help meet the national ambient air quality standards (NAAQS) for particulate matter. The intended effect of this rule is to approve source-specific emissions limitations required by the Clean Air Act.

DATES: *Effective Date:* This rule will become effective on May 1, 2009.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2008–0020. All documents in the docket are listed on the *http://www.regulations.gov* Web site. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Paul Truchan, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637–3711, *e-mail: Truchan.Paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What Action Is EPA Taking Today?

EPA is approving New Jersey's revision to the particulate matter (PM) State Implementation Plan (SIP) submitted on November 2, 2007. This SIP revision relates to New Jersey's PM variance determination for the cooling tower at the PSEG Nuclear LLC Hope Creek and Salem Generating Stations located in Lower Alloways Creek Township, Salem County. As part of this variance evaluation, alternate emission limitations are specified for total suspended particulates (TSP) and PM–10 (particles with an aerodynamic diameter of 10 micrometers or less). No variance was requested, or is being granted for PM2.5. This evaluation and variance only involves the operation of the cooling tower. The reader is referred to the proposed rulemaking on this action (May 29, 2008, 73 FR 30873) for additional details.

II. What Comments Were Received and What Is EPA's Response?

EPA received one anonymous comment which did not support the variance request. The commenter indicated concern with the health effects of particulate matter and the need to clean up our air. The commenter also stated that the plant should be forced to upgrade and that the proposed SIP revision should have included a discussion of particulates smaller than 2.5 parts per million (ppm).

EPA is also concerned with the health effects of particulates and revised the national ambient air quality standard (NAAQS) for PM2.5 in September 2006, lowering the 24-hour PM2.5 NAAQS from 65 $\mu g/m^3$ to 35 $\mu g/m^3$ and readopted the annual PM2.5 NAAQS at 15 $\mu g/m^3$. States were required to make recommendations for designating their counties as either attainment or nonattainment by December 2007. On December 18, 2008, EPA's Administrator signed a final rulemaking containing the new PM2.5 air quality designations.

Based on current air quality monitoring data, Salem County is in attainment of the new 24-hour PM2.5 standard. Salem County is currently designated as attaining the previous 24-hour PM2.5 standard, and annual PM2.5 standard, and this is confirmed with air quality monitoring data. Therefore, the County where the cooling tower is located is currently attaining the 65 $\mu g/m^3$ NAAQS and is also attaining the new lower 35 $\mu g/m^3$ NAAQS.

As part of the requirements for obtaining a variance, an air quality modeling analysis may be required. Such an analysis was performed for the potential increase in emissions from the PSEG cooling tower which looked at annual and 24-hour TSP, PM10 and PM2.5 standards. The PM2.5 standard regulates fine particulates with an aerodynamic diameter of 2.5 micrometers or less (that is, all particulates 2.5 micrometers and smaller). The proposed approval (73 FR 30874, May 29, 2008) and the air quality modeling analysis included in the Docket for this action addressed the PM2.5 emissions from the cooling tower. Maximum modeled concentrations were compared to the respective significant impact levels. In general, concentrations of pollutants (in micrograms per cubic meter) above the significant impact levels may contribute to a violation of a NAAQS. However, in this case, the modeled impact of all three pollutants was less than their respective significance levels. In addition, the modeled impacts were added to the area-wide background concentrations, and all the results were less than the NAAQS. Therefore, the proposed SIP revision has demonstrated no interference with any NAAQS and satisfied section 110(l) of the Act, and EPA concludes the proposed SIP revision will not interfere with attainment or any other requirements of the Act. Further, as discussed in the proposal (73 FR 30873), the cooling tower will have its annual allowable particulate matter emissions limited to 65.9 tons per year (tpy) instead of the current allowable of 129 tpy. Under worst case assumptions, hourly emissions are allowed to increase to 42.0 pounds per hour (lbs/hr) from 29.4 lbs/hr. The worst-case particulate matter emissions were modeled and are not predicted to cause an exceedance of the NAAQS.

The variance request also included a review of the existing controls at PSEG's cooling tower, an evaluation of other methods of reducing emissions at this facility, including the cost of these controls, and a comparison of controls that could be required on newly constructed cooling towers. The control efficiency currently measured for this cooling tower is comparable to or better than similar cooling towers documented in EPA's RACT/BACT/LAER Clearinghouse. Therefore, no additional controls are feasible.

In determining whether to approve the variance request submitted by New Jersey, EPA was guided by the applicable rules contained in the State Implementation Plan (SIP), the results of air quality monitoring for the area, the results of air quality modeling of the proposed impact of the variance request, and the results of the technological and economic evaluations which were used to justify the variance. The New Jersey Administrative Code, Title 7, Chapter 27, Subchapter 6, Control and Prohibition of Particulates from Manufacturing Processes, Section 6.5 specifically permits variances to be issued and provides procedures and requirements which must be met in order for the variance to be granted. New Jersey has demonstrated to EPA's satisfaction that these requirements have been met and that the variance will not cause or contribute to an exceedance of the applicable NAAQS.

III. Conclusion

EPA is approving New Jersey's SIP revision request for a variance and an alternative emission limit determination for the PSEG Nuclear LLC Hope Creek and Salem Generating Stations cooling tower. This SIP revision contains source-specific particulate emission limitations contained in New Jersey's Air Pollution Control Operating Permit for this source of: TSP less than or equal to 65.9 tpy, PM–10 less than or equal to 65.9 tpy, TSP less than or equal to 42 lbs/hr, and PM–10 less than or equal to 42 lbs/hr.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2009. Filing a petition for reconsideration of this rule with the Administrator does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness

of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 12, 2009.

George Pavlou,

Acting Regional Administrator, Region 2.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 52.1570 is amended by adding new paragraph (c)(86) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(86) Revisions to the New Jersey State Implementation Plan (SIP) for particulate matter granting a variance from Subchapter 6, Control and Prohibition of Particles from Manufacturing Processes for the cooling tower at the PSEG Nuclear LLC Hope Creek and Salem Generating Stations located in Lower Alloways Creek Township, Salem County dated November 2, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP) which establishes hourly emission limits for TSP and PM–10 (total) of less than or equal to 42 pounds per hour and annual emission limits for TSP and PM–10 (total) of less than or equal to 65.9 tons per year.

(i) Incorporation by reference:

(A) A letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, Regional Administrator, EPA, dated November 2, 2007 submitting the variance for PSEG Nuclear LLC Hope Creek and Salem Generating Stations without the attachments.

(B) Section J, Facility Specific Requirements, Emission Unit U24 Cooling Tower, (Significant Modification Approval date August 7, 2007) contained in the Air Pollution Control Operating Permit, Significant Modification and Preconstruction Approval, PSEG Nuclear LLC Hope Creek and Salem Generating Stations, Permit Activity Number: BOP05003.

* * * * *

[FR Doc. E9–7179 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[EPA–HQ–OPA–2007–0584; FRL–8788–5]

RIN 2050–AG16

Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule—Final Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule; delay of effective date.

SUMMARY: The Environmental Protection Agency (EPA) is delaying the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations promulgated in the **Federal Register** on December 5, 2008. The amendments will become effective on January 14, 2010. EPA additionally is requesting public comment on whether a further extension of the effective date may be warranted.

DATES: This document is effective April 1, 2009. The effective date of the final rule (FR Doc. E8–28159), published in the **Federal Register** on December 5, 2008 (73 FR 74236), that was delayed until April 4, 2009 (74 FR 5900), is further delayed to January 14, 2010.

Comments must be received on or before May 1, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OPA–2007–0584, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Mail:* EPA Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. 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 to Docket ID No. EPA–HQ–OPA–2007–0584. 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 *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 index at the *http://www.regulations.gov*. Although listed in the index, some information may not be publicly available, such as Confidential Business Information (CBI) or other information the disclosure of which 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 at *http://www.regulations.gov* or in hard copy at the EPA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Public Reading Room is 202–566–1744, and the telephone number to make an appointment to view the docket is 202–566–0276.

FOR FURTHER INFORMATION CONTACT: For general information, contact the Superfund, TRI, EPCRA, RMP, and Oil

Information Center at 800–424–9346 or TDD at 800–553–7672 (hearing impaired). In the Washington, DC metropolitan area, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 703–412–9810 or TDD 703–412–3323. For more detailed information on specific aspects of this final rule, contact either Vanessa E. Principe at 202–564–7913 (*principe.vanessa@epa.gov*), or Mark W. Howard at 202–564–1964 (*howard.markw@epa.gov*), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, Mail Code 5104A.

SUPPLEMENTARY INFORMATION: On February 3, 2009 (74 FR 5900), EPA delayed, by sixty days, the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations that was promulgated in the **Federal Register** on December 5, 2008 (73 FR 74236) under section 311 of the Clean Water Act. This was done in accordance with the January 20, 2009, White House memorandum entitled ''Regulatory Review'' (74 FR 4435, January 26, 2009) and the memorandum from the Office of Management and Budget entitled ''Implementation of Memorandum Concerning Regulatory Review'' (M–09–08, January 21, 2009) (OMB memorandum). The Agency took that action to ensure that the rule reflects proper consideration of all relevant facts. In the February 3, 2009 notice (74 FR 5900), EPA requested public comment on the extension of the effective date and its duration, and on the regulatory amendments contained in the final rule. The SPCC rule amendments clarify, tailor, and streamline certain existing requirements for those facility owners or operators who are required to prepare and implement an SPCC Plan (or ''Plan'') to prevent the discharge of oil into or upon navigable waters of the United States or adjoining shorelines.

EPA received 57 comments in response to the February 3, 2009 notice. Several comments addressed the effective date for the December 2008 rule amendments. Specifically, three commenters suggested the rule become effective on April 4, 2009, particularly for provisions related to onshore, non-oil production facilities, while one commenter requested that EPA finalize the rule expeditiously to ensure time to conduct outreach efforts. On the other hand, one commenter suggested the rule not become effective on April 4, 2009 and requested that the rule be withdrawn permanently, or the effective date extended indefinitely until the 2008 proposed amendments can be carefully reconsidered. Other commenters provided recommendations related to specific amendments, such as the optional approaches for produced water containers, the criteria for qualified oil production facilities, and other amendments. Consistent with the January 21, 2009 OMB memorandum ''Implementation of Memorandum Concerning Regulatory Review,'' the EPA Administrator has chosen this rule for additional assessment of policy and legal issues; therefore, EPA must carefully consider the issues raised in these comments. Because EPA cannot adequately address the comments before an April 4, 2009 effective date, the Agency agrees with the comment in support of delaying the effective date. With this action, the Agency is extending the effective date of the December 5, 2008 SPCC amendments and is requesting public comment on whether a further extension of the effective date may be warranted. The Agency will provide a complete discussion of the comments received specific to the amendments, and its response to those comments, in a **Federal Register** notice describing any changes to the 2008 amendments.

The effective date of the final rule would have been April 4, 2009. With this extension, the amendments will become effective on January 14, 2010.

This rule is effective immediately. Section 553(d) of the Administrative Procedures Act requires 30 days notice before the effective date of a final rule. However, section 553(d)(1) allows an exception to the 30-day notice where a rule relieves a restriction. Because this final rule relieves a restriction, the Agency invokes section 553(d)(1) to allow an immediate effective date.

Finally, the Agency is also reviewing the dates by which owners or operators of facilities must prepare or amend their SPCC Plans, and implement those Plans. EPA intends to address these dates in a separate notice.

Statutory and Executive Order Reviews

A. Executive Order 12866—Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the Executive Order.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. This action results in no changes to the information collection requirements of the SPCC rule and will have no impact on the information collection estimate of project cost and hour burden previously submitted to OMB.

C. Regulatory Flexibility Act

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.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This action is delaying the effective date of the final rule that amends the SPCC regulations promulgated in the **Federal Register** on December 5, 2008. We have therefore concluded that today's final rule will relieve regulatory burden for all affected small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform

Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. This action imposes no enforceable duty on any state, local, or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action only delays the effective date of the December 5, 2008 rule and does not impose any additional enforceable duty.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.''

This action does not have federalism implications. It 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 the various levels of government, as specified in Executive Order 13132. This action will not impose direct compliance costs on state or local governments, and will not preempt state law. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (59 FR 22951, November 9, 2000). It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action presents a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113; section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when EPA decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: March 26, 2009.

Lisa P. Jackson,

Administrator.

[FR Doc. E9–7301 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0362; FRL–8405–2]

Quinoxyfen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of quinoxyfen in or on artichoke, globe; fruit, stone, group 12; squash, winter; pumpkin; and gourd, edible. This regulation also deletes the established cherry, sweet;

and cherry, tart tolerances, as they will be superseded by inclusion in the stone fruit crop group. This regulation additionally deletes the time-limited tolerances for pumpkin; winter squash; and melon subgroup 9A, as the tolerances expired on December 31, 2007. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 1, 2009. Objections and requests for hearings must be received on or before June 1, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0362. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Laura Nollen, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7390; e-mail address: *nollen.laura@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR cite at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0362 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before June 1, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2008–0362, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of June 4, 2008 (73 FR 31862) (FRL–8365–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E7325) by Interregional Research Project Number 4 (IR–4), 500 College Rd. East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.588 be amended by establishing tolerances for residues of the fungicide quinoxyfen, 5,7-dichloro-4-(4-fluorophenoxy)quinoline, in or on artichoke, globe at 1.4 parts per million (ppm); fruit, stone, group 12 at 0.70 ppm; squash, winter at 0.20 ppm; pumpkin at 0.20 ppm; and gourd, edible at 0.20 ppm. IR–4 additionally proposed to remove the established tolerances for the residues of quinoxyfen in or on the food commodities cherry, sweet; and cherry, tart at 0.30 ppm. That notice referenced a summary of the petition prepared on behalf of IR–4 by Dow AgroSciences LLC, the registrant, which is available to the public in the docket, *http://www.regulations.gov* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes

exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of quinoxyfen on artichoke, globe at 1.4 ppm; fruit, stone, group 12 at 0.70 ppm; squash, winter at 0.20 ppm; pumpkin at 0.20 ppm; and gourd, edible at 0.20 ppm. EPA's assessment of exposures and risks associated with establishing tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The existing quinoxyfen data indicate that it possesses low acute toxicity via the oral, dermal and inhalation routes. It is a mild eye irritant and dermal sensitizer, but it is not a dermal irritant.

The primary target organs affected by quinoxyfen are the liver and kidney. Subchronic effects in rats and mice included increased liver weights, hepatocellular hypertrophy and individual cell hepatocellular necrosis, and chronic effects in the dog included increased liver weights, increased alkaline phosphatase levels and increased incidences of slight microscopic hepatic lesions. Kidney effects were noted only in the rat combined chronic/carcinogenicity study, resulting in an increased severity of chronic progressive glomerulonephropathy in males. Rabbits were much more susceptible to the effects of quinoxyfen than any other species. Systemic effects observed in the rabbit developmental study included inanition, loss of body weight, perineal soiling, blood in the cage pan associated with urine, and abortions.

Long-term dietary administration of quinoxyfen did not result in an overall treatment-related increase in incidence of tumor formation in rats or mice. As a result, EPA classified quinoxyfen as ''not likely to be carcinogenic to humans.'' Quinoxyfen did not show evidence of mutagenicity in *in vitro* or *in vivo* studies. No evidence of neurotoxicity or neuropathology was seen in any of the submitted studies, including the acute and subchronic neurotoxicity studies.

The toxicology data for quinoxyfen provides no indication of increased susceptibility, as compared to adults, of rat and rabbit fetuses to *in utero* exposure in developmental studies. No maternal or developmental toxicity was observed in the rat developmental toxicity study. The rabbit developmental toxicity study included maternal toxic effects (inanition, decreased body weight and weight gain, decreased fecal output, perineal soiling, blood in the cage pan associated with urine, and abortions) at the same dose as developmental effects (increased abortions). In the 2–generation reproduction study conducted with rats, increased quantitative susceptibility of offspring (minimally reduced pup weights) was noted in the absence of maternal toxicity at the high dose. There was no evidence of immunotoxicity in the database.

Specific information on the studies received and the nature of the adverse effects caused by quinoxyfen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Quinoxyfen. Human Health Risk Assessment for the Proposed Food Use of Quinoxyfen on Stone Fruits Crop Group 12 (excluding Cherry), Artichoke, Winter Squash, (Pumpkin and Edible Gourds),'' at pages 45–48 in docket ID number EPA–HQ–OPP–2008–0362.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, a toxicological point of departure (POD) is identified as the basis for derivation of reference values for risk assessment. The POD may be defined as the NOAEL in the toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the LOAEL or a Benchmark Dose (BMD) approach is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the POD to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic dietary risks by comparing aggregate food and water exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD are calculated by dividing the POD by all applicable UFs. Aggregate short-term, intermediate-term, and chronic-term risks are evaluated by comparing food, water, and residential exposure to the POD to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded. This latter value is referred to as the Level of Concern (LOC).

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect greater than that expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for quinoxyfen used for human risk assessment can be found at *http://www.regulations.gov* in document ''Quinoxyfen. Human Health Risk Assessment for the Proposed Food Use of Quinoxyfen on Stone Fruits Crop Group 12 (excluding Cherry), Artichoke, Winter Squash, (Pumpkin and Edible Gourds),'' at pages 25–26 in docket ID number EPA–HQ–OPP–2008–0362.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to quinoxyfen, EPA considered exposure under the petitioned-for tolerances as well as all existing quinoxyfen tolerances in 40 CFR 180.588. EPA assessed dietary exposures from quinoxyfen in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure.

No such effects were identified in the toxicological studies for quinoxyfen; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998

Continuing Survey of Food Intake by Individuals (CSFII). As to residue levels in food, EPA used tolerance-level residues, Dietary Exposure Evaluation Model (DEEM) default processing factors, and assumed 100 percent crop treated (PCT) for all proposed commodities.

iii. *Cancer*. Based upon lack of evidence of carcinogenicity in rats and mice by all routes of exposure, EPA has classified quinoxyfen as ''not likely to be carcinogenic to humans;'' therefore, a quantitative exposure assessment to evaluate cancer risk is unnecessary.

iv. *Anticipated residue and PCT information*. EPA did not use anticipated residue and/or PCT information in the dietary assessment for quinoxyfen. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water*. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for quinoxyfen in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of quinoxyfen. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the First Index Reservoir Screening Tool (FIRST) model for surface water, and the Screening Concentration in Ground Water (SCI-GROW) model for ground water, the estimated drinking water concentrations (EDWCs) of quinoxyfen for surface water are estimated to be 9.9 parts per billion (ppb) for acute exposures, and 0.66 ppb for chronic exposures. For ground water, the estimated drinking water concentration is 0.0034 ppb.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 0.66 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Quinoxyfen is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found quinoxyfen to share a common mechanism of toxicity with any other substances, and quinoxyfen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that quinoxyfen does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA safety factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity*. The toxicology data for quinoxyfen provides no indication of increased susceptibility, as compared to adults, of rat and rabbit fetuses to *in utero* exposure in developmental studies up to the limit dose of 1,000 milligrams/kilogram/day (mg/kg/day). In the multi-generation rat reproduction study, offspring effects were noted at the high dose of 100 mg/kg/day tested (minimally reduced F_{1a} pup weights) in the absence of maternal toxicity at the same level; thereby showing quantitative evidence of increased susceptibility in rat offspring. However, concern is low since:

i. The effects in pups are well-characterized with a clear NOAEL of 20 mg/kg/day.

ii. The pup effects are minimal at the LOAEL and only noted in the first generation offspring.

iii. The doses and endpoints selected for regulatory purposes would address the concerns of the pup effects noted in the rat reproduction study.

3. *Conclusion*. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for quinoxyfen is complete except for immunotoxicity testing. Recent changes to 40 CFR part 158 make immunotoxicity testing (OPPTS Guideline 870.7800) required for pesticide registration; however, the existing data are sufficient for endpoint selection for exposure/risk assessment scenarios, and for evaluation of the requirements under the FQPA. The available data for quinoxyfen do not show potential for immunotoxic effects. Therefore, EPA does not believe that conducting the immunotoxicity study will result in a NOAEL lower than the NOAEL of 20 mg/kg/day already set for quinoxyfen. Consequently, an additional database uncertainty factor does not need to be applied.

ii. There is no indication that quinoxyfen is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although there is quantitative evidence of increased susceptibility of offspring (minimally reduced pup weights) in the absence of maternal effects in the rat multi-generation reproduction study, the Agency did not identify any residual uncertainties after establishing toxicity endpoints and traditional UFs to be used in the risk assessment. Therefore, there are no residual concerns regarding developmental effects in the young.

iv. There are no residual uncertainties identified in the exposure databases. Dietary food exposure assessments were performed based on 100% crop treated and tolerance-level residues. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to quinoxyfen in drinking water. These assessments will not underestimate the exposure and risks posed by quinoxyfen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate SFs. EPA calculates the aPAD and cPAD by dividing the POD by

all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-term, intermediate-term, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

1. *Acute risk.* An acute aggregate risk assessment takes into account exposure estimates from acute dietary consumption of food and drinking water. No acute dietary endpoint was identified for any segment of the United States (U.S.) population. Therefore, quinoxyfen is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to quinoxyfen from food and water will utilize 2% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. There are no residential uses for quinoxyfen to consider.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Quinoxyfen is not registered for any use patterns that would result in residential exposure. Therefore, the short-term and intermediate-term aggregate risk is the sum of the risk from exposure to quinoxyfen through food and water and will not be greater than the chronic aggregate risk.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in mice and rats at doses that were judged to be adequate to assess the carcinogenic potential, quinoxyfen was classified as ''not likely to be carcinogenic to humans.'' Therefore, quinoxyfen is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to quinoxyfen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography with mass-selective detection (GC-MSD)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no Mexican maximum residue limits (MRLs) established for residues of quinoxyfen in crops associated with this review. Codex MRLs exist for quinoxyfen on cherry, sweet and tart at 0.4 ppm; and Canadian MRLs exist for cherry, sweet and tart at 0.3 ppm. However, the proposed tolerance for fruit, stone, group 12 (0.70 ppm), of which cherry is a part, cannot be harmonized with the Codex or Canadian MRLs on these commodities because field trial data supporting the stone fruit group tolerance shows residue levels that are higher than 0.4 ppm.

V. Conclusion

Therefore, tolerances are established for residues of quinoxyfen, 5,7-dichloro-4-(4-fluorophenoxy)quinoline, in or on artichoke, globe at 1.4 ppm; fruit, stone, group 12 at 0.70 ppm; squash, winter at 0.20 ppm; pumpkin at 0.20 ppm; and gourd, edible at 0.20 ppm. This regulation also deletes the established tolerances in or on cherry, sweet; and cherry, tart, as they are superseded by inclusion in fruit, stone, group 12. This regulation additionally deletes the time-limited tolerances for pumpkin; winter squash; and melon subgroup 9A, as the tolerances expired on December 31, 2007.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the

Federal Register. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 19, 2009.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.588 is amended in paragraph (a), by removing the commodities ''Cherry, sweet'' and ''Cherry, tart''; and by alphabetically adding the following commodities to the table; and in paragraph (b), by removing all of the commodities and reserving the paragraph designation and heading to read as follows:

§ 180.588 Quinoxyfen; tolerances for residues.

(a) * * *

Commodity	Parts per million
Artichoke, globe	1.4
Fruit, stone, group 12	0.70
* * * * *	
Gourd, edible	0.20
* * * * *	
Pumpkin	0.20
Squash, winter	0.20
* * * * *	

(b) *Section 18 emergency exemptions.* [Reserved]

* * * * *

[FR Doc. E9–7046 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0097; FRL–8407–2]

Captan, 2,4-D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate, Permethrin, Dimethipin, and Fenarimol; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA issued a final rule in the **Federal Register** of September 12, 2007, revoking, revising, and establishing certain tolerances. This document is being issued to correct a terminology omission associated with DCPA and onions.

DATES: This final rule is effective April 1, 2009.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0097. All documents in the docket are listed in the docket index available in *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Jane Smith, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0048; e-mail address: *smith.jane-scott@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

II. What Does this Technical Amendment Do?

EPA issued a notice of proposed rulemaking in the **Federal Register** of June 6, 2007 (72 FR 31221) (FRL–8122–7), that proposed to revoke, revise, and establish certain tolerances for captan, 2,4-D, dodine, DCPA, endothall, fomesafen, propyzamide, ethofumesate, permethrin, dimethipin, and fenarimol. On page 31228, third column, first full paragraph, the Agency stated the following:

> . . . EPA is proposing to revise commodity terminology and tolerances to conform to current Agency practice in 40 CFR 180.185(a) for the combined residues of the herbicide DCPA and its metabolites MTP and TCP (calculated as DCPA) in or on melon, honey dew to muskmelon; and onion to onion, bulb . . . .

The June 6, 2007 **Federal Register** publication was intended only to update commodity terminology, and not to revoke or revise the scope of existing tolerances. The existing tolerance for ''onion'' covered both ''onion, bulb'' and ''onion, green'' as defined under current commodity terminology. The reference to ''onion, green'' was inadvertently omitted from both the June 6, 2007 proposed rule and the final rule published on September 12, 2007 (72 FR 52013) (FRL–8142–2). Use on both ''onion, bulb'' and ''onion, green'' continues to be permitted according to labels of currently registered DCPA products, and the required safety findings for the residues permitted under the tolerance were made taking into account both types of onions. Therefore, 40 CFR 180.185(a) is amended by establishing a tolerance for DCPA in/on onion, green at 1.0 ppm to effectuate EPA's original intention in the proposed and final rules changing terminology only.

III. Why is this Technical Amendment Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical amendment final without prior proposal and opportunity for comment, because this action merely corrects a drafting error in the rulemaking that was

contrary to the intention of the changes as discussed in the proposed rule. Notice and comment are unnecessary to correct an erroneous deletion of a tolerance that was neither intended nor discussed in rulemaking. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

The discussion in Unit IV. of the September 12, 2007 final rule also applies to this action.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 18, 2009.

Debra Edwards,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

■ 2. Section 180.185, is amended by alphabetically adding the following commodity to the table in paragraph (a) to read as follows:

§ 180.185 DCPA; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
* * *	* *
Onion, green	1.0
* * *	* *

* * * * *

[FR Doc. E9–7040 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0327; FRL– 8403–9]

Prothioconazole; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation increases a tolerance for combined residues of prothioconzole and prothioconazole-desthio, calculated as parent in or on, wheat, forage. Bayer CropScience requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 1, 2009. Objections and requests for hearings must be received on or before June 1, 2009 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0327. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Bryant Crowe, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–0025; e-mail address: *crowe.bryant@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR cite at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0327 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before June 1, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please

submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2008–0327, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of June 4, 2008 (73 FR 31863) (FRL–8365–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F7279) by Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.626 be amended by increasing a tolerance for combined residues of the fungicide prothioconazole, 2-[2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione, and prothioconazole-desthio, in or on, wheat, forage from 6.0 to 8.0 parts per million (ppm). That notice referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for combined residues of prothioconazole, and prothioconazole-desthio, calculated as parent, in or on wheat, forage at 8.0 ppm. EPA's assessment of exposures and risks associated with establishing tolerances follows.

A.Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Prothioconazole has low acute toxicity by oral, dermal, and inhalation routes. It is not a dermal sensitizer, or a skin or eye irritant. Prothioconazole's metabolite, prothioconazole-desthio, also has low acute toxicity by oral, dermal, and inhalation routes. It is not a dermal sensitizer, or a skin irritant, but it is a slight eye irritant. The subchronic and chronic studies show that the target organs at the lowest-observed-adverse effect level (the LOAEL) include the liver, kidney, urinary bladder, thyroid and blood. In addition, the chronic studies showed body weight and food consumption changes, and toxicity to the lymphatic and GI systems. Prothioconazole and its metabolites may be primary developmental toxicants, producing effects including malformations in the conceptus at levels equal to or below maternally toxic levels in some studies; particularly those conducted using prothioconazole-desthio. Reproduction studies in the rat with prothioconazole and prothioconazole-desthio suggested that these chemicals may not be primary reproductive toxicants. Acute and subchronic neurotoxicity studies were conducted in the rat using prothioconazole. A developmental neurotoxicity study was conducted in the rat using prothioconazole-desthio. The available data show that the prothioconazole-desthio metabolite produces toxicity at the lowest dose levels in the areas of subchronic, developmental, reproductive, and neurotoxic toxicities compared with prothioconazole and the two additional metabolites that were tested. The available carcinogenicity and/or chronic studies in the mouse and rat, using both prothioconazole and prothioconazole-desthio, show no increase in tumor incidence. Therefore, EPA has concluded prothioconazole or its metabolites are not carcinogenic, and are classified ''Not likely to be Carcinogenic to Humans'' according to the 2005 Cancer Guidelines. Specific information on the studies received and the nature of the adverse effects caused by prothioconazole as well as the no-observed-adverse-effect-level (NOAEL) and LOAEL from the toxicity studies can be found at *http://www.regulations.gov* in document *Prothioconazole; Pesticide Tolerance* pages 14714–14719 in docket ID number EPA–HQ–OPP–2007–0178.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, a toxicological point of departure (POD) is identified as the basis for derivation of reference values for risk assessment. The POD may be defined as the highest dose at which no adverse effects are observed (the NOAEL) in the toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the LOAEL at which adverse effects of concern are identified (the LOAEL) or a Benchmark Dose (BMD) approach is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the POD to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic dietary risks by comparing aggregate food and water exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The

aPAD and cPAD are calculated by dividing the POD by all applicable UFs. Aggregate short-term, intermediate-term, and chronic-term risks are evaluated by comparing food, water, and residential exposure to the POD to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded. This latter value is referred to as the Level of Concern (LOC).

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect greater than that expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see: *http://www.epa.gov/oppfead1/trac/science; http://www.epa.gov/pesticides/factsheets/riskassess.htm*; and *http://www.epa.gov/pesticides/trac/science/aggregate.pdf*.

A summary of the toxicological endpoints for prothioconazole used for human risk assessment can be found at *http://www.regulations.gov* in document *Prothioconazole: Human Health Risk Assessment for Proposed Section 3 Seed treatment Use on Wheat, Barley, and Triticale, Plus Increase Tolerance on Forage of Wheat, Barley, and Triticale* pages 20–21 in docket ID number EPA–HQ–OPP–2008–0327.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to prothioconazole, EPA considered exposure under the petitioned-for tolerances as well as all existing prothioconazole tolerances in (40 CFR 180.626). EPA assessed dietary exposures from prothioconazole residues in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure.

In estimating acute dietary exposure, EPA used food consumption information from the U.S. Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). A moderately refined acute dietary exposure (food and drinking water) assessment was conducted for prothioconazole. Average field trial values, empirical processing factors, and livestock maximum residues were incorporated into the refined acute assessment. The assessment also assumed 100 percent of crops covered by the existing tolerances, as well as the changed tolerance on wheat forage, are treated with prothioconazole.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. A moderately refined chronic dietary exposure (food and drinking water) assessment was conducted for prothioconazole. Average field trial values, empirical processing factors, and livestock maximum residues were incorporated into the refined acute assessment. The assessment also assumed 100 percent of crops covered by the existing tolerances, as well as the changed tolerance on wheat forage, are treated with prothioconazole.

iii. *Cancer*. The available toxicology studies in the mouse and rat showed no increase in tumor incidence, and therefore the Agency has concluded that neither prothioconazole, nor its metabolites are carcinogenic. Thus classified, by the Agency, as ''Not Likely to Carcinogenic to Humans'' according to the 2005 Cancer Guidelines. Consequently, a quantitative dietary cancer assessment was not performed.

iv. *Anticipated residue and percent crop treated (PCT) information*. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to section 408(f)(1) of FFDCA that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such Data Call-Ins as are required by section 408(b)(2)(E), and authorized under section 408(f)(1) of FFDCA. Data will be required to be submitted no later than 5 years from the date of issuance of this tolerance. Average residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water*. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for prothioconazole in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of prothioconazole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI-GROW) models, the estimated drinking water concentrations (EDWCs) of prothioconazole for acute exposures are estimated to be 29 parts per billion (ppb) for surface water and 0.67 ppb for ground water. The EDWCs for chronic exposures are estimated to be 13 ppb for surface water and 0.67 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure models. For acute dietary risk assessment, the water concentration value of 29 ppb was used to assess the contribution from drinking water. For the chronic dietary risk assessment, the water concentration value of 13 ppb was used to assess the contribution from drinking water. EPA used the EDWCs from surface water only in assessing the risk from prothioconazole because the EDWCs for ground water source are less than 1 ppb, and considered minimal in comparison to surface water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Prothioconazole is not registered for use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Prothioconazole is a member of the triazole-containing class of pesticides, often referred to as the conazoles. EPA is not currently following a cumulative risk approach based on a common mechanism of toxicity for the conazoles. The conazole pesticides, as a whole, tend to exhibit carcinogenic, developmental, reproductive, and/or neurological effects in mammals. Additionally, all the members of this class of compounds are capable of forming, via environmental and metabolic activities, 1,2,4-triazole, triazolylalanine and/or triazolylacetic acid. These metabolites have also been shown to cause developmental, reproductive, and/or neurological effects. Structural similarities and sharing a common effect does not constitute a common mechanism of toxicity. Evidence is needed to establish

that the chemicals operate ''by the same, or essentially the same sequence of major biochemical events. Hence, the underlying basis of toxicity is the same, or essentially the same for each chemical.'' (EPA, 2002) A number of potential events could contribute to the toxicity of conazoles (*e.g.*, altered cholesterol levels, stress responses, altered DNA methylation). At this time, there is not sufficient evidence to determine whether conazoles share common mechanisms of toxicity. Without such understanding, there is no basis to make a common mechanism of toxicity finding for the diverse range of effects found. Investigations into the conazoles are currently being undertaken by the EPA's Office of Research and Development. When the results of this research are available, the Agency will make a determination of whether there is a common mechanism of toxicity and, therefore, a basis for assessing cumulative risk. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

Triazole-derived pesticides can form the common metabolite 1,2,4-triazole and three triazole conjugates (triazole alanine, triazole acetic acid, and triazolylpyruvic acid). To support existing tolerances and to establish new tolerances for triazole-derivative pesticides, including prothioconazole, EPA conducted a human health risk assessment for exposure to 1,2,4-triazole, triazole alanine, and triazole acetic acid resulting from the use of all current and pending uses of any triazole-derived fungicide as of September 1, 2005. The risk assessment is a highly conservative, screening-level evaluation in terms of hazards associated with common metabolites (e.g., use of a maximum combination of uncertainty factors) and potential dietary and non-dietary exposures (i.e., high end estimates of both dietary and non-dietary exposures). In addition, the Agency retained the additional 10X FQPA safety factor for the protection of infants and children. The assessment included evaluations of risks for various subgroups, including those comprised of infants and children. The Agency's September 1, 2005 risk assessment can be found in the propiconazole reregistration docket at *http://www.regulations.gov* (Docket ID EPA–HQ–OPP–2005–0497). In October and December of 2008, EPA updated the dietary and aggregate risk assessments for exposure to 1,2,4-triazole, triazole alanine, triazole acetic acid, and triazolylpyruvic acid resulting from the use of all current and pending uses of any triazole-derived fungicide to support existing tolerances and to establish new tolerances for new uses of metconazole (canola, corn, cotton, and sugarcane; PP 7F7221, 7F7292, and 08FL03), propiconazole (beets, parsley, and pineapple; PP 7F7300), prothioconazole (wheat and barley; PP 7F7279), and tetraconazole (grapes; PP 7E7273). These updated dietary and aggregate assessments are below the Agency's level of concern. These updated triazole risk assessments can be found in the Rule's docket (EPA–HQ–OPP–2008–0327) and the following associated dockets at *http://www.regulations.gov* (Docket IDs EPA–HQ–OPP–2007–514 and EPA–HQ–OPP–2008–0718).

D. Safety Factor for Infants and Children

1. *In general*. Section 408(b)(2)(c) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA safety factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity*. There is evidence of increased susceptibility following prematal/or postnatal exposure in:

i. Rat developmental toxicity studies with prothioconazole as well as its prothioconazole-desthio and sulfonic acid K salt metabolites.

ii. Rabbit developmental toxicity studies with prothioconazole-desthio.

iii. A rat developmental neurotoxicity study with prothioconazole-desthio; and

iv. Multi-generation reproduction studies in the rat with prothioconazole-desthio. Effects include skeletal structural abnormalities, such as cleft palate, deviated snout, malocclusion, extra ribs, and developmental delays. Available data also show that the skeletal effects such as extra ribs are not completely reversible after birth in the rat, but persist as development continues. Although increased susceptibility was seen in these studies, the Agency concluded that there is a low concern and no residual uncertainties for prenatal and/or postnatal toxicity effects of prothioconazole because:

- Developmental toxicity NOAELs and LOAELs from prenatal exposure are well characterized after oral and dermal exposure
- The off-spring toxicity NOAELs and LOAELs from postnatal exposures are well characterized; and
- The NOAEL for the fetal effect malformed vertebral body and ribs is used for assessing acute risk of females 13 years and older and, because it is lower than the NOAELs in other developmental studies, is protective of all potential developmental effects.

3. *Conclusion*. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for prothioconazole is complete, except for immunotoxicity testing. EPA began requiring functional immunotoxicity testing of all food and non-food use pesticides on December 26, 2007. Although an immunotoxicity study in the mouse is part of the existing prothioconazole toxicity data base, this study as reported does not satisfy the current guideline requirements for an immunotoxicity study (OPPTS 870.7800). As such, EPA is requiring that an immunotoxicity study be submitted which meets guideline requirements. EPA has evaluated the available prothioconazole toxicity database (including the non-guideline study in the mouse) to determine whether an additional database uncertainty factor is needed to account for potential immunotoxicity. In one chronic study in the rat (but not in the mouse or dog), blood leukocyte counts were significantly elevated at the high dose level (750 milligrams/kilogram/day (mg/kg/day)) along with increased thrombocyte counts and decrease hemoglobin. However, this finding is made in the presence of toxicity to a broad range of organ systems such as the liver, urinary bladder, kidney, thyroid, and decreased body weight gains. Furthermore, no signs of immunotoxicity, including evidence of toxicity to the lymphatic system, were observed at dose levels up to 400 mg/kg/day in the non-guideline immunotoxicity study in the mouse. There appears to be no basis for concern for immunotoxicity, particularly at the Points of Departure (POD) for prothioconazole and its metabolites which, at 2.0 and 1.1 mg/kg/day (Acute and Chronic Reference Dose (aRfD and cRfD), respectively) are two orders of

magnitude lower than the 400 and 750 mg/kg/day dose levels mentioned in this Unit. This finding, along with the absence of immunotoxicity observed in the subchronic and chronic studies with prothioconazole and its metabolites supports the reduction of the FQPA factor to 1X in the interim, pending receipt of an acceptable guideline immunotoxicity study.

ii. Previously, because of incomplete data reporting, there were uncertainties regarding dose levels at which neurotoxicities (brain morphometrics and peripheral nerve degeneration) were occurring in the pups. Because of this database uncertainty, the FQPA safety factor was retained at 10X in previous hazard characterizations. Critical data on brain morphometry and peripheral nerve lesions in a rat developmental neurotoxicity study have now been submitted and reviewed. Upon evaluation of these new data, neither the apparent increases in axonal degeneration at the high dose or the brain morphometric changes at the low and mid doses were considered treatment-related. Therefore, these data support the reduction of the FQPA factor to 1X.

iii. Although increased susceptibility was seen in the developmental and reproduction studies, the Agency concluded that there is a low concern and no residual uncertainties for prenatal and/or postnatal toxicity effects of prothioconazole for the reasons explained in Unit III.D.2.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level or anticipated residues derived from reliable residue field trials. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to prothioconazole in drinking water. Residential exposures are not expected. These assessments will not underestimate the exposure and risks posed by prothioconazole.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic pesticide exposures are safe by comparing aggregate exposure estimates to the Acute Percent Adjusted Dose and Chronic Percent Adjusted Dose (aPAD and cPAD). The aPAD and cPAD represent the highest safe exposures, taking into account all appropriate SFs. EPA calculates the aPAD and cPAD by dividing the POD by all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given the estimated aggregate exposure. Short-term, intermediate-term, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the POD to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

1. *Acute risk.* An acute aggregate risk assessment takes into account exposure estimates from acute dietary consumption of food and drinking water. No adverse effect resulting from a single-oral exposure was identified and therefore no acute dietary endpoint was selected for the general population. However, an acute dietary endpoint was selected for the population subgroup females 13 to 49 years of age. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and drinking water to prothioconazole will occupy 8% of the aPAD for (female 13 to 49 years old).

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to prothioconazole from food and water will utilize 22% of the cPAD for (infants less than 1 year old) the population group receiving the greatest exposure. There are no residential uses for prothioconazole.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Prothioconazole is not registered for any use patterns that would result in residential exposure. Therefore, the short-term aggregate risk is the sum of the risk from exposure to prothioconazole through food and water and will not be greater than the chronic aggregate risk.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Prothioconazole is not registered for any use patterns that would result in intermediate-term residential exposure. Therefore, the intermediate-term aggregate risk is the sum of the risk from exposure to prothioconazole through food and water, which has already been addressed, and will not be greater than the chronic aggregate risk.

5. *Aggregate cancer risk for U.S. population.* Aggregate cancer risk for U.S. population. The available studies in the mouse and rat show no increase in tumor incidence, therefore the Agency has concluded that neither prothioconazole nor its metabolites are carcinogenic, and are classified ''Not likely to be Carcinogenic to Humans'' according to the 2005 Cancer Guidelines. Therefore, prothioconazole is not expected to pose a cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to prothioconazole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology are available to enforce the tolerance expression, consisting of liquid chromatography/tandem massspectrometry (LC/MS/MS) for both plant and livestock commodities, usingtandem mass spectrometry electrospray ionization in both the positive and negative modes. Both methods (LC/MS/MS Method RPA JA/03/01 for plants and LC/MS/MS Method Bayer Report No. 200537 for animals) have successfully passed tolerance method validation at ACB/BEAD. Methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no maximum residue limits (MRLs) (tolerances) established for prothioconazole in Codex or in Mexico. MRLs have been established in Canada on barley grain at 0.35 ppm and wheat grain at 0.07 ppm.

V. Conclusion

Therefore, a tolerance is being revised for combined residues of prothioconazole, 2-[2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2- hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione, and prothioconazole-desthio, α-(1-chlorocyclopropyl)-α-[(2-chlorophenyl)methyl]-1H-1,2,4-triazole-1-ethanol, calculated as parent, in or on wheat, forage, from 6.0 ppm to 8.0 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under

Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 19, 2009.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.626 is amended by revising the entry for ''wheat, forage'' in the table in paragraph (a)(1) to read as follows:

§ 180.626 Prothioconazole; tolerances for residues.

(a) * * * (1) * * *

Commodity	Parts per million
* * * * *	
Wheat, forage	8

* * * * * *

[FR Doc. E9–7175 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register
Vol. 74, No. 61
Wednesday, April 1, 2009

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

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0293; Directorate Identifier 2008–NM–221–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, and 747SR Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Boeing Model 747 airplanes identified above. This proposed AD would require replacing the inboard trailing edge (TE) flap transmission carbon disk no-back brakes with skewed roller no-back brakes at the TE flap transmission, positions 4 and 5. This proposed AD results from reports of the inboard TE flaps blowing back due to the failure of a transmission carbon disk no-back brake. The no-back brake did not hold the TE flaps in the commanded position. We are proposing this AD to prevent a decrease of the aerodynamic controllability of the airplane, which could adversely affect the airplane's continued safe flight and landing.

DATES: We must receive comments on this proposed AD by May 18, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced 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.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Douglas Tsuji, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6487; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0293; Directorate Identifier 2008–NM–221–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of the inboard trailing edge (TE) flaps blowing back due to the failure of a transmission carbon disk no-back brake. The no-back brake did not hold the TE flaps in the commanded position. On approach, with landing flaps 25 or 30 selected, the inboard TE flaps failed to hold the commanded position and blew back to approximately flaps 10/15. This failure can cause an asymmetric flap blow-back if a torque tube becomes disconnected in combination with a failed no-back brake, or cause a symmetric flap blow-back if the hydraulic motor torque is lost in combination with two failed no-back brakes.

This condition, if not corrected, could result in a decrease of the aerodynamic controllability of the airplane, which could adversely affect the airplane's continued safe flight and landing.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 747–27–2422, dated October 30, 2008. The service bulletin describes procedures to replace the inboard TE flap transmission carbon disk no-back brakes with skewed roller no-back brakes at the TE flap transmission, positions 4 and 5.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs. This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD would affect 249 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost	Number of U.S.-registered airplanes	Fleet cost
Replacement	25	$80	$60,670	$62,670	249	$15,604,830

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

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.

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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Boeing: Docket No. FAA–2009–0293; Directorate Identifier 2008–NM–221–AD.

Comments Due Date

(a) We must receive comments by May 18, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, and 747SR series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 747–27–2422, dated October 30, 2008.

Subject

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

Unsafe Condition

(e) This AD results from reports of the inboard trailing edge (TE) flaps blowing back due to the failure of a transmission carbon disk no-back brake. The no-back brake did not hold the flaps in the commanded position. The Federal Aviation Administration is issuing this AD to prevent a decrease of the aerodynamic controllability of the airplane, which could adversely affect the airplane's continued safe flight and landing.

Compliance

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

Corrective Action

(g) Within 5 years after the effective date of this AD, replace the trailing edge flap transmission no-back brakes with skewed roller no-back brakes at the trailing edge flap transmission, positions 4 and 5, in accordance with Boeing Special Attention Service Bulletin 747–27–2422, dated October 30, 2008.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Seattle 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: Douglas Tsuji, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6487; fax (425) 917–6590.

(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 principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on March 18, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–7273 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0292; Directorate Identifier 2008–NM–011–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Airbus Model A300 and A310 series airplanes. The existing AD currently requires replacement of the nose landing gear drag strut upper attachment pin. This proposed AD would require revising the Airworthiness Limitations section (ALS)

of the Instructions for Continued Airworthiness (ICA) to require additional life limits and/or replacements for certain main landing gear and nose landing gear components, and would also expand the applicability. This proposed AD results from revisions to the ALS of the ICA to include new or more restrictive life limits and/or replacements. We are proposing this AD to ensure the continued structural integrity of these airplanes.

DATES: We must receive comments on this proposed AD by May 1, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: *account.airworth-eas@airbus.com*; Internet: *http://www.airbus.com*. You may review copies of the referenced 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.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0292; Directorate Identifier 2008–NM–011–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On July 21, 1987, we issued AD 87–16–06, amendment 39–5692 (52 FR 28241, July 29, 1987), for certain Airbus Model A300 and A310 series airplanes. That AD requires replacement of the nose landing gear drag strut upper attachment pin. That AD resulted from reports of pins which were found to be improperly manufactured. We issued that AD to prevent failure of the pin and collapse of the nose landing gear.

Actions Since Existing AD Was Issued

Since we issued AD 87–16–06, the manufacturer has revised the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to include new or more restrictive life limits and replacements for the main landing gear and the nose landing gear. These new limits affect the replacement of the upper attachment pin for the nose landing gear drag strut that was the subject of AD 87–16–06.

In addition, European Aviation Safety Agency (EASA) Airworthiness Directive 2007–0293, dated November 29, 2007, which is parallel to this proposed AD, includes Model A300–600 series airplanes. Those airplane models were not included in AD 87–16–06.

Relevant Service Information

Airbus has issued the following revisions to the ALS of the ICA. These documents provide each mandatory replacement time, structural inspection interval, and related structural inspection procedures or other procedures (*e.g.*, modifications).

- *For Model A300 Series Airplanes*: ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated September 6, 2007.
- *For Model A300–600 Series Airplanes*: ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006.
- *For Model A310 Series Airplanes*: ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006.

Airbus has also issued Section 05–10–00, Revision 28, dated February 27, 1998, of Chapter 5, ''Service Life Limits and Maintenance Checks,'' of the A300 Aircraft Maintenance Manual. Section 05–10–00 includes life limit values for the nose and main landing gears. This document is an alternate source for the life limits defined in Part 1, ''Safe Life Airworthiness Limitation Items,'' dated September 6, 2007, of the ALS, for Model A300 series airplanes.

Airbus has also issued Service Information Letter (SIL) 32–118, Revision 02, dated October 24, 2007. This SIL gives instructions for calculating the life limit of main or nose landing gear parts where the history of accumulated landings is partial or unknown, or where the history of application details (airplane type, model, weight variant, etc.) is partial or unknown.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. EASA mandated the service information and issued Airworthiness Directive 2007–0292, dated November 29, 2007, to ensure the continued airworthiness of these airplanes in the European Union.

Other Relevant Rulemaking

On January 11, 1984, we issued AD 84–02–04 (49 FR 2746, January 23, 1984), for certain Airbus Model A300 B2 and B4 series airplanes. That AD requires inspection of main landing gear hinge arms for corrosion and cracks, and repair or modifications if needed. That AD also requires replacement of the main landing gear shock absorber sliding rod attachment fitting. That AD resulted from corrosion and cracks found on these components. We issued that AD to prevent landing gear failure.

The actions specified in paragraph (h) of this proposed AD would satisfy the

requirements of paragraph A. of AD 84–02–04. There are no actions in this proposed AD that would satisfy the requirements of paragraphs B. and C. of AD 84–02–04.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would supersede AD 87–16–06 and would retain the requirements of that existing AD. This proposed AD would also add airplanes to the applicability and require revising the ALS of the ICA to incorporate additional life limits and/or structural inspections for certain main landing gear and nose landing gear components.

Change to Existing AD

This proposed AD would retain the requirements of AD 87–16–06. Since AD 87–16–06 was issued, the AD format has been revised. As a result, the corresponding paragraph identifiers have changed in this proposed AD, and paragraph (g) of this proposed AD corresponds to paragraph A. of AD 87–16–06.

Costs of Compliance

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

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Replacement (required by AD 87–16–06)	7	$80	$3,300	$3,860	94	$362,840
Revision (new proposed action)	1	80	0	80	238	19,040

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 the proposed regulation:

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 proposed 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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 39–5692 (52 FR 28241, July 29, 1987) and adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2009–0292; Directorate Identifier 2008–NM–011–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by May 1, 2009.

Affected ADs

(b) This AD supersedes AD 87–16–06.

Applicability

(c) This AD applies to all Airbus Model A300, A310, and A300–600 series airplanes, certificated in any category.

Subject

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

Unsafe Condition

(e) This AD results from revisions to the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to include new or more restrictive life limits and/or replacements. We are issuing this AD to ensure the continued structural integrity of these airplanes.

Compliance

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

Note 1: This AD requires revisions to certain operator maintenance documents to include new replacements. 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 replacements, the operator may not be able to accomplish the replacements 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 (l) of this AD. The request should include a description of changes to the required replacements that will ensure the continued operational safety of the airplane.

Restatement of the Requirements of AD 87–16–06

(g) *For Model A300 and A310 Series Airplanes*: Prior to the accumulation of 16,000 landings, or within the next 2,000 landings after September 3, 1987 (the effective date of AD 87–16–06), whichever occurs later, replace the nose landing gear drag strut upper attachment pin in accordance with Airbus Service Bulletin A300–32–374, Revision 1, dated July 15, 1986 (applicable to Model A300 airplanes); or A310–32–2023, Revision 2, dated November 14, 1986 (applicable to Model A310 airplanes).

New Requirements of This AD

ALS Revision

(h) *For Model A300, A310, and A300–600 Series Airplanes*: Within 3 months after the effective date of this AD, revise the ALS of the ICA to incorporate the applicable document listed in paragraph (h)(1), (h)(2), or (h)(3) of this AD. Accomplishing the actions specified in the applicable document satisfies the requirements of paragraph A. of AD 84–02–04, amendment 39–4795.

(1) *For Model A300 Series Airplanes*: Incorporate the document listed in paragraph (h)(1)(i) or (h)(1)(ii) of this AD.

(i) Section 05–10–00, Revision 28, dated February 27, 1998, of Chapter 5, ''Service Life Limits and Maintenance Checks,'' of the Airbus A300 Aircraft Maintenance Manual, except that the parts listed in Table 1 of this AD are subject to the life limits defined in the document listed in paragraph (h)(1)(ii) of this AD.

(ii) ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated September 6, 2007, of the Airbus A300 ALS.

TABLE 1—PARTS SUBJECT TO THE LIFE LIMITS SPECIFIED IN THE DOCUMENT IDENTIFIED IN PARAGRAPH (H)(1)(II) OF THIS AD

Part Number (P/N)	Part name
P/N C61643–2, P/N C61643–4, P/N C61643–5	Main landing gear (MLG) shock absorber end fitting.
P/N A32210001205xx	Nose landing gear (NLG) pintle pin.
P/N C62037–1	NLG shock absorber bottom.
P/N 196–0328–501	Cross beam (Pratt & Whitney forward engine mount).

(2) *For Model A310 Series Airplanes*: Incorporate ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006, of the Airbus A310 ALS.

(3) *For Model A300–600 Series Airplanes*: Incorporate ''Sub-part 1–2: Life Limits,'' and ''Sub-part 1–3: Demonstrated fatigue lives'' of Part 1, ''Safe Life Airworthiness Limitation Items,'' dated December 21, 2006, of the Airbus A300–600 ALS.

Initial Compliance Times and Repetitive Inspections

(i) Do the replacement at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, except as provided by paragraph (j) of this AD. The replacement must be done thereafter within the interval specified in the applicable document identified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) For any life limitation/task that has been complied with before the effective date of this AD in accordance with the applicable document listed in paragraph (h)(1), (h)(2), or (h)(3) of this AD, or in accordance with paragraph (g) of this AD, use the last accomplishment of each limitation/task as a starting point for accomplishing each corresponding limitation/task required by this AD.

(2) For any life limitation/task that has not been complied with before the effective date of this AD in accordance with the applicable document listed in paragraphs (h)(1), (h)(2), and (h)(3) of this AD, or in accordance with paragraph (g) of this AD, the initial compliance time starts from the date of initial entry into service as defined in the applicable document.

Special Compliance Times

(j) For any airplane on which the history of accumulated landings is partial or unknown, or where the history of application details (airplane type, model, weight variant, etc.) is partial or unknown, with or without using the information in Airbus Service Information Letter 32–118, Revision 02, dated October 24, 2007: Parts listed in Figure 1 of this AD must be replaced at the associated compliance time. The replacement must be done thereafter at the interval specified in the applicable document(s) specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

BILLING CODE 4910–13–P

Figure 1 – *Special Compliance Times*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
MAIN LANDING GEAR							
Aft pintle pin	A32140032200xx	X			December 13, 2007	13,500	9 years
	A32140056200xx	X			December 13, 2007	13,500	9 years
	A32140056202xx	X			December 13, 2007	13,500	9 years
	A32140057200xx	X			December 13, 2007	13,500	9 years
	A32140057202xx	X		X	December 13, 2007	13,500	9 years
	A32140062000xx	X			December 13, 2007	13,500	9 years
	A32140063000xx	X		X	December 13, 2007	13,500	9 years
Half ball housing (Fwd pintle bearing)	A32140036200xx	X			December 13, 2007	13,500	9 years
	A32140036202xx	X			December 13, 2007	13,500	9 years
	A32140036204xx	X			December 13, 2007	13,500	9 years
	A32140036206xx	X			December 13, 2007	13,500	9 years
	A32140042200xx	X		X	December 13, 2007	13,500	9 years
	A32140042202xx	X		X	December 13, 2007	13,500	9 years
	A32140068002xx	X			December 13, 2007	13,500	9 years
	A32140068004xx	X			December 13, 2007	13,500	9 years
	A32140069002xx	X		X	December 13, 2007	13,500	9 years
	A32140069004xx	X		X	December 13, 2007	13,500	9 years
Ball (Fwd pintle pin)	A32140012202xx	X			December 13, 2007	13,500	9 years
	A32140043202xx	X		X	December 13, 2007	13,500	9 years

Figure 1 – ***Special Compliance Times (continued)***

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
Pin (Multiple link/Frame 50)	A53833451200xx	X			December 13, 2007	13,500	9 years
	A53833451206xx	X			December 13, 2007	13,500	9 years
	A53834451200xx	X			December 13, 2007	13,500	9 years
	A53834451202xx	X		X	April 25, 2007	13,500	9 years
Pin (Drop link/Frame 50)	A53811122200xx		X		April 25, 2007	18,000	9 years
MLG Barrel Assembly							
Upper torque link pin nut	00-200-402	X			December 13, 2007	N/A	30 months
	SL40089	X			December 13, 2007	N/A	30 months
	SL40089P	X			December 13, 2007	N/A	30 months
	SL40123	X			December 13, 2007	N/A	30 months
	SL40123P	X	X	X	April 25, 2007	N/A	30 months
Torque link medium pin nut	00-200-358	X			December 13, 2007	N/A	30 months
	SL40114P	X	X		April 25, 2007	N/A	30 months
	SL40132	X			December 13, 2007	N/A	30 months
	SL40132P	X		X	April 25, 2007	N/A	30 months
Attaching fitting pin	C62311-1	X			December 13, 2007	13,500	9 years
	C62311-20	X		X	April 25, 2007	13,500	9 years
Pin (Connecting rod/Upper rod)	C65815	X			December 13, 2007	13,500	9 years
	C65815-1	X			December 13, 2007	13,500	9 years
	C65815-20	X			December 13, 2007	13,500	9 years
	C66472	X			December 13, 2007	13,500	9 years
	C66472-1	X			December 13, 2007	13,500	9 years
	C66472-20	X		X	April 25, 2007	13,500	9 years
	D52751		X		April 25, 2007	18,000	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
MLG Shock Absorber Assembly							
Lower torque link pin nut	00-200-402	X			December 13, 2007	N/A	30 months
	SL40089	X			December 13, 2007	N/A	30 months
	SL40089P	X			December 13, 2007	N/A	30 months
	SL40123	X			December 13, 2007	N/A	30 months
	SL40123P	X	X	X	April 25, 2007	N/A	30 months
Bogie beam pivot pin nut	SL40054	X			December 13, 2007	at next removal / installation (1) (2)	
	SL40054P	X		X	April 25, 2007	at next removal / installation (1) (2)	
	SL40413P		X		April 25, 2007	at next removal / installation (1) (2)	
MLG Lock Link Assembly							
Lock link medium pin	C61485-1	X			December 13, 2007	N/A	30 months
	C61485-20	X		X	April 25, 2007	N/A	30 months
NOSE LANDING GEAR							
Pintle pin	A32210079200xx	X	X	X	April 25, 2007	13,500	9 years
NLG Telescopic Strut Assembly							
Nut (Cylinder / Locking cylinder)	C61375	X	X		April 25, 2007	13,500	9 years
	D55955	X	X	X	April 25, 2007	13,500	9 years
Locking sleeve	C61389	X	X		December 13, 2007	13,200	9 years
	C61389-1	X	X	X	April 25, 2007	13,500	9 years
NLG Barrel Assembly							
Pin (Clevis / Telescopic strut)	C62231-1	X			December 13, 2007	13,200	9 years
	C62231-2	X			December 13, 2007	13,200	9 years
	C62231-20	X	X	X	April 25, 2007	13,500	9 years
	D56530	X	X	X	April 25, 2007	13,500	9 years
Lower pin (Link / Clevis)	C62268-1	X			December 13, 2007	13,200	9 years
	C62268-2	X			December 13, 2007	13,200	9 years
	C62268-20	X	X	X	April 25, 2007	13,500	9 years
Link (Clevis / Barrel)	C62230-1	X	X	X	April 25, 2007	13,500	9 years
	D56526	X	X	X	April 25, 2007	13,500	9 years
Upper pin (Link / Barrel)	C62267-1	X			December 13, 2007	13,200	9 years
	C62267-2	X			December 13, 2007	13,200	9 years
	C62267-20	X	X	X	April 25, 2007	13,500	9 years

Figure 1 – ***Special Compliance Times (continued)***

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	**X**					
	A310		**X**				
	A300-600			**X**			
	P/N					**Landings**	**Calendar Time**
End fitting pin nut	D68062	X	X	X	December 13, 2007	at next removal / installation (2)	
	MS17825-6	X	X	X	December 13, 2007	at next removal / installation (2)	
End fitting pin	AN6-17	X	X	X	December 13, 2007	at next removal / installation (2)	
	D61183	X	X	X	December 13, 2007	at next removal / installation (2)	
	D68063	X	X	X	December 13, 2007	at next removal / installation (2)	
	NAS1306-22D	X	X	X	December 13, 2007	at next removal / installation (2)	
End fitting	C62032	X	X	X	April 25, 2007	13,500	9 years
	C62032-1	X	X	X	April 25, 2007	13,500	9 years
Rack	C61453	X			December 13, 2007	13,200	9 years
	C61453-1	X	X	X	April 25, 2007	13,500	9 years
	C61453-20	X	X	X	April 25, 2007	13,500	9 years
	C61453-40	X	X	X	April 25, 2007	13,500	9 years
	C61453-41	X	X	X	April 25, 2007	13,500	9 years
Torque link pin (Upper & Lower)	C62223-1	X			December 13, 2007	13,200	9 years
	C62223-20	X	X	X	April 25, 2007	13,500	9 years
Torque link medium pin nut	SL40110P	X	X	X	April 25, 2007	N/A	30 months
NLG Shock Absorber Assembly							
Wheel axle nut	C62879	X	X	X	April 25, 2007	4,000	24 months
Upper cam dowel	C62270	X	X	X	December 13, 2007	at next removal / installation	
Upper cam	C62034-1	X	X	X	April 25, 2007	13,500	9 years
Lower cam	C62035	X	X	X	April 25, 2007	13,500	9 years
Restrictor	C62036	X			December 13, 2007	13,200	9 years
	C62036-1	X			December 13, 2007	13,200	9 years
	C62036-2	X			December 13, 2007	13,200	9 years
	C67863	X			December 13, 2007	13,200	9 years
	C67863-1	X	X	X	April 25, 2007	13,500	9 years
	C67863-2	X	X	X	April 25, 2007	13,500	9 years
	C67863-3	X			December 13, 2007	13,500	9 years
	C67863-4	X	X	X	April 25, 2007	13,500	9 years

Figure 1 – *Special Compliance Times (continued)*

Designation	Aircraft type applicability				Start date	Compliance Time (whichever occurs first after the "start date")	
	A300	X					
	A310		X				
	A300-600			X			
	P/N					Landings	Calendar Time
Lower cam dowel	C62866	X	X	X	December 13, 2007	at next removal / installation (2)	
Nut (S/A/Barrel)	C64040	X			December 13, 2007	at next removal / installation (1) (2)	
	C64040-1	X	X	X	December 13, 2007	at next removal / installation (1) (2)	

(1) When the nut is temporarily removed and reinstalled for the purpose of performing maintenance outside a workshop, no replacement is required provided the nut's removal and reinstallation are performed on the same assembly and neither the assembly nor the nut accumulates time in service during the period between the removal and reinstallation.

(2) If the removal / installation was done after the start date, but before the effective date of this AD, the compliance time is within 3 months after the effective date of this AD.

Alternative Intervals or Limits

(k) Except as provided by paragraph (l) of this AD, after accomplishing the actions specified in paragraphs (h), (i), and (j) of this AD, no alternative replacements, replacement intervals, or limitations may be used.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, Manager, ANM–116, International Branch, 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 Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

(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 principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Related Information

(m) European Aviation Safety Agency (EASA) Airworthiness Directive 2007–0293, dated November 29, 2007, also addresses the subject of this AD.

Issued in Renton, Washington, on March 12, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–7267 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–13–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2008–0509; FRL–8788–7]

Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the New Mexico Albuquerque/Bernalillo County State Implementation Plan (SIP). This revision replaces Regulation 8, Airborne Particulate Matter, with NMAC 20.11.20, Fugitive Dust Control. This rulemaking action is being taken under section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 1, 2009.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joe Kordzi, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7186; fax number 214–665–7263; e-mail address *kordzi.joe@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: March 16, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E9–7297 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 090211163–9167–01]

RIN 0648–AX69

Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes management measures for the 2009 summer flounder, scup, and black sea bass recreational fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the fishing year and to provide an opportunity for public comment. The intent of these measures is to prevent overfishing of the summer flounder, scup, and black sea bass resources.

DATES: Comments must be received by 5 p.m. local time, on May 1, 2009.

ADDRESSES: You may submit comments, identified by RIN 0648–AX69, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.
- Mail and hand delivery: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on 2009 Summer Flounder, Scup, and Black Sea Bass Recreational Measures.''
- Fax: (978) 281–9135. Send the fax to the attention of the Sustainable Fisheries Division. Include ''Comments on 2009 Summer Flounder, Scup, and Black Sea Bass Recreational Measures'' prominently on the fax.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the recreational management measures document, including the Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) and other supporting documents for the recreational management measures are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790. These documents are also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael Ruccio, Fishery Policy Analyst, (978) 281–9104.

SUPPLEMENTARY INFORMATION:

Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission), in consultation with the New England and South Atlantic Fishery Management Councils. The management units specified in the FMP include summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina (NC) northward to the U.S./Canada border, and scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35°13.3′ N. lat. (the latitude of Cape Hatteras Lighthouse, Buxton, NC) northward to the U.S./Canada border.

The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMP appear at 50 CFR part 648, subparts A (general provisions), G (summer flounder), H (scup), and I (black sea bass). General regulations governing U.S. fisheries also appear at 50 CFR part 600. States manage summer flounder within 3 nautical miles of their coasts, under the Commission's plan for summer flounder, scup, and black sea bass. The Federal regulations govern vessels fishing in the exclusive economic zone (EEZ), as well as vessels possessing a Federal fisheries permit, regardless of where they fish.

The FMP established Monitoring Committees (Committees) for the three fisheries, consisting of representatives from the Commission, the Mid-Atlantic Council, state marine fishery agency representatives from MA to NC, and NMFS. The FMP and its implementing regulations require the Committees to review scientific and other relevant information annually and to recommend management measures necessary to achieve the recreational harvest limits established for the summer flounder, scup, and black sea bass fisheries for the upcoming fishing year. The FMP limits these measures to minimum fish size, possession limit, and fishing season.

The Council's Demersal Species Committee and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) then consider the Committees' recommendations and any public comment in making their recommendations to the Council and the Commission, respectively. The Council then reviews the recommendations of the Demersal Species Committee, makes its own recommendations, and forwards them to NMFS for review. The Commission similarly adopts recommendations for the states. NMFS is required to review the Council's recommendations to ensure that they are consistent with the targets specified for each species in the FMP.

Quota specifications for the 2009 summer flounder, scup, and black sea bass fisheries were published on January 2, 2009 (74 FR 29). Based on these specifications, the 2009 coastwide recreational harvest limits are 7,158,600 lb (3,247 mt) for summer flounder, 2,585,952 lb (1,173 mt) for scup, and 1,137,810 lb (516 mt) for black sea bass. The specification rules did not establish recreational measures, since final recreational catch data for 2008 were not available when the Council made its recreational harvest limit recommendation to NMFS.

All minimum fish sizes discussed hereafter are total length measurements of the fish, i.e., the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side. For black sea bass, total length measurement does not include the caudal fin tendril. All possession limits discussed below are per person.

Summer Flounder

Recreational landings for 2008 were estimated to have been 8.14 million lb (3,692 mt). This exceeded, by approximately 31 percent, the 2008 recreational harvest limit of 6.22 million lb (2,821 mt). All states except DE, VA, and NC are projected to have exceeded their state harvest limits established

under the conservation equivalency system utilized to manage the 2008 recreational summer flounder fishery. The magnitude of the overages ranged from a low of 9 percent for NJ to a high of 105 percent for MD.

The 2009 coastwide harvest limit is 7.16 million lb (3,247 mt), a 15.1–percent increase from the 2008 harvest limit of 6.22 million lb (2,821 mt). However, given the magnitude of the 2008 overages, landings must be reduced by 12 percent coastwide from the 2008 levels to ensure that the 2009 harvest limit is not exceeded. The Council is recommending conservation equivalency, described as follows, that would require individual states to reduce summer flounder landings (measured in number of fish) to achieve the necessary recreational harvest reductions for 2009.

NMFS implemented Framework Adjustment 2 to the FMP (Framework Adjustment 2) on July 29, 2001 (66 FR 36208), which established a process that makes conservation equivalency an option for the summer flounder recreational fishery. Conservation equivalency allows each state to establish its own recreational management measures (possession limits, minimum fish size, and fishing seasons) to achieve its state harvest limit, as long as the combined effect of all of the states' management measures achieves the same level of conservation as would Federal coastwide measures developed to achieve the overall recreational harvest limit, if implemented by all of the states.

The Council and Board recommend annually that either state-specific recreational measures be developed (conservation equivalency) or coastwide management measures be implemented by all states to ensure that the recreational harvest limit will not be exceeded. Even when the Council and Board recommend conservation equivalency, the Council must specify a set of coastwide measures that would apply if conservation equivalency is not approved.

If conservation equivalency is recommended, and following confirmation that the proposed state measures would achieve conservation equivalency, NMFS may waive the permit condition found at § 648.4(b), which requires federally permitted vessels to comply with the more restrictive management measures when state and Federal measures differ. In such a situation, federally permitted charter/party permit holders and recreational vessels fishing for summer flounder in the EEZ would then be subject to the recreational fishing measures implemented by the state in which they land summer flounder, rather than the coastwide measures.

In addition, the Council and the Board must recommend precautionary default measures. The Commission would require adoption of the precautionary default measures by any state that either does not submit a summer flounder management proposal to the Commission's Summer Flounder Technical Committee (Technical Committee), or that submits measures that are determined not to achieve the required level of reduction for that state. The precautionary default measures are defined as the set of measures that would achieve at least the highest percent reduction for any state on a coastwide basis.

In December 2008, the Council and Board voted to recommend conservation equivalency to achieve the 2009 recreational harvest limit. The Commission's conservation equivalency guidelines require the states to determine and implement appropriate state-specific management measures (i.e., possession limits, fish size limits, and fishing seasons) to achieve state-specific harvest limits. States may also form voluntary regions wherein the member states' measures must achieve the overall reduction required for the region in question.

For 2009, the Commission is requiring that states that must reduce landings to ensure that at least 50 percent of the percent reduction derive from a modification to the fishing season. The Monitoring Committee and the Technical Committee have both stated that modification of season length is typically more effective at reducing landings than are modifications to minimum fish size and possession limits. The Commission is not requiring the use of any other adjustments or reductions similar to the performance-based adjustment factor that was utilized in 2008.

According to the conservation equivalency procedures established in Framework Adjustment 2, each state except DE, VA, and NC would be required to reduce 2009 landings by the percentages shown in Table 1. DE, VA, and NC may submit more liberal management measures, provided that they are sufficient to ensure their 2009 state harvest limits are not exceeded. ME and NH have no recreational summer flounder harvest limit and are not required to submit management measures to the Commission.

Under conservation equivalency, state-specific landings from 1998 are used as the baseline for individual state's reductions, because 1998 was the last year that recreational summer regulations were consistent along the coast. Recreational landings in 1998 were 6.978 million fish coastwide; the 2009 recreational harvest limit translates into 2.069 million fish (i.e., 7.16 million lb (3,247 mt) recreational harvest limit divided by predicted 2009 average fish weight of 3.46 lb/fish (1.57 kg/fish)). As such, landings must be reduced by 70.4 percent in 2009 to achieve the 1998 baseline level of landings.

TABLE 1. 2009 CONSERVATION EQUIVALENCY STATE-SPECIFIC HARVEST TARGETS (THOUSANDS OF FISH): 1998 BASELINE; 2009 TARGET, 2008 PROJECTED LANDINGS, AND PERCENT REDUCTIONS.

State	1998 Baseline Target (X '000 fish)	2009 Target (X '000 fish)[A]	2008 Projected Landings(X '000 fish)	Required Percent Reduction for 2009
MA	383	114	150	24
RI	395	117	200	42
CT	261	77	118	35
NY	1,230	365	600	39
NJ	2,728	809	870	7
DE	219	65	33	0
MD	206	61	125	51
VA	1,165	345	231	0
NC	391	116	54	0

[A] Based on a 70.4–percent reduction in 1998 landings and an estimated 2009 mean fish weight of 3.46 lb (1.57 kg)

The Board required that each state submit its conservation equivalency proposals to the Commission by late January 2009. The Technical Committee then evaluated the proposals and advised the Board of each proposal's consistency with respect to achieving the coastwide recreational harvest limit. The Commission invited public participation in its review process by allowing public comment on the state proposals at the Technical Committee meeting held on January 28, 2009. The Board met on February 3, 2009, and approved a range of management proposals for each state designed to attain conservation equivalency. Once the states select and submit their final summer flounder management measures to the Commission, the Commission will notify NMFS as to which individual state proposals have been approved or disapproved. NMFS retains the final authority either to approve or to disapprove using conservation equivalency in place of the coastwide measures and will publish its

determination as a final rule in the **Federal Register** to establish the 2009 recreational measures for these fisheries.

States that do not submit conservation equivalency proposals, or whose proposals are disapproved by the Commission, will be required by the Commission to adopt the precautionary default measures. In the case of states that are initially assigned precautionary default measures, but subsequently receive Commission approval of revised state measures, NMFS will publish a notice in the **Federal Register** announcing a waiver of the permit condition at § 648.4(b). The suite of state proposals for 2009 has initially been approved by the Commission. Therefore, a state would only be required to implement precautionary default measures if the measures submitted for final Commission approval are different than those preliminarily approved by the Commission or for failing to finalize conservation equivalent measures for 2009.

The precautionary default measures recommended by the Council and Board during their joint December 2008 meeting are for a 21.5–inch (54.61–cm) minimum fish size, a possession limit of one fish, and an open season of July 4 through September 7, 2009.

As described above, for each fishing year, NMFS implements either coastwide measures or conservation equivalent measures at the final rule stage. The coastwide measures recommended by the Council and Board for 2009 are a 20–inch (50.80–cm) minimum fish size, a possession limit of two fish, and an open season from May 1 to September 30, 2009.

In this action, NMFS proposes to implement conservation equivalency with a precautionary default backstop, as previously outlined, for states that either fail to submit conservation equivalent measures or whose measures are disapproved by the Commission. NMFS proposes the non-preferred alternative of coastwide measures, as previously described, for use if conservation equivalency is not approved in the final rule. The coastwide measures would be waived if conservation equivalency is approved in the final rule.

Scup

The 2009 scup recreational harvest limit is 2,585,952 lb (1,173 mt), a 41–percent increase from the 2008 recreational harvest limit of 1.83 million lb (830 mt). Recreational landings are estimated to have been 4.75 million lb (2,155 mt).

Development of scup recreational management measures has been substantially complicated for 2009 following the results of a Northeast Fisheries Science Center (Center) Data Poor Stocks Working Group (DPSWG). The peer-reviewed results of the DPSWG has resulted in the adoption of revised scup biological reference points, a new stock assessment modeling approach, and a more favorable overall status of the stock than was previously available. In fact, the scup stock is now considered rebuilt, not overfished, and not subject to overfishing in 2007, the year for which the most recent information was available during the DPSWG.

The Council and Commission, at the time of their December 9–11, 2008, meeting, did not have the final DPSWG results; these were not available until January 20, 2009. As such, the Council and Commission adopted recommendations for scup measures based on the proposed 2009 scup TAL and recreational harvest limit as outlined in the October 28, 2008, proposed rule (73 FR 63934) issued by NMFS. This was a TAL of 7.34 million lb (3,329 mt) and a recreational harvest limit of 1.83 million lb (830 mt). This would have required a 63–percent reduction in scup landings for 2009.

The DPSWG peer-review was concluded December 12, 2008. The peer-review panel recommended during the meeting proceedings that the new modeling approach, biological reference points, and revised stock status be accepted for management advice for scup, provided sufficient attention was paid to the many uncertainties remaining in the new assessment. On the strength of this recommendation, NMFS increased the scup TAL from the 7.34 million lb (3,329 mt) proposed in October, to an 11.18–million-lb (4,170–mt) scup TAL in the final rule for the 2009 specifications. This increased the recreational harvest limit from 1.83 million lb (830 mt) to 2.59 million lb (1,173 mt). However, the Council was unable to revisit its recommendation, so the preferred measures proposed by the Council include a 12–inch (30.48–cm) minimum fish size, a January 1–February 28 and October 1–October 31, 2009, fishing season, and a 25–fish possession limit. The non-preferred alternatives offered by the Council were to retain *status quo* measures from 2008 or to close the Federal waters of the EEZ for 2009.

On February 3, 2009, the Commission's Scup Management Board (Board) elected to maintain *status quo* scup management measures from 2008 for state waters in 2009. Under this system, the states from MA to NY, which typically account for 95 to 97 percent of state water scup harvest, would have similar measures: Different minimum fish sizes; possession limits; and fishing seasons for private vessels/shore based anglers and party/charter vessels. A minimum fish size of 10.5 inches (26.7 cm), a common possession limit (10 fish), and a May 24 through September 26 fishing season for private vessels and shore-based anglers; party and charter vessels could take scup for up to 126 days under two distinct seasons with separate minimum fish sizes, possession limits, and seasons. One charter/party season, designated as ''bonus fishery,'' has a minimum fish size of 11.0 inches (27.94 cm), a 45–fish possession limit, and is constrained to a 45-day period within May 15 through October 15. The second party/charter season designation is the ''non-bonus fishery,'' which carries an 11.0–inch (27.94–cm) minimum fish size, a 10–fish possession limit, and is 81 days in duration either prior to or following the dates of the open season. Due to low scup landings in NJ through NC, the Board approved the retention of *status quo* management measures for those states, i.e., a 10–inch (25.40–cm) minimum fish size, a 50–fish possession limit, and open seasons of January 1 through February 29 and September 18 through November 30.

Very little of the scup recreational harvest comes from the Federal waters of the EEZ. The average total scup recreational harvest from Federal waters for the years 1998–2007 is slightly over 6 percent. In 2007, the percentage was slightly over 2 percent. NMFS is proposing to implement the Council's non-preferred alternative of status quo for the 2009 fishing year: A 10.5–inch (26.67–cm) minimum fish size; a 15–fish per person possession limit; and open seasons of January 1 through February 28, and October 1 through October 31, 2009. While these measures may result in a minor increase in 2009 scup recreational landings, the majority of landings will occur from state waters where NMFS has no jurisdiction. The state or Federal combined recreational landings are not likely to result in the scup stock being overfished or to result in overfishing.

Black Sea Bass

Recreational landings in 2008 were estimated to have been 1.27 million lb (576 mt)--40 percent below the 2008 target of 2.11 million lb (957 mt) but 10.5 percent above the 2009 target of 1.137 million lb (516 mt). The 2009 recreational harvest limit of 1.137 million lb (516 mt) is a 46.1–percent

decrease from the 2008 target. Based on 2008 estimated landings, a 10–percent reduction in coastwide landings is necessary to achieve the 2009 target.

For Federal waters, the Council and Board have recommended measures that would increase the 12.0–inch (30.48–cm) minimum fish size from 2008 to 12.5 inches (31.75 cm) in 2009 and maintain the status quo 25–fish possession limit and open season of January 1 through December 31, 2009. NMFS proposes to implement the Council and Board recommended measures, which are expected to constrain recreational black sea bass landings to the 2009 target.

Classification

Pursuant to section 304 (b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section of the preamble and in the **SUMMARY**. A summary of the analysis follows. A copy of the complete IRFA is available from the Council (see **ADDRESSES**).

This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

The proposed action could affect any recreational angler who fishes for summer flounder, scup, or black sea bass in the EEZ or on a party/charter vessel issued a Federal permit for summer flounder, scup, and/or black sea bass. However, the IRFA focuses upon the impacts on party/charter vessels issued a Federal permit for summer flounder, scup, and/or black sea bass, because these vessels are considered small entities for the purposes of the RFA, i.e., businesses in the recreational fishery with gross revenues of up to $6.5 million. These small entities can be specifically identified in the Federal vessel permit database and would be impacted by the recreational measures, regardless of whether they fish in Federal or state waters. Although individual recreational anglers are likely to be impacted, they are not considered small entities under the RFA. Also, there is no permit requirement to participate in these fisheries; thus, it would be difficult to quantify any impacts on recreational anglers in general.

The Council estimated that the proposed measures could affect any of the 962 vessels possessing a Federal charter/party permit for summer flounder, scup, and/or black sea bass in 2007, the most recent year for which complete permit data are available. However, only 342 of these vessels reported active participation in the recreational summer flounder, scup, and/or black sea bass fisheries in 2007.

In the IRFA, the no-action alternative (i.e., maintenance of the regulations as codified) is defined as implementation of the following: (1) For summer flounder, coastwide measures of a 20–inch (50.8–cm) minimum fish size, a 2–fish possession limit, and a season from May 1 through September 30, i.e., the Federal regulatory measure that would be implemented if conservation equivalency is not implemented in the final rule; (2) for scup, a 10.5–inch (26.67–cm) minimum fish size, a 15–fish possession limit, and open seasons of January 1 through February 28, and October 1 through October 31; and (3) for black sea bass, a 12–inch (30.48–cm) minimum size, a 25–fish possession limit, and an open season of January 1 through December 31.

The no-action alternative for scup is the same (*status quo*) set of measures being proposed for 2009. As such, since there is no regulatory change being proposed for scup, there is no further discussion of the economic impacts within this section.

The impacts of the proposed action on small entities (i.e., federally permitted party/charter vessels in each state in the Northeast region) was analyzed, assessing potential changes in gross revenues for all 18 combinations of alternatives proposed. Although NMFS's RFA guidance recommends assessing changes in profitability as a result of proposed measures, the quantitative impacts were instead evaluated using changes in party/charter vessel revenues as a proxy for profitability. This is because reliable cost and revenue information is not available for charter/party vessels at this time. Without reliable cost and revenue data, profits cannot be discriminated from gross revenues. As reliable cost data become available, impacts to profitability can be more accurately forecast. Similarly, changes to long-term solvency were not assessed due both to the absence of cost data and because the recreational management measures change annually according to the specification-setting process. Effects of the various management measures were analyzed by employing quantitative approaches, to the extent possible. Where quantitative data were not available, qualitative analyses were utilized. Management measures proposed under the summer flounder conservation equivalency alternative (Summer Flounder Alternative 1) have yet to be adopted; therefore, potential losses under this alternative could not be analyzed in conjunction with various alternatives proposed for scup and black sea bass. Since conservation equivalency allows each state to tailor specific recreational fishing measures to the needs of that state, while still achieving conservation goals, it is likely that the measures developed under this alternative, when considered in combination with the measures proposed for scup and black sea bass, would have fewer overall adverse effects than any of the other combinations that were analyzed.

Impacts for other combinations of alternatives were examined by first estimating the number of angler trips aboard party/charter vessels in each state in 2008 that would have been affected by the proposed 2009 management measures. All 2008 party/charter fishing trips that would have been constrained by the proposed 2009 measures in each state were considered to be affected trips. MRFSS data indicate that anglers took 37.49 million fishing trips in 2008 in the Northeastern U.S., and that party/charter anglers accounted for 5 percent of the angler fishing trips, private/rental boat trips accounted for 51 percent of angler fishing trips, and shore trips accounted for 44 percent of recreational angler fishing trips. The number of party/charter trips in each state ranged from 36,566 in DE to 335,740 in NJ (excluding ME and NH).

There is very little empirical evidence available to estimate how the party/charter vessel anglers might be affected by the proposed fishing regulations. If the proposed measures discourage trip-taking behavior among some of the affected anglers, economic losses may accrue to the party/charter vessel industry in the form of reduced access fees. On the other hand, if the proposed measures do not have a negative impact on the value or satisfaction the affected anglers derive from their fishing trips, party/charter revenues would remain unaffected by this action. In an attempt to estimate the potential changes in gross revenues to the party/charter vessel industry in each state, two hypothetical scenarios were considered:

A 25–percent reduction, and a 50–percent reduction, in the number of fishing trips that are predicted to be affected by implementation of the management measures in the Northeast (ME through NC) in 2009.

Total economic losses to party/charter vessels were then estimated by multiplying the number of potentially affected trips in each state in 2009, under the two hypothetical scenarios, by the estimated average access fee of $60.86[1] paid by party/charter anglers in the Northeast in 2007. Finally, total economic losses were divided by the number of federally permitted party/charter vessels that participated in the summer flounder fisheries in 2007 in each state (according to homeport state in the Northeast Region Permit Database) to obtain an estimate of the average projected gross revenue loss per party/charter vessel in 2009. The analysis assumed that angler effort and catch rates in 2009 will be similar to 2008.

The Council noted that this method is likely to overestimate the potential revenue losses that would result from implementation of the proposed measures in these three fisheries for several reasons. First, the analysis likely overestimates the potential revenue impacts of these measures because some anglers would continue to take party/charter vessel trips, even if the restrictions limit their landings. Also, some anglers may engage in catch and release fishing and/or target other species. It was not possible to estimate the sensitivity of anglers to specific management measures. Second, the universe of party/charter vessels that participate in the fisheries is likely to be even larger than presented in these analyses, as party/charter vessels that do not possess a Federal summer flounder, scup, or black sea bass permit because they fish only in state waters are not represented in the analyses. Considering the large proportion of landings from state waters (e.g., more than 90 percent of summer flounder and 94 percent of scup landings in 2007, respectively), it is probable that some party/charter vessels fish only in state waters and, thus, do not hold Federal permits for these fisheries. Third, economic losses are estimated under two hypothetical scenarios: (1) A 25–percent and (2) a 50–percent reduction in the number of fishing trips that are predicted to be affected by implementation of the management measures in the Northeast in 2009. Reductions in fishing effort of this magnitude in 2009 are not likely to occur, given the fact that the proposed measures do not prohibit anglers from keeping at least some of the fish they catch, or the fact that there are alternative species to harvest. Again, it is likely that at least some of the potentially affected anglers would not reduce their effort when faced with the proposed landings restrictions, thereby contributing to the potential overestimation of potential impacts for 2009.

[1] 2006 party/charter average expenditure estimate of $57.76 adjusted to 2008 equivalent using Bureau of Labor's Consumer Price Index.

Impacts of Summer Flounder Alternatives

The proposed action for the summer flounder recreational fishery would limit coastwide catch to 7.16 million lb (3,247 mt) by imposing coastwide Federal measures throughout the EEZ. As described earlier, upon confirmation that the proposed state measures would achieve conservation equivalency, NMFS may waive the permit condition found at § 648.4(b), which requires federally permitted vessels to comply with the more restrictive management measures when state and Federal measures differ. Federally permitted charter/party permit holders and recreational vessels fishing for summer flounder in the EEZ then would be subject to the recreational fishing measures implemented by the state in which they land summer flounder, rather than the coastwide measures.

The impact of the proposed summer flounder conservation equivalency alternative (in Summer Flounder Alternative 1) among states is likely to be similar to the level of landings reductions that are required of each state. As indicated above, each state except DE, VA, and NC would be required to reduce summer flounder landings in 2009, relative to state 2008 landings, by the percentages shown in Table 1 of the preamble of this proposed rule. If the preferred conservation equivalency alternative is effective at achieving the recreational harvest limit, then it is likely to be the only alternative that minimizes adverse economic impacts, to the extent practicable, yet achieves the biological objectives of the FMP. Because states have a choice, it is expected that the states would adopt conservation equivalent measures that result in fewer adverse economic impacts than the more restrictive Commission adopted, NMFS proposed precautionary default measures (i.e., 21.5–inch (54.61–cm) minimum fish size, a possession limit of one fish, and an open season of July 4 through September 7). Under the precautionary default measures, impacted trips are defined as trips taken in 2008 that landed at least one summer flounder smaller than 21.5 inches (54.61 cm) or landed summer flounder during closed seasons. The analysis concluded that implementation of precautionary default measures could affect 3.0 percent of the party/charter vessel trips in the Northeast, including those trips where no summer flounder were caught.

The impacts of the NMFS proposed summer flounder coastwide alternative, i.e., a 20–inch (50.80–cm) minimum fish size, a two-fish possession limit, and a fishing season from May 1 through September 30, were evaluated using the quantitative method described above. Impacted trips were defined as individual angler trips taken aboard party/charter vessels in 2008 that landed at least one summer flounder smaller than 20 inches (50.80 cm), that landed more than two summer flounder, or landed summer flounder during closed seasons. The analysis concluded that the measures would affect 0.69 percent of the party/charter vessel trips in the Northeast, including those trips where no summer flounder were caught.

Continuation of the current regulatory summer flounder coastwide management measures (i.e., a 19–inch (48.26–cm) minimum fish size, two-fish possession limit, and a May 23 through September 1 fishing season) is not expected to constrain 2009 landings to the recreational harvest limit; therefore, continuation of those measures would be inconsistent with the summer flounder rebuilding program, the FMP, and the Magnuson-Stevens Act.

Impacts of Black Sea Bass Alternatives

The proposed action for the black sea bass recreational fishery would limit coastwide catch to 1.14 million lb (516 mt) by imposing coastwide Federal measures throughout the EEZ. The impact of the Council and Commission preferred black sea bass alternative (Black Sea Bass Alternative 1; a 12.5–inch (31.75–cm) minimum fish size, a 25–fish per person possession limit, and an open season of January 1–December 31, 2009) would reduce black sea bass landings by 12 percent in 2009 from 2008 levels. Impacted trips were defined as trips taken in 2008 that landed at least one black sea bass smaller than 12.5 inches (31.75 cm) or landed more than 25 black sea bass. Analysis concluded that 0.52 percent of federally permitted party/charter vessel trips could be impacted by this alternative.

The impacts of the non-preferred black sea bass coastwide alternative for *status quo* (Black Sea Bass Alternative 2; 12.0–inch (30.87–cm) minimum fish size, 25–fish per person possession limit, and no closed season) is not

expected to constrain 2009 landings to the recreational harvest limit; therefore, continuation of those measures in Federal waters would be inconsistent with the FMP and the Magnuson-Stevens Act.

Black Sea Bass Alternative 3, (a 12.0–inch (30.87–cm) minimum fish size, 25–fish per person possession limit, and closed fishing season from May 16–June 14, 2009) would reduce landings by 13.3 percent. This is the most restrictive alternative analyzed by the Council. Implementation of this alternative would result in a greater reduction than is required for the 2009 recreational black sea bass fishery.

Regionally, projected federally permitted party/charter revenue losses in 2009 range from $1.20 million to $5.72 million in sales, $440,000 to $1.94 million in income, and between 38 and 192 jobs, if a 25–percent reduction in the number of affected trips occurs. The estimated losses are approximately twice as high if a 50–percent reduction in affected trips is assumed to occur.

Potential revenue losses in 2009 could differ for federally permitted party/charter vessels that land more than one of the regulated species. The cumulative maximum gross revenue loss per vessel varies by the combination of permits held and by state. All 18 potential combinations of management alternatives for summer flounder, scup, and black sea bass are predicted to affect party/charter vessel revenues to some extent in all of the northeastern coastal states. Although potential losses were estimated for party/charter vessels operating out of ME and NH, these results are suppressed for confidentiality purposes. Average party/charter losses for federally permitted vessels operating in the remaining states are estimated to vary across the 18 combinations of alternatives. For example, in MD, average losses are predicted to range from a high of $7,068 per vessel to a low of $1,860 per vessel, assuming a 25–percent reduction in effort, as described above. Average gross revenue losses per vessel under each of the 18 combinations of alternatives were generally highest in NC followed by NY, MA, MD, NJ, RI, VA, CT, then DE.

Summary

The 2009 recreational harvest limits for summer flounder and scup are 15.3- and 41.5–percent higher, respectively, than the recreational harvest limits for year 2008. The 2009 black sea bass recreational harvest limit is 46 percent lower than the 2008 recreational harvest limit.

The 2008 summer flounder recreational fishery exceeded the recreational harvest limit by 31 percent. As a result, the proposed recreational management measures for summer flounder are likely to be more restrictive for 2009 (i.e., either larger minimum fish size, lower possession limits, and/or shorter fishing seasons) under the proposed conservation equivalency system (Summer Flounder Alternative 1) than those in place in 2008, given the magnitude of exceeding the previous year recreational harvest limit.

The scup recreational harvest limit was substantially increased for 2009. Action taken by the Commission to maintain *status quo* measures for state waters will result in landings that are similar to 2008. Only a very minor fraction of the recreational harvest limit is taken in the Federal waters of the EEZ. While retaining *status quo* measures for Federal waters may result in minor increases in scup recreational landings, over 95 percent of landings are expected to occur from state waters that are outside NMFS's jurisdiction. Given the revised stock status for scup, maintenance of the status quo is not expected to result in overfishing or moving the stock towards an overfished condition.

The proposed measures for black sea bass are more restrictive than the measures in place for 2008.

The proposed management measures, or management system in the case of conservation equivalency, were chosen because they allow for the maximum level of recreational landings, while allowing the NMFS to achieve the objectives of the FMP. Summer flounder conservation equivalency permits states to implement management measures tailored, to some degree, to meet the needs of their individual recreational fishery participants, provided the level of reduction is equal to the overall reduction needed coastwide, consistent with Framework Adjustment 2 to the FMP. The maintenance of scup *status quo* was selected because it will allow for a modest fishery in Federal waters while ensuring that overfishing does not occur in 2009. The majority of scup recreational harvest occurs within state waters, beyond the jurisdiction of NMFS. The black sea bass management measures were selected as they are projected to permit the maximum amount of landings under the 2009 recreational harvest limit.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 26, 2009

Samuel D. Rauch III,

Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.102, the first sentence is revised to read as follows:

§ 648.102 Time restrictions.

Unless otherwise specified pursuant to § 648.107, vessels that are not eligible for a moratorium permit under § 648.4(a)(3) and fishermen subject to the possession limit may fish for summer flounder from May 1 through September 30. * * *

* * * * *

3. In § 648.103, paragraph (b) is revised to read as follows:

§ 648.103 Minimum fish sizes.

* * * * *

(b) Unless otherwise specified pursuant to § 648.107, the minimum size for summer flounder is 20.0 inch (50.80 cm) TL for all vessels that do not qualify for a moratorium permit, and charter boats holding a moratorium permit if fishing with more than three crew members, or party boats holding a moratorium permit if fishing with passengers for hire or carrying more than five crew members.

* * * * *

4. In § 648.105, the first sentence of paragraph (a) is revised to read as follows:

§ 648.105 Possession restrictions.

(a) Unless otherwise specified pursuant to § 648.107, no person shall possess more than two summer flounder in, or harvested from, the EEZ, unless that person is the owner or operator of a fishing vessel issued a summer flounder moratorium permit, or is issued a summer flounder dealer permit. * * *

* * * * *

5. In § 648.107, paragraph (a) introductory text and paragraph (b) are revised to read as follows:

§ 648.107 Conservation equivalent measures for the summer flounder fishery.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by Massachusetts through North

Carolina for 2009 are the conservation equivalent of the season, minimum fish size, and possession limit prescribed in §§ 648.102, 648.103, and 648.105(a), respectively. This determination is based on a recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission.

* * * * *

(b) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels subject to the recreational fishing measures of this part and registered in states whose fishery management measures are not determined by the Regional Administrator to be the conservation equivalent of the season, minimum size, and possession limit prescribed in §§ 648.102, 648.103(b) and 648.105(a), respectively, due to the lack of, or the reversal of, a conservation equivalent recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission, shall be subject to the following precautionary default measures: Season - July 4 through September 7; minimum size - 21.5 inches (54.61 cm); and possession limit - one fish.

6. In § 648.143,paragraph (b) is revised to read as follows:

§ 648.143 Minimum sizes.

* * * * *

(b) The minimum fish size for black sea bass is 12.5 inches (31.75 cm) TL for all vessels that do not qualify for a moratorium permit, and for party boats holding a moratorium permit, if fishing with passengers for hire or carrying more than five crew members, and for charter boats holding a moratorium permit, if fishing with more than three crew members.

* * * * *

[FR Doc. E9–7323 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 74, No. 61
Wednesday, April 1, 2009

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.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 27, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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 assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Reporting Requirements Under Regulations Governing Inspection and Grading Services of Manufactured or Processed Dairy Products.

OMB Control Number: 0581–0126.

Summary of Collection: The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621–1627), directs and authorizes the Department to develop standards of quality, condition, quantity, grading programs, and services to enable a more orderly marketing of agricultural products. The Government, industry and consumer will be well served if the Government can help insure that dairy products are produced under sanitary conditions and that buyers have the choice of purchasing the quality of the product they desire. The dairy grading program is a voluntary user fee program. In order for a voluntary inspection program to perform satisfactorily with a minimum of confusion, information must be collected to determine what services are requested.

Need and Use of the Information: The information collected is used to identify the product offered for grading, to identify and contact the individuals responsible for payment of the grading fee and to identify the person responsible for administering the grade label program. The Agriculture Marketing service will use forms to collect essential information to carry out and administer the inspection and grading program.

Description Of Respondents: Business or other for profit.

Number of Respondents: 400.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 361.

Agricultural Marketing Service

Title: Specialty Crop Block Grant Program—2008 Farm Bill.

OMB Control Number: 0581–0248.

Summary of Collection: The Specialty Crop Block Grant Program—Farm Bill (SCBGP–FB) is authorized under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note, amended under section 10109 of the Food, Conservation, and Energy Act of 2008, the Farm Bill). Section 10109 directs the Secretary of Agriculture to make grants to States to be used by State departments of agriculture solely to enhance the competitiveness of specialty crops.

Need and Use of the Information: The information collected is needed for the implementation of the SCBGP–FB, to determine a State department of agriculture's eligibility in the program, and to certify that grant participants are complying with applicable program regulations.

Description of Respondents: State Agriculture Departments.

Number of Respondents: 56.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,439.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–7287 Filed 3–31–09; 8:45 am]
BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Solicitation of Input From Stakeholders on the Roadmap for Agricultural Research, Education, and Extension

AGENCY: Research, Education, and Economics Office, USDA.

ACTION: Notice of public comment period for written stakeholder input.

SUMMARY: The Research, Education, and Extension Office (REEO) of the Research, Education, and Economics (REE) Mission Area of the Department of Agriculture (USDA) is requesting written stakeholder input on the preparation of a roadmap for agricultural research, education, and extension at USDA. The preparation of the Roadmap is mandated by the Food, Conservation, and Energy Act (FCEA) of 2008. By this notice, the Under Secretary for Research, Education, and Economics has been designated to act on behalf of the Secretary of Agriculture (Secretary) in soliciting public comment from interested parties regarding the preparation of the Roadmap.

DATES: All written comments must be received by 5 p.m. EST, May 31, 2009, to be considered.

ADDRESSES: You may submit comments, identified by REE–2009–0001, by any of the following methods:

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

E-mail: Roadmap@osec.usda.gov. Include REE–2009–0001 in the subject line of the message.

Fax: (202) 690–1677.

Mail: Paper, disk or CD–ROM submissions should be submitted to: Michele Simmons; Research, Education, and Extension Office (REEO); U.S. Department of Agriculture; Mail Stop 0114; 1400 Independence Avenue, SW.; Washington, DC 20250–0114.

Hand Delivery/Courier: Michele Simmons; Research, Education, and Extension Office (REEO); U.S. Department of Agriculture; Room 3858–S; 1400 Independence Avenue, SW.; Washington, DC 20250–0114.

Instructions: All submissions received must include the title ''Roadmap'' and REE–2009–0001. All comments received will be posted to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Michele Simmons, (202) 720–1777 (phone), (202) 690–1677 (fax), or *Roadmap@osec.usda.gov*.

SUPPLEMENTARY INFORMATION:

Additional Comment Procedures

Information on the REEO and Roadmap is available for review at *http://www.ree.usda.gov*. Written comments must be received by 5 p.m. EST, May 31, 2009, to be considered. All comments, when they become available, may be reviewed on the REE Web page for six months.

Background and Purpose

The preparation of the roadmap for agricultural research, education, and extension is mandated in section 7504 of the Food, Conservation, and Energy Act (FCEA) of 2008, (Pub. L. 110–246, 7 U.S.C. 7614a. The Secretary, acting through the Under Secretary for Research, Education, and Education (Under Secretary), will prepare the Roadmap. The Secretary will implement and use the Roadmap to set the agricultural research, education, and extension agenda of the Department of Agriculture.

The Under Secretary is also the Chief Scientist for USDA, responsible for the coordination of the research, education, and extension activities of the Department. [7 U.S.C. 6971(c)]. The Research, Education, and Extension Office (REEO) recently organized within the Office of the Under Secretary is the office that provides such coordination, per 7 U.S.C. #6971(e)(1). Therefore the Office of the Chief Scientist and Under Secretary is inviting input on the Roadmap to be provided to the REEO by all interested parties from the Federal Government and nongovernmental entities.

The Roadmap will identify current trends and constraints and major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually. Stakeholder input is encouraged on any and all aspects of the development and implementation of the Roadmap, including responses to the following questions:

1. What types of current and future critical issues (including those affecting citizens, communities and natural resources) does agriculture face that no USDA entity could address individually?

2. What criteria should USDA use to prioritize agricultural science (*i.e.*, research, education, and extension) investments to address these issues?

3. How might USDA better coordinate agricultural sciences among its various agencies and with its partners?

4. What are some examples where agricultural sciences are successfully coordinated for maximum benefit? Why are they successful?

5. What are some examples where agricultural sciences are not coordinated effectively? Why is coordination lacking? What are the barriers?

6. What else might USDA do to improve coordination of science; enhance USDA's ability to identify issues and prioritize investments; and elevate its role in science implementation and coordination?

Implementation Plans

The Under Secretary and the REEO plan to consider stakeholder input received from written comments in developing the Roadmap. The Secretary will make the Roadmap available to the public, with an expected publication date of not later than September 16, 2009.

Done at Washington, DC, this 4th day of March, 2009.

Katherine Smith,

Acting Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. E9–7252 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Farm Service Agency

RIN 0560–AH60

Farm Storage Facility Loan Program; Public Meetings

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice of public meetings and request for comments.

SUMMARY: The Farm Service Agency (FSA), on behalf of the Commodity Credit Corporation (CCC), is holding public meetings to solicit comments on the Farm Storage Facility Loan (FSFL) Program. The comments received at the public meetings will be considered in the development and preparation of a Programmatic Environmental Assessment (PEA) for FSFL. The purpose of the PEA is to assist in providing USDA decision-makers and the public with an analysis of the environmental benefits and potential impacts associated with implementing various changes to FSFL consistent with the Food, Conservation and Energy Act of 2008 (the 2008 Farm Bill). CCC administers the FSFL program and is now conducting a comprehensive review of the current policies, achievements, and potential future program changes. The meetings provide an opportunity for the public to voice any concerns they may have about the program and any ideas for improving it in the future consistent with the 2008 Farm Bill.

DATES: *Public meetings:* The public meetings will be held on April 14, 2009, Kansas City, KS, and April 15, 2009, Cleveland, OH.

Comments: We will consider comments that we receive by May 13, 2009. We will consider comments submitted after that date, to the extent possible.

ADDRESSES: We invite you to submit comments on the Farm Storage Facility Loan Program and to participate in the public meetings. The public meeting locations are:

1. Kansas City—Hilton Garden Inn Kansas City (McCarthy Gallery), 520 Minnesota Avenue, Kansas City, KS 66101.

2. Cleveland—Hilton Garden Inn Cleveland Downtown (Edison 1 Room), 1100 Carnegie Avenue, Cleveland OH 44115.

You may also submit comments by any of the following methods:

• *Mail:* FSFL PEA, Geo-Marine Incorporated, 2713 Magruder Blvd., Suite D, Hampton, VA 23666–1572.

• *Internet:* Access *http://public.geo-marine.com.*

FOR FURTHER INFORMATION CONTACT: Matthew T. Ponish, National Environmental Compliance Manager, USDA, FSA, CEPD, Stop 0513, 1400 Independence Ave., SW., Washington, DC 20250–0513, (202) 720–6853, or e-mail at: *Matthew.Ponish@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The FSFL program provides, through the FSA county offices, low-interest loans to eligible producers for constructing on-farm storage facilities for the commodities they produce. Since the FSFL Program was reestablished in May 2000, FSA has disbursed $731,453,541.46 in facility loans to over 18,600 producers to build or upgrade storage and handling facilities for 562,493,806 bushels of on-farm grain storage.

The 2008 Farm Bill (Pub. L. 110–246) includes several changes to the FSFL program. The 2008 Farm Bill adds hay and renewable biomass as eligible FSFL commodities; extends the maximum loan term to 12 years; increases the maximum loan amount to $500,000; and allows for one partial loan disbursement and the final disbursement. The 2008 Farm Bill also clarifies the loan security requirements. The 2008 Farm Bill gives the USDA Secretary discretionary authority to determine other eligible commodities. CCC is looking into the following questions and options:

• Defining the eligible structures for new commodities,

• Handling portions of FSFL structures not used for FSFL storage,

• Defining the purpose of FSFL facilities, and

• Further securing loans with no resale collateral value.

Changes to the FSFL program will be implemented through rulemaking. More detailed information on FSFL is available on FSA's Web site at: *http://www.fsa.usda.gov/FSA/webapp?area=home&subject=prsu&topic=flp-fp.*

Public Participation

To increase public involvement and provide additional opportunities to comment, FSA is holding two public scoping meetings to provide information and opportunities for discussing the issues and the proposed alternatives to be covered in the PEA. Consistent with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4347, the PEA will analyze the environmental benefits and potential impacts associated with implementing the changes to FSFL as required by the 2008 Farm Bill. The two National meetings will be held on the following dates and locations:

Date	Time	Location information
April 14, 2009	5–8 p.m.	Hilton Garden Inn Kansas City in the McCarthy Gallery, 520 Minnesota Avenue, Kansas City, Kansas 66101; Phone 913–342–7900; Free parking.
April 15, 2009	5–8 p.m.	Hilton Garden Inn Cleveland Downtown, in Edison 1 Room, 1100 Carnegie Avenue, Cleveland, OH 44115; Phone: 216–658–6400.

Additional information about the public scoping meetings, including directions and how to provide comments, is available at: *http://public.geo-marine.com.*

A Final Programmatic Environmental Assessment (PEA) will be available from FSA or Geo-Marine Incorporated using the contact information included above.

Signed in Washington, DC, on March 26, 2009.

Robert Stephenson,

Acting Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. E9–7243 Filed 3–31–09; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; Request for Aerial Photography

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision of a currently approved information collection, Request for Aerial Photography. The revision adds two new collections to the existing information collection. The new Aerial Photography Field Office (APFO) Service Quality Survey will be provided to the customers who purchased the aerial photography and the collected information will be used to improve the products and services. The new APFO Custom Digital Print Request will be available to the producers, ranchers and other customers to place a special order for aerial custom digital print.

DATES: We will consider comments that we receive by June 1, 2009.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include the date, volume and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

• *Mail:* David Parry, Supervisor, USDA, Farm Service Agency, APFO Customer Service Section, 2222 West 2300 South Salt Lake City, Utah 84119–2020.

• *E-mail: david.parry@slc.usda.gov.*

• *Fax:* 801–956–3653.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Copies of the information collection may be obtained from David Parry at the above address.

FOR FURTHER INFORMATION CONTACT: David Parry, Supervisor, APFO Customer Service Section, (801) 844–2922.

SUPPLEMENTARY INFORMATION:

Title: Request for Aerial Photography.

OMB Control Number: 0560–0176.

Type of Request: Revision.

Abstract: This information collection is needed to enable the Department of Agriculture to effectively administer the Aerial Photography Program. The Aerial Photography Field Office (APFO) has the authority to coordinate aerial photography, remote sensing programs and the aerial photography flying contract programs. The digital and film imagery secured by FSA is public domain and reproductions are available at cost to any customer with a need. All information regarding the use of aerial photography products and services are retained by FSA.

The following two new collections will be added to the currently approved information collection. The APFO Service Quality Survey will be given to the customers to obtain feedback on aerial imagery products and services when they purchase the aerial photography. The collected information from the survey will be used to improve

the products and services. Also, the Custom Digital Print Request is the new form that APFO will supply to the customers for placing an order for custom aerial imagery products and services.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 10 minutes per response for Custom Digital Print Request and average 5 minutes per response for Service Quality Survey.

Respondents: Farmers, Ranchers and other USDA customers who purchase imagery products and services.

Estimated Number of Respondents: 600 respondents for APFO Service Quality Survey and 1,200 respondents for Custom Digital Request.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: in hours. 100 for Custom Digital Print request and 100 for Service Quality Survey.

Comments are invited on:

(1) 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) The accuracy of the agency's estimate of the burden, including the validity of the methodology and assumptions used;

(3) Enhancing the quality, utility and clarity of the information to be collected; and

(4) Minimizing the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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.

Signed in Washington, DC, on March 26, 2009.

Robert Stephenson,

Acting Administrator, Farm Service Agency.

[FR Doc. E9–7246 Filed 3–31–09; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee, Custer, SD, USDA Forest Service

ACTION: Notice of Meeting.

SUMMARY: Pursuant to authorities in the Federal Advisory Committee Act (Law 92–463) and Public Law 110–343, enacted on October 3, 2008, reauthorizing and amending the Secure Rural Schools and Community Self Determination Act of 2000 (Pub. L. 106–393), the Black Hills National Forest Custer County Resource Advisory Committee will meet on Tuesday, April 7, 2009 in Custer, South Dakota. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The meeting on April 7, 2009 will begin at 5:30 p.m. at the Black Hills National Forest Supervisor's Office at 25041 North Highway 16, Custer, South Dakota. Agenda topics will be Project review and selection and other general business.

FOR FURTHER INFORMATION CONTACT: Lynn Kolund, Hell Canyon District Ranger and Designated Fed Official, at 605–673–4853.

Lynn Kolund,

District Ranger.

[FR Doc. E9–7163 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Upcoming Sunset Reviews.

SUPPLEMENTARY INFORMATION:

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for May 2009

The following Sunset Reviews are scheduled for initiation in May 2009 and will appear in that month's Notice of Initiation of Five-year Sunset Reviews.

Antidumping Duty Proceedings	Department Contact
Pressure Sensitive Plastic Tape from Italy (A–475–059)	Brandon Farlander (202) 482–0182
Color Television Receivers from the PRC (A–570–884)	Hallie Zink (202) 482–6907
Countervailing Duty Proceedings.	
No Sunset Review of countervailing duty orders are scheduled for initiation in May 2009..	
Suspended Investigations.	
No Sunset Review of suspended investigations are scheduled for initiation in May 2009..	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3--*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) . The Notice of Initiation of Five-year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation,

the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 19, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–7294 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213 (2007) of the Department of Commerce (the Department) regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative review initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and made our decision regarding respondent selection within 20 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of the **Federal Register** initiation notice.

Opportunity to Request a Review:

Not later than the last day of April 2009[1], interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

Antidumping Duty Proceedings	Period
FRANCE: Sorbitol.	
A–427–001	4/1/08 - 3/31/09
NORWAY: Fresh and Chilled Atlantic Salmon.	
A–403–801	4/1/08 - 3/31/09
THE PEOPLE'S REPUBLIC OF CHINA: Activated Carbon.	
A–570–904	4/1/08 - 3/31/09
THE PEOPLE'S REPUBLIC OF CHINA: Magnesium Metal.	
A–570–896	4/1/08 - 3/31/09
THE PEOPLE'S REPUBLIC OF CHINA: Non–Malleable Cast Iron Pipe Fittings.	
A–570–875	4/1/08 - 3/31/09
RUSSIA: Magnesium Metal.	
A–821–819	4/1/08 - 3/31/09
Countervailing Duty Proceedings.	
NORWAY: Fresh and Chilled Atlantic Salmon.	
C–403–802	1/1/08 - 12/31/08
Suspension Agreements.	
None..	

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters.[2] If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order–by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

[2] If the review request involves a non-market economy country and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to section 351.303(f)(3)(ii) of the regulations.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import Administration web site at http://ia.ita.doc.gov.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2009. If the Department does not receive, by the last day of April 2009, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 19, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–7292 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 1, 2009.

SUMMARY: The Department of Commerce (the Department) is currently conducting new shipper reviews (NSRs) of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC)[1] covering the period of review February 1, 2008, through July 31, 2008. We preliminarily determine that the sales made by Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian (Zhangzhou Gangchang)[2] and by Zhejiang Iceman Group Co., Ltd. (Zhejiang Iceman), were not made below normal value (NV). If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of subject merchandise during the period of review (POR) for any importer–specific assessment rates that are above *de minimis*.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, 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) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 2008, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 351.214(c), the Department received a NSR request from Zhejiang Iceman. On August 22, 2008, we received a NSR request from Zhangzhou Gangchang, also pursuant to 751(a)(2)(B)(i) of the Tariff Act the 19 CFR 351.214(c). The Department determined that both of these requests had not been properly filed, and therefore returned them on August 26, 2008. On August 29, 2008, both companies resubmitted their requests. They both certified that they are the producers and exporters of the subject merchandise upon which the requests were based.

On October 2, 2008, the Department initiated antidumping duty NSRs on certain preserved mushrooms from the PRC covering the two companies. *See Certain Preserved Mushrooms from the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Reviews*, 73 FR 57333 (October 2, 2008) (*Initiation Notice*).

On October 8, 2008, the Department issued its standard antidumping questionnaire to both Zhejiang Iceman and Zhangzhou Gangchang. Between November 2008 and February 2009, Zhejiang Iceman and Zhangzhou Gangchang submitted responses to the original sections A, C, and D questionnaires and supplemental sections A, C, and D questionnaires.

On November 3, 2008, the Department sent interested parties a letter requesting comments on surrogate country selection and information pertaining to valuing factors of production (FOP). On February 17, 2009, Zhejiang Iceman and Zhangzhou Gangchang submitted surrogate value data. No other party submitted surrogate country or surrogate value data.

Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. ''Certain Preserved Mushrooms'' refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These

[1] *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999).

[2] Based on the name by which Zhangzhou Gangchang identified itself in its request for new shipper review, the Department initiated the review for this company under the name Zhangzhou Gangchang Canned Foods Co., Ltd. *See Certain Preserved Mushrooms from the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Reviews*, 73 FR 57333 (October 2, 2008). However, Zhangzhou Gangchang subsequently stated that its name is actually Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian. See Zhangzhou Gangchang's January 16, 2009, submission at 8. Record evidence supports Zhangzhou Gangchang's contention. See Zhangzhou Gangchang's November 6, 2008, submission at Exhibit A-4. Therefore in this and subsequent notices we refer to Zhangzhou Gangchang by its correct name.

mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.[3]

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms'' (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.

Non–Market Economy Country Status

In every case conducted by the Department involving the PRC, we have treated the PRC as a non–market economy (NME) country. In accordance with section 771(18)(C)(i) of the Tariff Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. *See Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review*, 71 FR 66304 (November 14, 2006). None of the parties to this proceeding have contested such treatment. Accordingly, we calculated normal value (NV) in accordance with section 773(c) of the Tariff Act, which applies to NME countries.

Affiliation

Section 771(33) the Tariff Act provides that the following persons shall be considered to be ''affiliated'' or ''affiliated persons≥: (A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; (B) Any officer or director of an organization and such organization; (C) Partners; (D) Employer and employee; (E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and such organization; (F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person; or (G) Any person who controls any other person and such other person. The Act further provides that ''a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.'' Id.

The Statement of Administrative Action (SAA) to the Uruguay Round Agreements Act states the following: the traditional focus on control through stock ownership fails to address adequately modern business arrangements, which often find one firm ''operationally in a position to exercise restraint or direction'' over another even in the absence of an equity relationship. A company may be in a position to exercise restraint or direction, for example, through corporate or family groupings, franchises or joint venture agreements, debt financing, or close supplier relationships in which the supplier or buyer becomes reliant upon the other.[4]

Section 351.102(b)(3) of the Department's regulations defines affiliated persons and affiliated parties as having the same meaning as in section 771(33) of the Act and states that: ''In determining whether control over another person exists, within the meaning of section 771(33) of the Act, the Secretary will consider the following factors, among others: corporate or family groupings; franchise or joint venture agreements; debt financing; and close supplier relationships. The Secretary will not find that control exists on the basis of these factors unless the relationship has the potential to impact decisions concerning the production, pricing, or cost of the subject merchandise or foreign like product. The Secretary will consider the temporal aspect of a relationship in determining whether control exists; normally, temporary circumstances will not suffice as evidence of control.''

To the extent that section 771(33) of the Tariff Act does not conflict with the Department's application of separate rates and enforcement of the non–market economy provision, pursuant to section 773(c) of the Tariff Act, the Department will determine that exporters and/or producers are affiliated if the facts of the case support such a finding. For the reasons discussed below, we find that this condition has not prevented us from examining whether certain producers are affiliated with Zhejiang Iceman in this administrative review.

The record of this NSR demonstrates that Zhejiang Iceman Group Co. Ltd. (Zhejiang Iceman) and Dangshan Xincheng Foods Co. Ltd. (Dangshan) are affiliated, pursuant to section 771(33)(E) of the Act. *See* Memorandum from Robert James, Program Manager, to Richard Weible, Office Director, entitled ''Certain Preserved Mushrooms from the People's Republic of China: Affiliation and Collapsing of Zhejiang Iceman Group Co. Ltd. and Dangshan Xincheng Foods Co., Ltd.,'' dated March 25, 2009 (Collapsing Memorandum). Zhejiang Iceman directly owns greater than 5 percent of the voting shares of Dangshan. *See* Collapsing Memorandum at pages 3 and 4. Also, both of Zhejiang Iceman's owners, Mr. Shen Ronglu, and his wife, Mrs. Xiang Ping, collectively own 100 percent of the shares of Zhejiang Iceman, and directly own greater than 5 percent of the voting shares of Dangshan. Id. Record evidence also shows Zhejiang Iceman and Dangshan are under the common control of Mr. Shen Ronglu, and are, therefore affiliated under section 771(33)(F) of the Tariff act. *Id.* Zhejiang Iceman also claims it is controlled by its owner, Mr. Shen Ronglu, who is also the general manager of Zhejiang Iceman. *Id.* Zhejiang Iceman also claims Shen Ronglu has sole authority to bind both Zhejiang Icemen and Dangshan in agreements. *Id.* Further, record evidence shows that both Mr. Shen Ronglu, and his wife, Mrs. Xiang Ping, are affiliated as members of a family under section 771(33)(A) of the Tariff Act. *Id.*

Based on our analysis, we preliminarily find that, during the POR, producer/exporter Zhejiang Iceman and Dangshan were, in fact, affiliated through the common ownership and control of Zhejiang Iceman's and Dangshan's joint owners (who are

[3] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. *See* Recommendation Memorandum-Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,≥ dated June 19, 2000. On February 9, 2005, the United States Court of Appeals for the Federal Circuit upheld this decision. *See Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

[4] *See* SAA, H.R. Doc. 103-316, vol. 1 at 838 (1994).

affiliated as family members under 771(33)(A)) and pursuant to sections 771(33)(E) and (F) of the Tariff Act. For further discussion on this matter, *see* Collapsing Memorandum.

Collapsing

Pursuant to 19 CFR 351.401(f), the Department will collapse producers and treat them as a single entity where (1) those producers are affiliated, (2) the producers have production facilities for producing similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities, and (3) there is a significant potential for manipulation of price or production.

To the extent that this provision does not conflict with the Department's application of separate rates and enforcement of the NME provision, section 773(c) of the Tariff Act, the Department will collapse two or more affiliated entities in a case involving an NME country if the facts of the case warrant such treatment. Furthermore, we note the factors listed in 19 CFR 351.401(f)(2) are not exhaustive, and in the context of an NME investigation or administrative review, other factors unique to the relationship of business entities within the NME may lead the Department to determine that collapsing is either warranted or unwarranted, depending on the facts of the case. *See Hontex Enterprises, Inc. v. United States*, 248 F. Supp. 2d 1323, 1342 (CIT 2003) (noting that the application of collapsing in the NME context may differ from the standard factors listed in the regulation).

In summary, if there is evidence of significant potential for manipulation between or among affiliates which produce and/or export similar or identical merchandise, whether or not all such merchandise is exported to the United States, the Department may find such evidence sufficient to apply the collapsing criteria in an NME context in order to determine whether all or some of those affiliates should be treated as one entity (*see Certain Hot–Rolled Carbon Steel Flat Products from the People's Republic of China, Preliminary Determination of Sales at Less Than Fair Value*, 66 FR 22183 (May 3, 2001); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot–Rolled Carbon Steel Flat Products from the People's Republic of China*, 66 FR 49632 (September 28, 2001) (*Certain Hot–Rolled Carbon Steel Flat Products*); and *Anshan Iron & Steel Co. v. United States*, 27 C.I.T. 1234, 1246–47 (CIT 2003) (Anshan)).

The decision of whether to collapse two or more affiliated companies is specific to the facts presented in the proceeding and is based on several considerations, including the structure of the collapsed entity, the level of control between and among affiliates, and the level of participation by each affiliate in the proceeding. Given the unique relationships which arise in NMEs between individual companies and the government, a separate rate will be granted to the collapsed entity only if the facts, taken as a whole, support such a finding (*see* ''Separate Rates'' section below for further discussion).

We find that the first and second collapsing criteria are met with respect to Zhejiang Icemen and Dangshan because these producers are (1) affiliated under sections 771(33)(A), 771(33)(E), and 771(33)(F) of the Tariff Act, and (2) have production facilities for producing similar or identical products, such that no retooling at either of the three facilities would be required in order to restructure manufacturing priorities. Evidence on the record shows Zhejiang Iceman and Dangshan have production facilities which were suitable for producing the type of merchandise under consideration during the POR. Both Zhejiang Iceman and Dangshan did, in fact, produce the merchandise under consideration at these facilities during the POR. *See* Collapsing Memorandum at pages 4 and 5.

We find the third collapsing criterion is also met with respect to Zhejiang Icemen and Dangshan because a significant potential for manipulation of prices or production exists. In identifying a significant potential for the manipulation of price or production, the factors the Secretary may consider include: (i) the level of common ownership; (ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; (iii) and whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers. *See* 19 CFR 351.401(f)(2).

With regard to the criteria enumerated in 19 CFR 351.401(f)(2), there is common ownership and control of Zhejiang Iceman and Dangshan by both Mr. Shen Ronglu and Mrs. Xiang Ping. Because the individuals who collectively own and control Zhejaing Iceman also collectively own and control Dangshan, we can preliminarily collapse these affiliated producers. Additionally, Mr. Shen Ronglu is the executive director and general manager of Zhejiang Iceman and has sole authority to bind both Zhejiang Iceman and Dangshan in agreements and, as a result, can manipulate prices and production. For these reasons, we find there is significant potential for manipulation of prices or production and, therefore, collapsing of Zhejiang Icemen and Dangshan is appropriate.

Based on the reasons explained fully in the Collapsing Memorandum and pursuant to 19 CFR 351.401(f), we have preliminarily collapsed Zhejiang Iceman and Dangshan because they are affiliated producers of the merchandise under consideration, and because there is a significant potential for manipulation of prices and production decisions between these parties. For all relevant purposes, all subsequent references in this notice to Zhejiang Iceman will be to the collapsed entity that includes Dangshan.

This decision is specific to the facts presented in this review and is based on several considerations, including the structure of the collapsed entity, the level of control between and among affiliates, and the level of participation by each affiliate in the proceeding. Given the unique relationships which arise in NMEs between individual companies and the government, a separate rate will be granted to the collapsed entity only if the facts, taken as a whole, support such a finding (see ''Separate Rates'' section below for further discussion).

Separate Rates Determination

A designation of a country as an NME remains in effect until it is revoked by the Department. *See* section 771(18)(C) of the Tariff Act. Accordingly, there is a rebuttable presumption that all companies within the PRC are subject to government control, and thus should be assessed a single antidumping duty rate. It is the Department's policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (de facto), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company–specific rate, the Department analyzes each exporting entity in an NME country under the test established in the *Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), (Sparklers) as amplified by the *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

Absence of De Jure Control

Evidence supporting, though not requiring, a finding of de jure absence of government control over export activities includes: (1) an absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR at 20589. In this new shipper review, Zhejiang Iceman and Zhangzhou Gangchang submitted complete responses to the separate rates section of the Department's questionnaire. The evidence submitted in the instant review by Zhejiang Iceman and Zhangzhou Gangchang includes government laws and regulations on corporate ownership and control (*i.e.*, the Company Law and the Foreign Trade Law of the People's Republic of China), individual business licenses, and narrative information regarding the companies' operations and selection of management. The evidence provided by Zhejiang Iceman and Zhangzhou Gangchang supports a preliminary finding of a *de jure* absence of government control over its export activities because: (1) there are no controls on exports of subject merchandise, such as quotas applied to, or licenses required for, exports of the subject merchandise to the United States; and (2) the government of the PRC has passed legislation decentralizing control of companies. *See* Zhejiang Iceman's November 6, 2008, submission at pages 2–10 and Exhibit A–4; Zhejiang Iceman's January 13, 2009, submission at pages 4–5; and Zhangzhou Gangchang's November 6, 2008, submission at pages 6–10 and Exhibit A–2.

Absence of De Facto Control

The absence of *de facto* government control over exports generally is based on whether the respondent: (1) sets its own export prices independent of the government and other exporters; (2) retains the proceeds from its export sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) has the authority to negotiate and sign contracts and other agreements; and (4) has autonomy from the government regarding the selection of management. *See Silicon Carbide*, 59 FR at 22586–87; *Sparklers*, 56 FR at 20589; and *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995).

In its November 6, 2008, submission, Zhangzhou Gangchang submitted evidence demonstrating an absence of *de facto* government control over its export activities. Specifically, this evidence indicates: (1) the company sets its own export prices independent of the government and without the approval of a government authority; (2) the company retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) the company has a general manager and a sales manager with the authority to negotiate and bind the company in an agreement; (4) the general manager is selected by the board of directors, and the general manager appoints the manager of each department; and (5) there is no restriction on the company's use of export revenues. Therefore, we preliminarily find that Zhangzhou Gangchang has established *prima facie* that it qualifies for a separate rate under the criteria established by *Silicon Carbide* and *Sparklers*.

Similarly, in its November 6, 2008, January 13, 2009, and February 17, 2009 submissions, Zhejiang Iceman also submitted evidence demonstrating an absence of *de facto* government control over its export activities. Specifically, this evidence indicates: (1) the company sets its own export prices independent of the government and without the approval of a government authority; (2) the company retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) the company has an executive director who is also the general manager and who has the authority to negotiate and bind the company in an agreement; (4) the executive director and general manager and his wife collectively own all of the shares of company, and are self–appointed; (5) the executive director and general manager appoint all of the managers of the company; and (6) there is no restriction on the company's use of export revenues. Therefore, we preliminarily find that Zhejiang Iceman has established *prima facie* that it qualifies for a separate rate under the criteria established by *Silicon Carbide* and *Sparklers*.

Bona Fide Analysis

Consistent with the Department's practice, we investigated the *bona fide* nature of the sales made by Zhejiang Iceman and Zhangzhou Gangchang for these NSRs. We found the new shipper sales by Zhejiang Iceman and Zhangzhou Gangchang were made on a *bona fide* basis. Based on our investigation into the *bona fide* nature of the sales and the questionnaire responses submitted by Zhejiang Iceman and Zhangzhou Gangchang, as well as the companies' eligibility for separate rates (*see* ''Separate Rates Determination'' section (above)), we preliminarily determine that Zhejiang Iceman and Zhangzhou Gangchang have met the requirements to qualify as new shippers during this POR. Therefore, for purposes of these preliminary results of review, we are treating Zhejiang Iceman's and Zhangzhou Gangchang's sales of subject merchandise to the United States as appropriate transactions for these NSRs.[5]

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Tariff Act directs it to base NV, in most circumstances, on the NME producer's factors of production (FOPs), valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Tariff Act, in valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more market economy countries that are: (1) at a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise.

The Department determined that India, Philippines, Colombia, Thailand, and Indonesia are countries comparable to the PRC in terms of economic development.[6] Moreover, it is the Department's practice to select an appropriate surrogate country based on the availability and reliability of data from the countries. *See* Department Policy Bulletin No. 04.1: Non–Market Economy Surrogate Country Selection Process (March 1, 2004) (Surrogate Country Policy Bulletin). Since the less–than-fair–value investigation, we have determined that India is comparable to the PRC in terms of economic development and has surrogate value data that are available and reliable. In this proceeding, we received no comments regarding surrogate country selection. Since no information has been

[5] For more detailed discussion of this issue, please *see* Memoranda to Richard Weible, Office Director, ''*Bona Fide* Sales Analysis for Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian'' and ''Bona Fide Sales Analysis for Zhejiang Iceman Group Co., Ltd.,'' both dated March 25, 2009.

[6] *See* Memorandum from Carole Showers, Acting Director, Office of Policy, to Richard Weible, Director, Office 7; Subject: Request for a List of Surrogate Countries for a 2008 New Shipper Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China, dated October 16, 2008.

provided in this review that would warrant a change in the Department's selection of India from prior segments of this proceeding, we continue to find that India is the appropriate surrogate country here because it is at a similar level of economic development pursuant to section 773(c)(4) of the Tariff Act, is a significant producer of comparable merchandise, and has reliable, publicly available data representing a broad–market average. *See* Memorandum to the File, through Richard Weible, Office Director, and Robert James, Program manager, from Fred Baker, Analyst, Subject: Antidumping Duty New Shipper Review of Certain Preserved Mushrooms from the People's Republic of China: Selection of a Surrogate Country, dated March 25, 2009.

In accordance with 19 CFR 351.301(c)(3)(ii), for the final results in a new shipper review, interested parties may submit publicly available information to value FOPs within 20 days after the date of publication of these preliminary results.

U.S. Price

In accordance with section 772(a) of the Tariff Act, we based U.S. prices on the export prices (EP) of the sales to the United States by Zhejiang Iceman and Zhangzhou Gangchang because their first sales to an unaffiliated party were made before the date of importation and the use of constructed export price was not otherwise warranted. We calculated EP based on the free–on-board (FOB) price to the first unaffiliated purchaser in the United States. We deducted foreign inland freight and foreign brokerage and handling from the starting price (or gross unit price), in accordance with section 772(c) of the Tariff Act. Both of these services were provided by NME vendors for both Zhejiang Iceman's and Zhangzhou Gangchang's U.S. sales. Therefore, we based the deduction of these movement charges on surrogate values.

We valued foreign inland freight (which consisted of truck freight) using a per–unit average rate calculated from data on the following website: http://www.infobanc.com/logistics/logtruck.htm. The logistics section of this web site contains inland freight truck rates between many large Indian cities. Since this value is not contemporaneous with the POR, we deflated the rate using the wholesale price index (WPI). *See* Memoranda to the File, ''New Shipper Review of Certain Preserved Mushroom from the People's Republic of China: Surrogate Values for the Preliminary Results'' (Zhangzhou Gangchang Surrogate Values Memorandum) at Exhibit 7, and ''New Shipper Review of Certain Preserved Mushroom from the People's Republic of China: Surrogate Values for the Preliminary Results'' (Zhejiang Iceman Surrogate Values Memorandum) at Exhibit X.

We valued foreign brokerage and handling with the publicly summarized brokerage and handling expense reported in the U.S. sales listing of Indian mushroom producer, Agro Dutch Industries, Ltd. (Agro Dutch), in the 2004–2005 administrative review of Certain Preserved Mushrooms from India. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 8 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit XI.

Normal Value

1. Methodology

Section 773(c)(1)(B) of the Tariff Act provides that the Department shall determine the NV using an FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home–market prices, third–country prices, or constructed value under section 773(a) of the Tariff Act. The Department bases NV on FOPs because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies. *See Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 70 FR 39744 (July 11, 2005), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of 2003–2004 Administrative Review and Partial Rescission of Review*, 71 FR 2517 (January 17, 2006).

We calculated NV by adding the value of the FOPs, general expenses, profit, and packing costs. The FOPs for subject merchandise include: (1) quantities of raw materials employed; (2) hours of labor required; (3) amounts of energy and other utilities consumed; (4) representative capital and selling costs; and (5) packing materials. We used the FOPs reported by Zhejiang Iceman and Zhangzhou Gangchang for materials, energy, labor, and packing, and valued those FOPs by multiplying the amount of the factor consumed in producing subject merchandise by the average unit surrogate value of the factor.

In addition, we added freight costs to the surrogate costs that we calculated for material inputs. We calculated freight costs by multiplying surrogate freight rates by the shorter of the reported distance from the domestic supplier to the factory that produced the subject merchandise or the distance from the nearest seaport to the factory that produced the subject merchandise, as appropriate. Where there were multiple domestic suppliers of a material input, we calculated a weighted–average distance after limiting each supplier's distance to no more than the distance from the nearest seaport to Zhejiang Iceman and Zhangzhou Gangchang. This adjustment is in accordance with the decision by the Court of Appeals for the Federal Circuit in *Sigma Corp. v. United States*, 117 F.3d 1401, 1407–1408 (Fed. Cir. 1997). We increased the calculated costs of the FOPs for surrogate general expenses and profit. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 8 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit XII.

2. Selection of Surrogate Values

In selecting surrogate values, we followed, to the extent practicable, the Department's practice of choosing public values which are non–export averages, representative of a range of prices in effect during the POR, or over a period as close as possible in time to the POR, product–specific, and tax–exclusive. *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004). We also considered the quality of the source of surrogate information in selecting surrogate values. *See Manganese Metal From the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 63 FR 12440 (March 13, 1998). Where we could obtain only surrogate values that were not contemporaneous with the POR, we inflated (or deflated) the surrogate values using, where appropriate, the Indian WPI as published in International Financial Statistics by the International Monetary Fund. *See* Zhangzhou Gangchang Surrogate Values Memorandum at

Exhibit 2 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit III.

In calculating surrogate values from import statistics, in accordance with the Department's practice, we disregarded statistics for imports from NME countries and countries deemed to maintain broadly available, non–industry-specific subsidies which may benefit all exporters to all export markets (*e.g.*, Indonesia, South Korea, and Thailand). *See, e.g., Final Determination of Sales at Less Than Fair Value: Certain Automotive Replacement Glass Windshields From The People's Republic of China*, 67 FR 6482 (February 12, 2002) and accompanying Issues and Decision Memorandum at Comment 1. *See also Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China*, 68 FR 66800, 66808 (November 28, 2003), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China*, 69 FR 20594 (April 16, 2004). Additionally, we excluded from our calculations imports that were labeled as originating from an unspecified country because we could not determine whether they were from an NME country.

We valued production material inputs of mushroom spawn, rice straw, and manure using the financial statements of Agro Dutch or Flex Foods Ltd. (Flex Foods), Indian producers of mushrooms and vegetables, as follows. To value the input of mushroom spawn, we used data from the fiscal year (FY) 2004–2005 financial statement of Agro Dutch because Agro Dutch's mushroom spawn value is specific to the species *Agaricus bisporous*, which is the species used to produce subject merchandise. To value the input of rice straw, we used the straw value from the FY 2006–2007 financial statement of Flex Foods because this value is specific to the input. To value the input of purchased mushrooms, we used the FY 2006–07 financial statement of Agro Dutch because the value is specific to the input. Similarly, to value the input of manure, we used the manure value from the FY 2004–2005 financial statement of Agro Dutch because this value is specific to the input. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibits 3 and 4 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit V. We valued super calcium phosphate (another production input) using weighted–average Indian import values derived from the World Trade Atlas online (WTA), for the period February 2008 through July 2008.

We valued processing and canning material inputs (salt, citric acid, lime, and cans) using weighted–average Indian import values derived from the World Trade Atlas online (WTA), for the period February 2008 through July 2008. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 4 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit II. In addition, we valued packing material inputs (cardboard cartons, labels, packing tape, and glue) using weighted–average Indian import values derived from the WTA for the period February 2008 through July 2008. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 6 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit II. The Indian import statistics obtained from the WTA were published by the Indian Directorate General of Commercial Intelligence and Statistics, Ministry of Commerce of India and are contemporaneous with the POR. As the Indian surrogate values were denominated in rupees, in accordance with section 773A(a) of the Tariff Act, we converted them to U.S. dollars using the official exchange rate for India recorded on the date of sale of subject merchandise in this case. *See* http://www.ia.ita.doc.gov/exchange/index.html.

We valued electricity using price data for small, medium, and large industries, as published by the Central Electricity Authority of the Government of India in its publication titled Electricity Tariff & Duty and Average Rates of Electricity Supply in India, dated July 2006. These electricity rates represent actual country–wide publicly–available information on tax–exclusive electricity rates charged to industries in India. Since the rates are not contemporaneous with the POR, we inflated the values using the WPI. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 5 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit VII.

To value water, the Department used data from the Maharastra Industrial Development Corporation (www.midcindia.org) for June 2003, which we found to be the best available information since it includes a wide range of industrial water rates. Since the water rates were not contemporaneous with the POR, the Department adjusted the value for inflation. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 5 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit VIII.

We valued coal using weighted–average Indian import values derived from the WTA for the period February 2008 through July 2008. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 5 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit II.

We valued steam as 14.52 percent of the value of natural gas. To value natural gas, we used a value reported in the May 2005 issue of the Indian publication *Financial Express*. Since this value is not contemporaneous with the POR, we inflated it using the WPI. For details of our calculation, *see* the Zhejiang Iceman Surrogate Values Memorandum at Exhibit IX.

We valued truck freight expenses for inputs using the same surrogate data we used for valuing domestic inland freight for Zhejiang Iceman and Zhangzhou Gangchang's U.S. sale as described above (*i.e.*, we used data from the website http://www.infobanc.com/logistics/logtruck.htm, which contains inland freight truck rates between many large Indian cities). Since these values are not contemporaneous with the POR, we deflated the rate using the WPI. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 7 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit X.

The Department's regulations require the use of a regression–based wage rate. *See* 19 CFR 351.408(c)(3). Therefore, to value labor, the Department used the regression–based wage rate for the PRC published on the Import Administration website. *See* the IA website: http://ia.ita.doc.gov/wages/05wages/05wages–041608.html, and *see Corrected 2007 Calculation of Expected Non–Market Economy Wages*, 73 FR 27795 (May 14, 2008).

To value the surrogate financial ratios for factory overhead (OH), selling, general & administrative (SG&A) expenses, and profit, the Department used the 2006–2007 financial statements of Agro Dutch and Flex Foods. The Department notes that Agro Dutch is a producer of mushrooms, and Flex Foods is a producer of mushrooms and vegetable products. Therefore, Agro Dutch's and Flex Foods' financial ratios for OH and SG&A are comparable to Zhejiang Iceman's and Zhangzhou Gangchang's financial ratios by virtue of their production of the merchandise under consideration. Moreover, an average of the financial statements of Agro Dutch and Flex Foods represents

a broader spectrum of the Indian mushroom industry than the financial statement of a single mushroom producer. *See* Zhangzhou Gangchang Surrogate Values Memorandum at Exhibit 8 and Zhejiang Iceman Surrogate Values Memorandum at Exhibit XII.

Preliminary Results of the Review

The Department has determined that the following preliminary dumping margins exist for the period February 1, 2008, through July 31, 2008:

CERTAIN PRESERVED MUSHROOMS FROM THE PRC

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Zhejiang Iceman	0.00
Zhangzhou Gangchang	0.00

Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results. *See* 19 CFR 351.224(b). Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs. *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1). Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. 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. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments.

Any interested party may request a hearing within 30 days of publication of this notice. *See* 19 CFR 351.310(c). Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c). Issues raised in the hearing will be limited to those raised in the briefs.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Tariff Act, the Department will issue the final results of these NSRs, including the results of our analysis of the issues raised by the parties in their comments, within 90 days after issuance of these preliminary results.

Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3), the deadline for submission of publicly available information to value factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of the preliminary determination. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline), the applicable deadline for submission of such factual information, an interested party has ten days to submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department notes that 19 CFR 351.301(c)(1), permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part*, 72 FR 58809 (October 17, 2007) and accompanying Issues and Decision Memorandum at Comment 2. Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer–specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*. However, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of these reviews and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements, when imposed, will be effective upon publication of the final results of this new shipper review for all shipments of subject merchandise exported by Zhejiang Iceman or Zhangzhou Gangchang and entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act: (1) for subject merchandise manufactured and exported by Zhejiang Iceman or manufactured and exported by Zhangzhou Gangchang, the cash–deposit rate will be that established in the final results of this review; (2) for subject merchandise exported by Zhejiang Iceman or Zhangzhou Gangchang but not manufactured by Zhejiang Iceman or Zhangzhou Gangchang, respectively, the cash deposit rate will continue to be the PRC–wide rate (*i.e.*, 198.63 percent); and (3) for subject merchandise manufactured by Zhejiang Iceman or Zhangzhou Gangchang, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. If the cash deposit rates calculated for Zhejiang Iceman or Zhangzhou Gangchang in the final results is zero or *de minimis*, a zero cash deposit will be required for entries of subject merchandise both produced and exported by Zhejiang Iceman or Zhangzhou Gangchang. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i) of the Tariff Act and 19 CFR 351.214(i).

Dated: March 25, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–7290 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before June 1, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907–586–7008 or *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, (Section 303(b)(1) specifically recognizes the need for permit issuance), fishermen and processors wishing to participate in groundfish fisheries in the Exclusive Economic Zone off the coast of Alaska must obtain a Federal Fisheries Permit, a Federal Processor Permit, or an Exempted Fishing Permit. The application information is used to identify participants and expected activity levels in the fishery and to aid enforcement of fishery regulations. The information from this collection-of-information is used to monitor and manage groundfish fisheries by NMFS, Alaska Region.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0206.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 886.

Estimated Time Per Response: 21 minutes for Federal Fisheries Permit application; 21 minutes for Federal Processor Permit application; and 35 hours for Exempted Fisheries Permit application.

Estimated Total Annual Burden Hours: 378.

Estimated Total Annual Cost to Public: $1,335.

IV. Request for Comments

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 (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 26, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–7219 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of Intent to Evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Tijuana River (California), North Carolina, and Kachemak Bay (Alaska) National Estuarine Research Reserves.

The National Estuarine Research Reserve evaluations will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR Part 921, Subpart E and Part 923, Subpart L. Evaluation of National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

Each evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies. A public meeting will be held as part of the site visit. Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meetings during the site visits.

DATES AND TIMES: The Tijuana River (California) National Estuarine Research Reserve evaluation site visit will be held April 13–17, 2009. One public meeting will be held during the week. The public meeting will be held on Wednesday, April 15, 2009, at 7 p.m. at the Tijuana River National Estuarine Research Reserve, Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, California.

The North Carolina National Estuarine Research Reserve evaluation site visit will be held April 20–24, 2009. Two public meetings will be held during the week. The first public meeting will be held on Tuesday, April 21, 2009, at 7 p.m., at the University of North Carolina-Wilmington, Center for Marine Science Auditorium, 5600 Marvin K. Moss Lane, Wilmington, North Carolina. The second public

meeting will be held on Wednesday, April 22, 2009, at 7 p.m., at the Center for Coastal Fisheries and Habitat Research, NOAA/NCNERR Administration Building Auditorium, 101 Pivers Island Road, Beaufort, North Carolina.

The Kachemak Bay (Alaska) National Estuarine Research Reserve evaluation site visit will be held April 28–May 1, 2009. One public meeting will be held during the week. The public meeting will be held on Tuesday, April 28, 2009, at 6 p.m., at the Kachemak Bay National Estuarine Research Reserve, Alaska Islands and Ocean Visitor Center, Seminar Room, 95 Sterling Highway, Homer, Alaska.

ADDRESSES: Copies of states' most recent performance reports, as well as OCRM's evaluation notification and supplemental information request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these National Estuarine Research Reserves are encouraged and will be accepted until 15 days after the last public meeting held for a Reserve. Please direct written comments to Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

FOR FURTHER INFORMATION CONTACT: Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1182.

Dated: March 25, 2009.

David M. Kennedy,

Director, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9–7235 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) was established by the Secretary of Commerce to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

DATE AND TIME: The public meeting will be held April 14–15, 2009, from 8 a.m. to 5 p.m. The times and agenda topics are subject to change. Refer to the HSRP Web site listed below for the most current meeting agenda.

LOCATION: Renaissance Baltimore Harborplace Hotel, 202 East Pratt Street, Baltimore, Maryland 21202, Tel: (410) 547–1200, and Fax: (410) 539–5780.

FOR FURTHER INFORMATION CONTACT: Captain Steven Barnum, NOAA, Designated Federal Official (DFO), Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; *Telephone:* 301–713–2770, Fax: 301–713–4019; *e-mail: Hydroservices.panel@noaa.gov* or visit the NOAA HSRP Web site at *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public and public comment periods will be scheduled at various times throughout the meeting. These comment periods will be part of the final agenda that will be published before the meeting date on the HSRP Web site listed above. Each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 30 copies) should be submitted to the DFO by April 3, 2009. Written comments received by the DFO after April 3, 2009, will be distributed to the HSRP, but may not be reviewed before the meeting date. Approximately 25 seats will be available for the public, on a first-come, first-served basis.

Matters To Be Considered: (1) NOAA's Next Generation Strategic Plan and agency/congressional updates; (2) Panel discussion with various stakeholders in the region on use of and interest in NOAA Navigation Services; (3) Updates on NOAA PORTS® project, NOAA's Height Modernization, Print on Demand, Integrated Ocean and Coastal Mapping, and Arctic issues; and (4) public statements.

Dated: March 23, 2009.

Captain Steven R. Barnum,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9–7236 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Protected Areas Federal Advisory Committee; Public Meeting

AGENCY: National Ocean Service, NOAA, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the Marine Protected Areas Federal Advisory Committee (Committee) in Annapolis, Maryland.

DATES: The meeting will be held Tuesday, April 21, 2009, from 9 a.m. to 5:30 p.m., Wednesday, April 22, from 8:30 a.m. to 5 p.m., and Thursday, April 23, from 8:30 a.m. to 4:30 p.m. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: The meeting will be held at the Historic Inns of Annapolis, 58 State Circle, Annapolis, Maryland.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 1305 East West Highway, Silver Spring, Maryland 20910. (*Phone:* 301–713–3100 x136, *Fax:* 301–713–3110); *e-mail: lauren.wenzel@noaa.gov*; or visit the National MPA Center Web site at *http://www.mpa.gov*).

SUPPLEMENTARY INFORMATION: The Committee, composed of external, knowledgeable representatives of stakeholder groups, was established by the Department of Commerce (DOC) to provide advice to the Secretaries of Commerce and the Interior on implementation of Section 4 of Executive Order 13158 on MPAs. The meeting will be open to public participation from 4:45 p.m. to 5:30 p.m. on Tuesday, April 21, 2009, and from 8:35 a.m. to 9:15 a.m. on Thursday, April 23, 2009. In general, each individual or group will be limited to a total time of five (5) minutes. If members of the public wish to submit written statements, they should be submitted to the Designated Federal Official by April 17, 2009.

Matters to be Considered: The Committee will hear a panel

presentation and discussion on evaluation of the national system, and will consider draft reports and recommendations from the Scientific and Technical Subcommittee and the Review and Evaluation Subcommittee. It will also hear an update on NOAA's Next Generation Strategic Plan and presentations on the development of the national system of marine protected areas, including the gap analysis processes and education and outreach initiatives. Representatives from NOAA and the Department of Interior have been invited to present on the Administration's vision for ocean conservation. Committee members and the public are also invited to attend a ceremony to announce the first sites accepted into the National System of Marine Protected Areas. The agenda is subject to change. The latest version will be posted at *http://www.mpa.gov*.

Dated: March 25, 2009.

David M. Kennedy,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. E9–7234 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XO40

Unified Synthesis Product Development Committee

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: A major activity of the Climate Change Science Program (CCSP) is the production of a series of 21 Synthesis and Assessment Products (SAPs) that are designed to inform and aid decision making by policy makers, resource managers, stakeholders, the media, and the general public on issues related to global climate change. The Unified Synthesis Product (USP) Development Committee (USPDC), established by a Decision Memorandum on February 29, 2008, is the Federal Advisory Committee charged with responsibility to develop a draft USP that will synthesize the information contained in the 21 SAPs in the context of other recent climate and global change scientific studies and formal assessments. Please note that meeting location, times, and agenda topics described here are subject to change. Meeting information will be available online on the USPDC website: *http://www.climate.noaa.gov/index.jsp?pg=./ccsp/unified__synthesis.jsp*

DATES: The meeting will convene at 8 a.m. on Thursday, April 16, 2009 and adjourn at 5:30 p.m. on that day. The location will be the US Climate Change Science Program Office, 1717 Pennsylvania Ave, NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher D. Miller, USPDC DFO and the Program Manager, NOAA/OAR/Climate Program Office, Climate Change Data and Detection Program Element, 1315 East-West Highway, Room 12239, Silver Spring, Maryland 20910; telephone 301–734–1241, e-mail: *Christopher.D.Miller@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Status

The meeting will be open to public participation and will include a 30-minute public comment period on April 16, 8 a.m. to 8:30 a.m. (check the USPDC website to confirm this time and the room in which the meeting will be held). Seats will be available to the public on a first-come, first-served basis. In general, each individual or group wishing to make a statement that addresses the agenda topics (see **Matters To Be Considered**) will be allotted a total time of five (5) minutes. Written comments (at least 35 copies) that address the agenda topics will also be accepted and should be received by the USPDC Designated Federal Official (DFO) by April 6, 2009 to provide sufficient time for review. Written comments received after April 6 will be distributed to the USPDC, but may not be reviewed prior to the meeting date.

Matters To Be Considered

The meeting will discuss a roll-out strategy for the USP and various aspects of outreach activities that will be employed to disseminate the information in the final report.

Dated: March, 23, 2009.

Captain Todd Stiles,

Executive Director, Office of the Deputy Under Secretary, National Oceanic and Atmospheric Administration

[FR Doc. E9–7201 Filed 3–31–09; 8:45 am]

BILLING CODE 3510–12–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the proposed renewal of its AmeriCorps*VISTA Recovery Act Progress Report Supplement (OMB Control Number 3045–0131), the previously approved Progress Report will expire on September 30, 2009.

This extension without changes reflects the Corporation's intent to continue to collect data around the results of Recovery Act funded VISTA activities.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by June 1, 2009.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By Mail Sent to:* Corporation for National and Community Service, Attn. Craig Kinnear, Program Analyst, Room 9103A, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

(3) *By Fax to:* (202) 565–2789, Attention Mr. Craig Kinnear, Program Analyst.

(4) *Electronically through the Corporation's E-Mail Address System: ckinnear@cns.gov.*

FOR FURTHER INFORMATION CONTACT: Craig Kinnear (202) 606–6708 or by e-mail at *ckinnear@cns.gov.*

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the Corporation, including whether the information will have practical utility;

• 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;

• 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 submissions of responses).

Background

The VISTA Recovery Act Progress Report Supplement (VRPRS) is designed to collect data related to the outcomes and outputs of Recovery Act funded VISTA Members and to allow Americorps-VISTA to report on those activities as required by the legislation.

Current Action

The Corporation seeks to continue the use of the VISTA Recovery Act Progress Report Supplement in order to gather data on key performance outputs and outcomes of Recovery Act funded VISTA Members; to measure the effectiveness of Recovery Act funded VISTA Members in addressing primary areas of need as identified in the American Recovery and Reinvestment Act; and, to report to the Executive branch and general public the results of Recovery Act funded VISTA placements.

Type of Review: Extension without change of a currently approved collection.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*VISTA Recovery Act Progress Report Supplement (VRPRS).

OMB Number: 3045–0131.

Agency Number: None.

Affected Public: AmeriCorps*VISTA Sponsoring Organizations.

Total Respondents: 950.

Frequency: Quarterly.

Average Time per Response: 1 hour.

Estimated Total Burden Hours: 3,800.

Total Burden Cost (Capital/Startup): None.

Total Burden Cost (Operating/Maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 26, 2009.

Paul Davis,

*Acting Director, AmeriCorps*VISTA.*

[FR Doc. E9–7253 Filed 3–31–09; 8:45 am]

BILLING CODE 6050–$$–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

Currently, the Corporation is soliciting comments concerning an Information Collection Request (ICR) entitled AmeriCorps State and National Application and Reporting Instructions for Recovery Act Funding. Applicants will respond to the questions included in this ICR in order to apply for grant funds and report on progress.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 1, 2009.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attention: Amy Borgstrom, Associate Director for Policy, Room 9515, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606–3476, Attention: Amy Borgstrom, Associate Director for Policy.

(4) Electronically through the Corporation's e-mail address system: *aborgstrom@cns.gov*.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, (202) 606–6930, or by e-mail at *aborgstrom@cns.gov*.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;

• 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;

• 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The purpose of this guidance is to assist current AmeriCorps State and National grantees in accessing American Recovery and Reinvestment Act funds to engage AmeriCorps members and community volunteers in efforts to stimulate the economy through the expansion of current programming or the addition of a new program component, and to report on their activities.

Additional information can be found in OMB's *Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009* dated February 18, 2009, and on the CNCS Recovery Web page (*http://www.nationalservice.gov/recovery*).

Current Action

Type of Review: Renewal; previously granted emergency approval by OMB on March 19, 2009.

Agency: Corporation for National and Community Service.

Title: AmeriCorps State and National Recovery Act Funding Application and Reporting Instructions.

OMB Number: 3045–0132.

Affected Public: Nonprofit organizations, State, Local and Tribal.

Total Respondents: 250.

Frequency: Once for application and quarterly for one year for reports.

Average Time per Response: 8 hours.

Estimated Total Burden Hours: 10,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 26, 2009.

Lois Nembhard,

Acting Director, AmeriCorps State and National.

[FR Doc. E9–7307 Filed 3–31–09; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 09–18]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09–18 with attached transmittal, and policy justification.

Dated: March 20, 2009.

Patricia L. Toppings,

OSD Federal Register, Liaison Officer, Department of Defense.

Defense Security Cooperation Agency
201 12th Street South, Ste 203
Arlington, VA 22202–5408

Mar 13 2009.

The Honorable Nancy Pelosi
Speaker of the House of Representatives, Washington, DC 20515–6501

Dear Madam Speaker: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09–18, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Mexico for defense articles and services estimated to cost $93 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Jeanne L. Farmer,

Acting Director.

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House
Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate
Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

BILLING CODE 5001–06–M

Transmittal No. 09-18

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Mexico

(ii) Total Estimated Value:

Major Defense Equipment*	$ 70 million
Other	$ 23 million
TOTAL	$ 93 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: five BELL 412EP Helicopters, spare and repair parts, support equipment, ferry services, publications and technical data, personnel training and training equipment, contractor engineering and technical support services, and other related elements of logistics support.

(iv) Military Department: Army (UEG)

(v) Prior Related Cases, if any: none

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none

(viii) Date Report Delivered to Congress: MAR 1 3 2009

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Mexico – BELL 412EP Helicopters

The Government of Mexico has requested a possible sale of five BELL 412EP Helicopters, spare and repair parts, support equipment, ferry services, publications and technical data, personnel training and training equipment, contractor engineering and technical support services, and other related elements of logistics support. The estimated cost is $93 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve Mexico's fight against criminal organizations, drugs, and gang activities. This proposed sale directly supports the Mexican government and serves the interests of the Mexican people and the U.S.

The proposed sale of the helicopters will increase the Mexican Air Force's air capabilities to support its interdiction activities, rapid response of law enforcement in Mexico, and support for the civilian population in natural disasters.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor is Bell Helicopter in Fort Worth, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U. S. Government personnel in country. One U.G. Government and one contractor representative will travel to Mexico three times per year, one week per trip for a period of three years to provide logistic support services.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. E9–7165 Filed 3–31–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: 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. para. 552b, as amended), and 41 CFR para. 102–3.150, the Department of Defense announces that the following Federal Advisory Committee meeting of the U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee will take place. This meeting is a continuation of the meeting scheduled to be held on February 3, 2009, that was announced in the **Federal Register** on January 23, 2009 (74 FR 4142). The February 3, 2009, meeting was rescheduled to February 18, 2009, and then to March 2, 2009.

DATES: March 31, 2009 from 0800–1600.

ADDRESSES: Nuclear Command and Control System Support Staff, 5201 Leesburg Pike, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Jones, (703) 681–1924, U.S. Nuclear Command and Control System Support Staff (NSS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: Continuation of previous meeting for the Federal Advisory Committee to continue to review and discuss contents of its Final Report.

Agenda: March 31, 2009.

Time	Topic	Presenter
8:30 a.m	Administrative Remarks	CAPT Budney, USN (NSS).
8:45 a.m	Review and Discussion.	
10:45 a.m	Break.	
11 a.m	Review and Discussion.	
12 p.m	Lunch.	
1 p.m	Review and Discussion.	
3:15 p.m	Break.	
3:30 p.m	Deliberations and Guidance.	
4:30 p.m	Adjourn.	

Pursuant to 5 U.S.C. para. 552b, as amended and 41 CFR para. 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. The Director, U.S. Nuclear Command and Control System Support Staff, in consultation with his General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section 5 U.S.C. para. 552b(c)(1).

Committee's Designated Federal Officer: Mr. William L. Jones, (703) 681–8681, U.S. Nuclear Command and Control System Support Staff (NSS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041. *William.jones@nss.pentagon.mil*.

Pursuant to 41 CFR paras. 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements at any time to the Nuclear Command and Control System Federal Advisory Committee about its mission and functions. All written statements shall be submitted to the Designated Federal Officer for the Nuclear Command and Control System Federal Advisory Committee. He will ensure that written statements are provided to the membership for their consideration. Written statements may also be submitted in response to the stated agenda of planned committee meetings. Contact information for the Designated Federal Officer is listed above.

March 25, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–7293 Filed 3–31–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information Institute of International Public Policy; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.269A.

Dates:

Applications Available: April 1, 2009.

Deadline for Transmittal of Applications: May 1, 2009.

Deadline for Intergovernmental Review: June 30, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: To provide a grant that establishes an Institute for International Public Policy that will conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States. The program shall include a program for students to study abroad in their junior year, fellowships for graduate study, internships, and intensive academic programs, such as summer institutes, or intensive language training.

Priorities: Under this competition we are particularly interested in applications that address the following priority.

Invitational Priority: For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

The priority is:

Invitational Priority:

Projects that focus on any of the following seventy-eight (78) priority languages selected from the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs):

Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Program Authority: 20 U.S.C. 1131–1131f.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98, and 99; and (b) The regulations in 34 CFR part 655.

Note: Because there are no program-specific regulations for the Institute for International Public Policy Program, applicants are encouraged to read the authorizing statute in sections 621 through 629 of part C, Title VI, of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1131–1131f).

Areas of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)(1)), the Secretary has consulted with and received recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. The Secretary has taken these recommendations into account and a list of foreign languages and world regions identified by the Secretary as

areas of national need may be found on the following Web sites: *http://www.ed.gov/about/offices/list/ope/policy.html; http://www.ed.gov/programs/iegpsiipp/legislation.html.* Also included on these Web sites are the specific recommendations the Secretary received from Federal agencies.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $1,837,000.

Estimated Average Size of Awards: $1,837,000.

Maximum Award: We will reject any application that proposes a budget exceeding $1,837,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register.**

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Consortia consisting of one or more of the following entities: (1) An institution eligible for assistance under part B of title III of the HEA (20 U.S.C. 1060 *et seq.*); (2) a tribally-controlled college or university or Alaska Native or Native Hawaiian-serving institution eligible for assistance under part A or B of title III of the HEA (20 U.S.C. 1057 *et seq.* or 1060 *et seq.*) or an institution eligible for assistance under title V of the HEA (20 U.S.C. 1101 *et seq.*); (3) an institution of higher education that serves substantial numbers of underrepresented minority students; and (4) an institution of higher education with programs in training foreign service professionals.

2. *Cost Sharing or Matching:* The matching requirement is described in section 621(e) of the HEA (20 U.S.C. 1131(e)). The eligible recipient of a grant in this competition shall contribute to the conduct of the program supported by the grant amount from non-Federal sources equal to at least one-half the amount of the grant. This contribution may be in cash or in kind.

IV. Application and Submission Information

1. *Address to Request Application Package:* Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6017, Washington, DC 20006–8521. *Telephone:* (202) 502–7626 or by *e-mail: tanyelle.richardson@ed.gov*.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative [Part III] to no more than 60 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, captions and all text in charts, tables, and graphs may be single spaced. Charts, tables, figures, and graphs in the application narrative count toward the page limit.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. Applications submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental information form required by the Department of Education; Part II, the budget information summary form (ED Form 524); and Part IV, the assurances and certifications. The page limit also does not apply to a table of contents. However, the page limit does apply to all of the application narrative section [Part III]. If you include any attachments or appendices not specifically requested, these items will be counted as part of the application narrative [Part III] for purposes of the page limit requirement. You must include your complete response to the selection criteria in the application narrative.

We will reject your application if you apply these standards and exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: April 1, 2009.

Deadline for Transmittal of Applications: May 1, 2009.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: June 30, 2009.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference the regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Institute for International Public Policy, CFDA number 84.269A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you

qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Institute for International Public Policy at: *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.269, not 84.269A).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time; or, if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Tanyelle Richardson, U.S. Department of Education, 1990 K Street, NW., room 6017, Washington, DC 20006–8521. *FAX:* (202) 502–7859.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.269A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.269A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424, the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *General:* Applications are randomly divided into groupings for review. International studies and foreign language experts, organized into panels of three, will review each application. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other panels. Ultimately, all applications, without being divided into groups, will be ranked from the highest to the lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this program are from section 75.210 of EDGAR and are as follows: (a) Significance of the project (20 points), (b) quality of the project design (20 points), (c) quality of project personnel (10 points), (d) quality of management plan (15 points), (e) adequacy of resources (15 points), and (f) quality of project evaluation (20 points). Applicants should review section 75.210 of EDGAR for a complete description of these criteria.

3. *Application Requirements:* In addition to any other requirements outlined in the application package for this program, section 621(c) of the HEA (20 U.S.C. 1131(c)) requires that each application include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. Grantees are required to use the electronic data instrument International Resource Information System (IRIS) to complete both the annual and final report. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measure:* The goal of the Institute for International Public Policy is to assist certain eligible institutions of higher education to produce experts in less commonly taught languages and area studies, particularly from members of underrepresented populations, who are capable of contributing to the needs of the U.S. Government and national security. The Department will use the following measures to evaluate the success of the Institute for International Public Policy program:

1. Percentage of Institute for International Public Policy graduates

who are employed in government or international service.

2. Percentage of Institute for International Public Policy program participants who complete a master's degree within six years of enrolling in the program.

3. Federal cost per Institute for International Public Policy graduates employed in government or international service.

The Department will use information provided by grantees in their performance reports submitted via IRIS as the source of data for this measure. Reporting screens for applicants can be viewed at: *http://www.ieps-iris.org/iris/pdfs/IIPP.pdf*.

VII. Agency Contact

For Further Information Contact: Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6017, Washington, DC 20006–8521. *Telephone:* (202) 502–7626 or by *e-mail: tanyelle.richardson@ed.gov*.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under *For Further Information Contact* in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: March 27, 2009.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. E9–7303 Filed 3–31–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Minority Science and Engineering Improvement Program (MSEIP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.120A.

Dates:

Applications Available: April 1, 2009.

Deadline for Transmittal of Applications: May 1, 2009.

Deadline for Intergovernmental Review: June 30, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The MSEIP is designed to effect long-range improvement in science and engineering education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities, particularly minority women, into scientific and technological careers.

Priorities: In accordance with 34 CFR 75.105(b)(2)(iv), these priorities are from allowable activities specified in section 352 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1067b(b)).

Competitive Preference Priorities: For FY 2009, three priorities are competitive preference priorities based on 34 CFR 637.31(c). Under 34 CFR 75.105(c)(2)(i) we award an additional five (5) points to an application that meets Competitive Preference Priority 1. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets Competitive Preference Priority 2 and Competitive Preference Priority 3 over an application of comparable merit that does not meet these priorities.

These priorities are:

Competitive Preference Priority 1. Applications from institutions that have not received a MSEIP grant within five years prior to this competition.

Competitive Preference Priority 2. Applications from previous grantees with a proven record of success.

Competitive Preference Priority 3. Applications that contribute to achieving balance among funded projects with respect to—(a) geographic region; (b) academic discipline; and (c) project type.

Invitational Priorities: For FY 2009, three priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1. Applications that focus on the development of bridge or articulation programs that target pre-freshmen entering into the science, technology, engineering, or mathematics (STEM) fields.

Invitational Priority 2. Applications that focus directly on student learning and encourage and facilitate implementation of pedagogical approaches that have been proven effective in increasing student retention and achievement in STEM fields.

Invitational Priority 3. Applications that focus on mentoring programs designed to increase the number of underrepresented students who graduate with STEM undergraduate degrees.

Program Authority: 20 U.S.C. 1067–1067k.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 637.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,907,826.

Estimated Range of Awards: Institutional Project Grants: $100,000–$200,000. Special Project Grants: $35,000–$100,000. Cooperative Project Grants: $135,000–$300,000.

Estimated Average Size of Awards: Institutional Project Grants: $150,000. Special Project Grants: $75,000. Cooperative Project Grants: $220,000.

Maximum Awards: Institutional Project Grants: $200,000. Special Project Grants: $100,000. Cooperative Project Grants: $300,000. For each type of grant, we will not fund any application at an amount exceeding the specified maximum amount for a single budget period of 12 months. We may choose not to further consider or review applications with budgets that exceed the maximum amounts if we conclude, during our initial review of the application, that the proposed goals and

objectives cannot be obtained with the specified maximum amount. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: Institutional Project Grants: nine. Special Project Grants: three. Cooperative Project Grants: four.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* The eligibility of an applicant is dependent on the type of MSEIP project. There are four types of MSEIP projects: institutional projects, design projects, special projects, and cooperative projects. We will not award Design Project Grants in the FY 2009 competition.

A. For institutional and special projects described in 34 CFR 637.12 through 637.14, eligible applicants include public and private nonprofit minority institutions of higher education as specified in section 361(1) and (2) of the HEA.

B. For special projects described in 34 CFR 637.14(b) and (c), eligible applicants are, in addition to those described in paragraph (A) of this section, nonprofit science-oriented organizations, professional scientific societies, institutions of higher education that award baccalaureate degrees and meet the requirements of section 361(3) of the HEA, and consortia of organizations that meet the requirements of section 361(4) of the HEA.

C. For cooperative projects described in 34 CFR 637.15, eligible applicants are groups of nonprofit accredited colleges and universities whose primary fiscal agent is an eligible minority institution as defined in 34 CFR 637.4(b).

Note: As defined in 34 CFR 637.4(b), a *minority institution* means an accredited college or university whose enrollment of a single minority group or a combination of minority groups exceeds 50 percent of the total enrollment.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application via the Internet using the following address: *http://www.grants.gov*. If you do not have access to the Internet, please contact Bernadette M. Hence, Yolande Badarou, or Matthew Willis, U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006–8517. *Telephone*: (202) 502–7777, or by *e-mail*: *bernadette.hence@ed.gov*; *yolande.badarou@ed.gov*; or *matthew.willis@ed.gov*.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the program contact persons listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We have established a mandatory page limit for the narrative portion for each type of project application. The page limits are as follows:

Institutional Project Grant Application: 40 pages.

Special Project Grant Application: 35 pages.

Cooperative Project Grant Application: 50 pages.

You must limit the application narrative (Part III) to the equivalent of no more than these page limits, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and a document identifier may be within the 1'' margin.

• Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, captions, and all text in charts, tables, and graphs. These items may be single spaced; however, they will count toward the page limit.

• Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget information summary form (ED 524); or Part IV, the assurances and certifications. The page limit also does not apply to an abstract, the table of contents, the MSEIP Eligibility Certification Form, one letter of commitment, and evidence of partnerships. If you include any attachments or appendices not specifically requested, these items will be counted as part of the application narrative (Part III) for purposes of the page limit requirement. You must include your complete responses to the selection criteria in the application narrative.

We will reject your application if you exceed the page limit or if you apply other standards and exceed the equivalent of the page limit. We will also reject your application if you fail to provide the MSEIP Eligibility Certification Form.

3. *Submission Dates and Times:*

Applications Available: April 1, 2009.

Deadline for Transmittal of Applications: May 1, 2009.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: June 30, 2009.

4. *Intergovernmental Review*: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions*: We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements*: Applications for grants under this program must be submitted electronically unless you qualify for an

exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Minority Science and Engineering Improvement Program (MSEIP), CFDA number 84.120A, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for MSEIP at *http://www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.120, not 84.120A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3–Step Registration Guide (*see http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the persons listed under *For Further Information Contact* in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a

determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Karen W. Johnson, U.S. Department of Education, 1990 K Street, NW., room 6032, Washington, DC 20006–8517. *FAX:* (202) 502–7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.120A) LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.120A) 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 637.32(a) through (j), and are as follows:

(a) Identification of need for the project (Total 10 points).

(b) Plan of operation (Total 15 points).

(c) Quality of key personnel (Total 5 points).

(d) Budget and cost effectiveness (Total 5 points).

(e) Evaluation plan (Total 10 points).

(f) Adequacy of resources (Total 5 points).

(g) Potential institutional impact of the project (Total 10 points).

(h) Institutional commitment to the project (Total 10 points).

(i) Expected Outcomes (Total 15 points).

(j) Scientific and educational value of the proposed project (Total 15 points).

Applicants must address each of the selection criteria. The total weight of the selection criteria is 100 points; the weight of each criterion is noted in parentheses.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are in 34 CFR 75.217.

Tiebreaker for Institutional Project Grants, Special Project Grants, and Cooperative Project Grants. If there are insufficient funds for all applications with the same total scores, applications will receive preference in the following order: first, applications that satisfy the requirement of Competitive Preference Priority 1; second, applications that satisfy the requirements of both Competitive Preference Priority 2 and Competitive Preference Priority 3; and third, applications that satisfy the requirements of Competitive Preference Priority 2.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we will notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final

performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the MSEIP program: (1) The percentage change in the number of full-time, degree-seeking minority undergraduate students at grantee institutions enrolled in the fields of engineering or physical or biological sciences, compared to the average minority enrollment in the same fields in the three-year period immediately prior to the beginning of the current grant; (2) the percentage of full-time undergraduate minority students who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same institution in the fields of engineering or physical or biological sciences; and (3)(a) in four-year grantee institutions, the percentage of minority students who enrolled in the fields of engineering or physical or biological sciences who graduate within six years of enrollment; or (b) in two-year grantee institutions, the percentage of minority students enrolled in the fields of engineering or physical or biological sciences who graduate within three years of enrollment.

VII. Agency Contacts

For Further Information Contact: Bernadette M. Hence, Yolande Badarou, or Matthew Willis, U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006–8517. *Telephone:* (202) 502–7777 or by *e-mail: bernadette.hence@ed.gov*; *yolande.badarou@ed.gov*; or *matthew.willis@ed.gov*.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: March 27, 2009.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. E9–7306 Filed 3–31–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13349–000]

Square Butte Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comment, Motions To Intervene, and Competing Applications

March 25, 2009.

On December 23, 2008, Square Butte Hydro, LLC (Butte Hydro), filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Square Butte Pumped Storage Project (project). The proposed project would be located near Great Falls, Cascade County, Montana. The sole purpose of the preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' expressed permission.

The proposed project would consist of: (1) A proposed upper earthen dam 7,870-foot-long, 110-foot-high with approximately 9,540-acre-foot storage reservoir, having a surface area of approximately 152 acres with a normal maximum surface elevation of 4,760 feet mean sea level; (2) a proposed lower earthen dam 7,940-foot-long, 130-foot-high with approximately 10,550-acre-foot storage reservoir, having a surface area of approximately 151 acres with a normal maximum surface elevation of 3,740 feet mean sea level; (3) a proposed 4,650-foot-long, 31-foot-diameter steel penstock; (4) a proposed 500-foot-long, 120-foot-wide, 80-foot-high powerhouse containing 10–103-megawatt generating units; (5) a proposed 20.4-mile-long, 500-kV transmission line, and (6) appurtenant facilities. The project would have an average annual generation of approximately 2,150,000 megawatt-hours.

Applicant Contact: Square Butte Hydro, LLC, 975 South State Highway, Logan, Utah 84321, phone (435) 752–2580, Agent: Mr. Brent L. Smith, COO, Symbiotics, LLC, P.O. Box 535, Rigby, Idaho 83442, (208) 745–0834.

FERC Contact: Gaylord Hoisington, (202) 502–6032.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp*. More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–13349) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–7237 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 25, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC09–61–000.

Applicants: Dynegy Holdings Inc., Heard County Power, LLC, Dynergy Power Marketing, Inc., Oglethorpe Power Corporation.

Description: Dynegy Holdings, Inc. *et al.,* submits an application for approval for disposition of jurisdictional facilities and request for expedited treatment.

Filed Date: 03/20/2009.

Accession Number: 20090324–0004.

Comment Date: 5 p.m. Eastern Time on Friday, April 10, 2009.

Docket Numbers: EC09–62–000.

Applicants: Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Hardee Power Partners Limited.

Description: Spindle Hill Energy LLC *et al.,* submits Application for Authorization under Section 203 of the Federal Power Act and Request for waivers and Expedited Action.

Filed Date: 03/23/2009.

Accession Number: 20090324–0282.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: EC09–63–000.

Applicants: Tuolumne Wind Project, LLC, Windy Point Partners I, LLC.

Description: Tuolumne Wind Project, LLC *et al.,* submits Application for Order Authorizing Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act, *et al.*

Filed Date: 03/23/2009.

Accession Number: 20090324–0256.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER08–370–007; EL08–22–005.

Applicants: Midwest Independent Transmission System Operator, Inc; Missouri River Energy Services.

Description: Missouri River Energy Services and the Midwest Independent System Operator, Inc. submits Substitute First Revised Sheet 1365Z.161.01 *et al.,* to FERC Electric Tariff, Third Revised Volume 1.

Filed Date: 03/23/2009.

Accession Number: 20090324–0279.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER08–394–019.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff to comply with FERC's 2/19/09 Order.

Filed Date: 03/23/2009.

Accession Number: 20090324–0289.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER08–637–007.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits compliance filing removing references to Market Coordination Service in its Open Access Transmission, Energy and Operating Reserve Markets Tariff.

Filed Date: 03/23/2009.

Accession Number: 20090324–0297.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–240–002.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits compliance filing addressing the ISO's MRTU Tariff Amendment regarding market parameters.

Filed Date: 03/23/2009.

Accession Number: 20090324–0296.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–444–001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits Substitute First Revised Sheet 42 *et al.,* to FERC Electric Tariff, Fifth Revised Volume 1 effective 2/20/09.

Filed Date: 03/23/2009.

Accession Number: 20090324–0280.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–875–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company submits Data Transfer Service Agreement with Northbrook Wisconsin, LLC, FERC Tariff 122.

Filed Date: 03/23/2009.

Accession Number: 20090324–0293.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–876–000.

Applicants: PJM Interconnection LLC.

Description: PJM Interconnection, LLC submits Fourth Revised Sheet 523I.05a to FERC Electric Tariff, Sixth Revised Volume 1 to PJM's credit policy that credit and financial responsibility for planned RPM Capacity Resources.

Filed Date: 03/23/2009.

Accession Number: 20090324–0292.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–877–000.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits the 2009 Wholesale Formula Rate Update.

Filed Date: 03/23/2009.

Accession Number: 20090324–0275.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–879–000.

Applicants: Avista Corporation.

Description: Avista Corporation submits Amendment No. 4 to Avista Corporation Rate Schedule FERC No. 190, the Colstrip Project Transmission Agreement, etc.

Filed Date: 03/20/2009.

Accession Number: 20090324–0281.

Comment Date: 5 p.m. Eastern Time on Friday, April 10, 2009.

Docket Numbers: ER09–880–000; ER96–496–018.

Applicants: Northeast Utilities Service Company.

Description: Northeast Utilities Service Company submits Revised Sheet 2 to FERC Electric Tariff, Fourth Revised Volume 7 which cancels Original Sheet 1 to FERC Electric Tariff, Original Volume 6.

Filed Date: 03/23/2009.

Accession Number: 20090324–0253.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–881–000.

Applicants: American Electric Power Services Corporation.

Description: American Electric Power Service Corporation submits First Revised Sheet 1 that supersedes Original Sheet 1 to FERC Electric Tariff, Sixth Revised Volume 1 effective 3/1/09 re Service Agreement with Old Dominion Electric Cooperative.

Filed Date: 03/23/2009.

Accession Number: 20090324–0251.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–882–000.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits 2009 wholesale formula rate update for Arkansas Electric Cooperative Corporation.

Filed Date: 03/23/2009.

Accession Number: 20090324–0291.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–883–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits executed Meter Agent

Services Agreement between The Energy Authority as the Market Participant and Westar Energy, Inc. as the Meter Agent, effective 3/1/09.

Filed Date: 03/23/2009.

Accession Number: 20090324–0290.

Comment Date: 5 p.m. Eastern Time on Monday, April 13, 2009.

Docket Numbers: ER09–885–000.

Applicants: Duke Energy Indiana, Inc.

Description: Duke Energy Indiana, Inc. submits summary schedules for the Transmission and Local Facilities Agreement for Calendar Year 2007 between Duke Energy and Wabash Valley Power Association, Inc.

Filed Date: 03/24/2009.

Accession Number: 20090325–0129.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 14, 2009.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR09–3–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Revisions to the Bylaws of Reliabilityfirst Corporation.

Filed Date: 03/24/2009.

Accession Number: 20090324–5100.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 14, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–7285 Filed 3–31–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–863–000]

Smart Papers Holdings, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

March 25, 2009.

This is a supplemental notice in the above-referenced proceeding of Smart Papers Holdings, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 14, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–7239 Filed 3–31–09; 8:45 am]

BILLING CODE

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Staff Attendance at Southwest Power Pool's Synergistic Planning Project Team and Cost Allocation Working Group Meetings

DATES: March 25, 2009.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool (SPP) Synergistic Planning Project Team and the SPP Cost Allocation Working Group, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

SPP Synergistic Planning Project Team Meeting

March 31, 2009 (10 a.m.–3 p.m.),
Embassy Suites Outdoor World, 2401

Bass Pro Drive, Grapevine, TX 76051, 972–724–2600.

SPP Cost Allocation Working Group Meeting

April 1, 2009 (10 a.m.–4 p.m.), Embassy Suites Outdoor World, 2401 Bass Pro Drive, Grapevine, TX 76051, 972–724–2600.

The discussions may address matters at issue in the following proceedings:

Docket No. ER06–451, *Southwest Power Pool, Inc.*
Docket Nos. ER07–319 and EL07–73, *Southwest Power Pool, Inc.*
Docket No. ER07–371, *Southwest Power Pool, Inc.*
Docket No. ER07–1255, *Southwest Power Pool, Inc.*
Docket No. ER07–1206, *Southwest Power Pool, Inc.*
Docket No. ER08–923, *Southwest Power Pool, Inc.*
Docket No. ER08–1307, *Southwest Power Pool, Inc.*
Docket No. ER08–1308, *Southwest Power Pool, Inc.*
Docket No. ER08–1357, *Southwest Power Pool, Inc.*
Docket No. ER08–1358, *Southwest Power Pool, Inc.*
Docket No. ER08–1419, *Southwest Power Pool, Inc.*
Docket No. ER08–1516, *Southwest Power Pool, Inc.*
Docket No. ER09–35, *Tallgrass Transmission LLC*
Docket No. ER09–36, *Prairie Wind Transmission LLC*
Docket No. ER09–262, *Southwest Power Pool, Inc.*
Docket No. ER09–342, *Southwest Power Pool, Inc.*
Docket No. ER09–548, *ITC Great Plains LLC*
Docket No. ER09–574, *Southwest Power Pool, Inc.*
Docket No. ER09–575, *Southwest Power Pool, Inc.*
Docket No. ER09–639, *Southwest Power Pool, Inc.*
Docket No. ER09–714, *Southwest Power Pool, Inc.*
Docket No. ER09–715, *Southwest Power Pool, Inc.*
Docket No. ER09–748, *Southwest Power Pool, Inc.*
Docket No. ER09–758, *Southwest Power Pool, Inc.*
Docket No. ER09–778, *Southwest Power Pool, Inc.*
Docket No. ER09–659, *Southwest Power Pool, Inc.*
Docket No. ER09–681, *Green Power Express LP*
Docket No. OA08–5, *Southwest Power Pool, Inc.*
Docket No. OA08–60, *Southwest Power Pool, Inc.*
Docket No. OA08–61, *Southwest Power Pool, Inc.*
Docket No. OA08–104, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–7238 Filed 3–31–09; 8:45 am]

BILLING CODE

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2009–0022; FRL–8788–3]
Billing Code 6560–50

Agency Information Collection Activities; Proposed Collection; Comment Request; Acid Rain Program Under Title IV of the CAA Amendments of 1990 (Renewal); EPA ICR No. 1633.15, OMB Control No. 2060–0258

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on July 31, 2009. 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 June 1, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2009–0022, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epamail.epa.gov.*
- *Fax:* 202–566–1741.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC.
- *Hand Delivery:* Environmental Protection Agency, EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. 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 to Docket ID No. EPA–HQ–OAR–2009–0022. 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 *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.*

FOR FURTHER INFORMATION CONTACT: Karen VanSickle, Clean Air Markets Division, Office of Air and Radiation, (6204J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202–343–9220; *fax number:* 202–343–2361; *e-mail address: vansickle.karen@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–OAR–2009–0022, which is available for online viewing at *http://www.regulations.gov*, or in person

viewing at the Air and Radiation 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 8:30 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 Air and Radiation Docket is 202–566–1742.

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 any technical information and/or 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 those which participate in the Acid Rain Program

Title: Acid Rain Program

ICR numbers: EPA ICR No. 1633.15, OMB Control No. 2060–0258.

ICR status: This ICR is currently scheduled to expire on July 31, 2009. 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 Acid Rain Program was established under Title IV of the 1990 Clean Air Act Amendments. The program calls for major reductions of the pollutants that cause acid rain while establishing a new approach to environmental management. This information collection is necessary to implement the Acid Rain Program. It includes burden hours associated with developing and modifying permits, transferring allowances, obtaining allowances from the conservation and renewable energy reserve, monitoring emissions, participating in the annual auctions, completing annual compliance certifications, participating in the Opt-in program, and complying with NOx permitting requirements. Most of this information collection is mandatory under 40 CFR Parts 72–78. Some parts of it are voluntary or to obtain a benefit, such as participation in the annual auctions under 40 CFR Part 73, Subpart E. An agency many 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 40 CFR are listed in 40 CFR Part 9.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 110 hours per response. 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1,500.

Frequency of response: Varies by task.

Estimated total average number of responses for each respondent: 12

Estimated total annual burden hours: 1,971,276

Estimated total annual costs: $262,369,989. This includes an estimated burden cost of $120,111,989 and an estimated cost of $142,258,000 for capital investment or maintenance and operational costs.

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: March 23, 2009.

Larry F. Kertcher,

Acting Director, Clean Air Markets Division, Office of Air and Radiation.

[FR Doc. E9–7299 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8788–6]

Science Advisory Board Staff Office; Notification of a Public Teleconference of the Science Advisory Board Expert Elicitation Advisory Panel

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 of the SAB Expert Elicitation Advisory Panel to discuss a draft report reviewing EPA's draft *Expert Elicitation Task Force White Paper.*

DATES: The public teleconference will be held on Wednesday, April 22, 2009, from 1 p.m. to 3 p.m. (Eastern Time).

ADDRESSES: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this teleconference may contact Dr. Angela Nugent, Designated Federal Officer (DFO). Dr. Nugent may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail; (202) 343–9981; fax (202) 233–0643; or e-mail at *nugent.angela@epa.gov*. General information about the EPA SAB, as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB Expert Elicitation Advisory Panel will hold a public teleconference to discuss a draft report reviewing EPA's draft *Expert Elicitation Task Force White Paper*. The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions 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.

Background Information: EPA's Office of the Science Advisor requested SAB review of a draft white paper designed to initiate a thorough discussion of expert elicitation and to investigate how to conduct and use expert elicitation to support EPA regulatory and non-regulatory analyses and decision-making. The SAB Expert Elicitation Advisory Panel met on February 25–26, 2009 (74 FR 5157–5158) to discuss EPA's draft white paper. The Panel will hold a public teleconference to discuss their draft report reviewing EPA's White Paper. Background information on this advisory activity can be found in the **Federal Register** at 72 FR 35463–35465 and on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Expert%20Elicitation%20White%20Paper?OpenDocument*.

Availability of Meeting Materials: The background materials for this review are available on the EPA Web site at the links provided above in this notice. The draft SAB report will be made available on the SAB Web site in advance of the meeting. *See* 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 Dr. Nugent, DFO, in writing (preferably via e-mail) at the contact information noted above, by April 15, 2009 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 April 15, 2009 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).

Submitters are asked to provide versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Nugent at the phone number or e-mail address noted above, preferably at least ten days prior to the teleconference to give EPA as much time as possible to process your request.

Dated: March 26, 2009.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E9–7298 Filed 3–31–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Web site (*http://www.fmc.gov*) or contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 012057–002.

Title: CMA CGM/Maersk Line Space Charter, Sailing and Cooperative Working Agreement Asia to USEC and PNW–Suez/PNW & Panama Loops.

Parties: A.P. Moller-Maersk A/S and CMA CGM S.A.

Filing Party: Wayne R. Rohde, Esq.; Sher and Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would allow the parties to route one of their service loops either via the Cape of Good Hope or the Suez Canal with corresponding adjustments in vessel provision and space allocation.

Agreement No.: 012063–001.

Title: Grand Alliance/Zim Transpacific Vessel Sharing Agreement.

Parties: Hapag-Lloyd Aktiengesellschaft; Nippon Yusen Kaisha; Orient Overseas Container Line Limited; and Zim Integrated Shipping Services Limited.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment adds the U.S. East Coast and Jamaica to the geographic scope of the agreement and adds authority to operate a service between Asia and the U.S. East Coast via the Panama Canal. The parties request expedited review.

Agreement No.: 012066.

Title: ''K'' Line/Abou Merhi Space Charter and Cooperative Working Agreement.

Parties: Abou Merhi Lines, S.A.L.; and Kawasaki Kisen Kaisha, LTD.

Filing Party: John P. Meade, Esq.; Vice President-Law; ''K'' Line America, Inc.; P.O. Box 9; Preston, MD 21655.

Synopsis: The agreement authorizes ''K'' Line to charter space to Abou Merhi Lines in the trade between U.S. Atlantic coast ports and Beirut, Lebanon, and Jeddah, Saudi Arabia.

Agreement No.: 201048–004.

Title: Lease and Operating Agreement between Philadelphia Regional Port Authority and Delaware River Stevedores, Inc.

Parties: Philadelphia Regional Port Authority and Delaware River Stevedores, Inc.

Filing Party: Paul D. Coleman, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue, NW., Tenth Floor; Washington, DC 20036.

Synopsis: The amendment deletes the provisions pertaining to minimum vessel calls, minimum tonnage, and penalties for failing to satisfy the minimum performance requirements.

Dated: March 27, 2009.

By Order of the Federal Maritime Commission.

Karen V. Gregory,

Secretary.

[FR Doc. E9–7314 Filed 3–31–09; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 07–04]

Norland Industries, Inc., Linna Textiles Manufacturing Limited, Medcorp Distributors, Inc., Malan Garment Limited and Malan Garment, Inc. v. Reliable Logistics, LLC; Notice of Filing of Amended and Supplemental Complaint

Notice is given that an Amended and Supplemental Complaint has been filed with the Federal Maritime Commission (''Commission'') by Norland Industries, Inc., Linna Textiles Manufacturing Limited, Medcorp Distributors, Inc., Malan Garment Limited, and Malan Garment, Inc. (''Complainants'') in this proceeding against Reliable Logistics, LLC (''Respondent'') noticed on April 25, 2007 (72 FR 20548). Complainants' original complaint alleged that Respondent Reliable Logistics, LLC's actions as a licensed ocean transportation intermediary (''OTI'') in handling Complainants' cargo violated Section 10(d) of the Shipping Act of 1984 by failing to establish observe, and enforce just and reasonable regulations and practices in connection with transportation services (46 U.S.C. 41102(c)). Complainants assert that Washington International Insurance Company (''Washington International'') is the insurance company that underwrote Respondent's $75,000.00 OTI bond. Complainants' Amended and Supplemental Complaint adds Washington International Insurance Company as a party to this proceeding and sets forth events occurring after the original complaint was filed.

In the Amended and Supplemental Complaint, Complainants contend that Respondent has ceased doing business and that all U.S. mail sent to Respondent has been returned as ''undeliverable.'' The Commission's attempt to serve notice of this proceeding in April 2007 was also returned. Complainants state that, when initiating this proceeding, Complainants simultaneously commenced an action against Respondent in the Supreme Court of the State of New York. The Commission's proceeding was stayed at Complainants' request while pursuing their New York case to judgment. Complainants assert that a default judgment was issued against Respondent in the New York action in the amount of $181,375.03. Complainants claim that their attempts to receive payment from Washington International by presenting their judgment against Respondent's OTI bond were unsuccessful. Complainants allege that Washington International's denial of their claim undermines the very purpose for which the OTI bond is to stand as security and therefore represents an unfair shipping practice.

Complainants request that the Commission issue an order for reparations against Washington International Insurance Company in the amount of $75,000.00 plus interest from August 17, 2008, and legal fees in pursuing these proceedings. Complainants also request that the Commission grant such other, proper, and further relief as it may deem just, proper and equitable in the circumstances.

Notice is also given that the presiding Administrative Law Judge's Memorandum and Order on Motion to File Amended and Supplemental Complaint (served March 18, 2009) directed Respondents to serve and file their answering memorandum of facts and arguments on or before April 3, 2009.

Karen V. Gregory,

Secretary.

[FR Doc. E9–7316 Filed 3–31–09; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

H.T.L. Logistics India Private Limited, Plot No. 40/A, Doddenkundi, 2nd Phase, K.R. Puram, Bangalore 560048 India, *Officers:* Bakesh Suri, Director (Qualifying Individual), Ahamed R. Farook, Chairman.

CSLL Logistics Inc., 208 E. Elgin Street, Ste. #8, Alhambra, CA 91801, *Officers:* Lizhen Yang, President (Qualifying Individual) Meifen, Shen, Vice President.

American Patriot Lines, Inc. dba Transcon Shipping Company, 6242 Westchester Pkwy., Los Angeles, CA 90045, *Officer:* Ching Wahleung, Treasurer (Qualifying Individual).

SMC Project Management, LLC, 23825 Anza Ave., Ste. 235, Torrance, CA 90505, *Officers:* Minkyong J. Lee, Member (Qualifying Individual), Joon Park, Member.

Global Cargo Connection dba Realco Logistics, USA, 370 Amapola Ave., Ste. 108, Torrance, CA 90501, *Officer:* Steve Lee, President (Qualifying Individual).

Seaborn Containers and Shipping LLC, 4525 Roosevelt Highway, Union City, GA 30349, *Officers:* Frank Obeng, Manager (Qualifying Individual), Michael B. McKnight, Owner.

Foremost Int'l Freight Services Corp., 154–09 146th Ave., 3rd Floor, Jamaica, NY 11434, *Officers:* Hong Jeh Wang, President (Qualifying Individual).

Speedfreight Transport, LLC dba Speedfreight Cargo Transport, 1012 Grand Champion Drive, Rockville, MD 20850, *Officer:* Cristina T. Ignacio, Managing Member (Qualifying Individual).

Poseidon Logistics, Inc., 3014 20th Ave., San Francisco, CA 94132, *Officers:* An T. Li, Secretary (Qualifying Individual), Geuangwei Shan, CEO.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Global Cargo Express, Inc., 500 Confederate Ave., Portsmouth, VA 23704. Officer: Nerijus Bertasius, President (Qualifying Individual).

Movendo USA, Inc., 1110 South Avenue, Ste. 33, Staten Island, NY 10314, *Officers:* Genevieve Fortunato, Secretary (Qualifying Individual), Mauro Moretti, President.

Formosa Container Line, Inc., 18811 Crenshaw Place, Torrance, CA 90504, *Officer:* Anthony C. Chiu, Gen. Manager (Qualifying Individual).

Trans Global Auto Logistics, Inc. dba Auto Express Lines, 2454 NW. Dallas Street, Grand Prairie, TX 75050, *Officer:* Sandra K. Lester, President (Qualifying Individual).

Base Ventures International, 7920 Zane Ave. N., Ste. 214, Brooklyn Park, MN 55443, Oluwaseyi E. Olawore, Sole Proprietor.

Safeway Shipping and Clearing Services Inc., 3615 Willowbend Blvd., Ste. 414, Houston, TX 77054, *Officers:* Abiola S. Iyiola, CEO (Qualifying Individual). Ishola O. Iyiola, Corp. Secretary.

Overseas Shipping Ltd., The World Trade Center, 401 Pratt St., Suite 2522, Baltimore, MD 21202, *Officers:* Sharon L. Palmer, Vice President (Qualifying Individual). Makram Kais, President.

Selim Logistics System USA, Inc. dba Uni Global Logistics, 6492 New Albany Road, Lisle, IL 60532, *Officer:* Young F. Lee, Treasurer (Qualifying Individual).

Kerry Freight (USA) Incorporated, 880 Apollo Street, El Segundo, CA 90245, *Officers:* Jesper Malmskov, Asst. Vice President (Qualifying Individual), Lui K. Ming, President.

3Plus Logistics Co., 20250 S. Alameda Street, Rancho Dominguez, CA 90221, *Officer:* Kyung S. Kim, Treasurer (Qualifying Individual).

Seapack Inc., 2820 NW. 105th Ave., #B, Miami, FL 33172, *Officer:* Roland L. Malins-Smith, President (Qualifying Individual).

Aerospace Logistics Group, LLC, 9538 South Clifton Park Ave., Evergreen Park, IL 60805, *Officers:* Wallace P. Tripplett, Vice President (Qualifying Individual), Andrea Y. McFerren, President.

JEM Star Cargo LLC, 94–1079 Lumiaina Street, Waipahu, HI 96797, *Officer:* Jocelyn L. Ramelb, Managing Member (Qualifying Individual).

M and L Trucking Incorporated, One Revere Park, Rome, NY 13440, *Officers:* John J. Sepela, Asst to the Secretary (Qualifying Individual), Joseph F. Mammone, President.

International Shipping Company dba ISC Shipping, 2727 Beech Daly Rd., Dearborn Height, MI 48125, *Officers:* Nachaat Mazeh, President (Qualifying Individual), Ibrahim Mazeh, Director.

Sea Freight Inc., 12550 Biscayne Blvd., Miami, FL 33181, *Officer:* Michael Lyamport, President (Qualifying Individual).

American Freight Line-Southeast, Inc., 671 NW. 4th Ave., Fort Lauderdale, FL 33311, *Officer:* Gabrille Heinrichs, President (Qualifying Individual).

Katt Worldwide Logistics, Inc., 4105 S. Mendenhall, Memphis, TN 38115, *Officer:* Verna Kim (Qualifying Individual).

Priority Air Express, LLC dba Priority Marine Express, 11 Technology Drive, Swedesboro, NJ 08085, *Officers:* William Freidel, Vice President (Qualifying Individual), Christopher Carpenter, President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Total Global Solutions, Inc., 4290 Bells Ferry Road, #224, Kennesaw, GA 30144, *Officers:* Natasha Gardner, Vice President (Qualifying Individual), Dennis R. Smith, President.

Brave Cargo Inc., 8155 NW. 68 Street, Miami, FL 33166, *Officer:* Pemig J. Fuentes, President (Qualifying Individual).

Reliable Shipping Services Corp., 10 Fifth Street, Ste. 402, Valley Stream, NY 11581, *Officers:* Eleonora L. Chiavelli, President (Qualifying Individual), Gloria Chiavelli, Vice President.

American Courier Express LLC dba 1 Stop Pack N Ship, 785 Rockville Pike, #F, Rockville, MD 20852, *Officer:* Khosrow R. Ranjkesh, President (Qualifying Individual).

Caribbean Logistic Solutions, Inc., 11200 NW. 25 Street, Miami, FL 33172, *Officer:* Wanda Cruz, President (Qualifying Individual).

Rom Enterprise, Inc. dba Monark Worldwide, 22122 Sherman Way, #203, Canoga Park, CA 91303, *Officers:* Leo Alvidera, Vice President (Qualifying Individual), Rommel De Ocampo, President.

Dated: March 27, 2009.

Karen V. Gregory,

Secretary.

[FR Doc. E9–7313 Filed 3–31–09; 8:45 am]

BILLING CODE 6730–01–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 April 16, 2009.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Martin C. Bicknell, Bucyrus, Kansas; to acquire control of University National Bancshares, Inc., and thereby indirectly acquire control of University National Bank, both in Pittsburg, Kansas.

Board of Governors of the Federal Reserve System, March 27, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–7272 Filed 3–31–09; 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 April 27, 2009.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Community First Financial Corporation, Kokomo, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Community First Bank of Howard County, Kokomo, Indiana.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Texas Independent Bancshares, Inc., Texas City, Texas; to acquire 51 percent of the voting shares of Houston Business Bank, Houston, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, March 27, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–7270 Filed 3–31–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 16, 2009.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Midwest Banco Corporation, Cozad, Nebraska; to retain Grabenstein Insurance & Financial Services, Inc., Eustis, Nebraska, and continue to engage in general insurance activities, pursuant to section 225.28(b)(11)(iii)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, March 27, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–7271 Filed 3–31–09; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX]

General Services Administration, Federal Acquisition Service, Management Services Center; Information Collection; Management Services Center (MSC) Customer Satisfaction E-Survey

AGENCY: Management Services Center (MSC), Federal Acquisition Service (FAS), General Services Administration (GSA).

ACTION: Notice of request for comments regarding a new OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding a Management Services Center (MSC) Customer Satisfaction E-Survey.

Public comments are particularly invited on: Whether this collection of information is necessary 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; and ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: May 1, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Geri Haworth, Director, Business Management Division, Management Services Center, Federal Acquisition Service, at telephone (253) 931–7064 or via e-mail to *geri.haworth@gsa.gov.*

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Regulatory Secretariat (VPR), General Services Administration, Room 4041, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090–XXXX, Management Services Center (MSC) Customer Satisfaction E-Survey, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The data collected from the Management Services Center (MSC) Customer Satisfaction E-Survey will be used to measure customer satisfaction and to identify areas where service to Federal agencies and industry requires improvement.

B. Annual Reporting Burden

Respondents: 400.
Responses per Respondent: 1.
Hours per Response: .05.
Total Burden Hours: 20.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 3090–XXXX, Management Services Center (MSC) Customer Satisfaction E-Survey, in all correspondence.

Dated: March 23, 2009.

[FR Doc. E9–7244 Filed 3–31–09; 8:45 am]

BILLING CODE 6820–DH–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Assessing Organizational Responses to AHRQ's Health Literacy Pharmacy Tools.'' In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on January 29th, 2009 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by May 1, 2009.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (*attention:* AHRQ's desk officer) or by e-mail at *OIRA_submission@omb.eop.gov* (*attention:* AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@ahrq.hhs.gov*.

SUPPLEMENTARY INFORMATION: *Proposed Project:* Assessing Organizational Responses to AHRQ's Health Literacy Pharmacy Tools.

According to the 2003 National Assessment of Adult Literacy, only 12 percent of adults have proficient health literacy—the capacity to obtain, process, and understand basic health information and services needed to make appropriate health decisions. Limited health literacy often leads to medication errors. For example, one study found that a majority of adults with low health literacy did not understand instructions to ''take medication on an empty stomach.'' Overall, it is estimated that low health literacy costs the U.S. health care system $50 billion to $73 billion per year. Pharmacies can serve as an important source of medication information for people with limited health literacy, but relatively few pharmacies have implemented health literacy practices (Praska *et al.*, 2005).

Recognizing that pharmacies may need outside knowledge and assistance to improve their health literacy practices, AHRQ, through a previous task order, supported the creation of the following four health literacy tools for pharmacy settings, which have been validated in institutional pharmacy settings.

1. Is Our Pharmacy Meeting Patients' Needs? A Pharmacy Health Literacy Assessment Tool User's Guide (Jacobson *et al.*, 2007).

2. Strategies to improve Communication between Staff and Patients: Training Program for Pharmacy Staff (Kripalini & Jacobson, 2007).

3. How to Create a Pill Card (Jacobson *et al.*, 2008).

4. Telephone Reminders: A Tool to Help Refill Medications on Time (Jacobson *et al.*, 2008).

AHRQ now proposes to distribute these tools to a more diverse set of pharmacies and to conduct in-depth case studies to enhance our understanding about the conditions that may facilitate or impede the adoption of the tools in these settings. AHRQ would use insights gained to develop materials (promotional implementation guides) that could assist interested pharmacies in putting the tools into practice and anticipating and overcoming obstacles to doing so.

The pharmacy health literacy tools will be disseminated through an AHRQ Web site, which will also provide technical assistance to pharmacies that wish to implement the tools. A description of the tools and site will be distributed to pharmacists through national pharmacy organizations' trade publications and a direct mailing to chain pharmacy headquarters. We anticipate that we would be able to reach as many as 60,000 individual pharmacists across the country through these channels.

This project is being conducted pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to: The quality, effectiveness, efficiency, appropriateness and value of health care services; quality measurement and improvement; and health care costs, productivity, organization, and market forces. 42 U.S.C. 299a(a)(1), (2), and (6).

Method of Collection

Case Studies

Through its contractor, AHRQ proposes to conduct 7 in-depth case studies to assess pharmacies' experiences with implementation of one or more of these four health literacy tools, using interviews, site visits, review of documents and a survey of pharmacy staff from case study pharmacies. In addition, AHRQ will conduct 2 more limited studies of pharmacies that were aware of the tools but chose not to implement them.

A 1-day site visit will be conducted with each of the 7 sites that implement at least one of the tools. Each site visit will include a walk-through of the pharmacy site to see the physical layout, an interview with the key informant or contact person, and individual interviews with up to four additional pharmacy employees, who may include the pharmacy manager, staff pharmacists, pharmacy technicians, and pharmacy clerks.

Therefore, up to 35 interviews will be completed across the 7 sites that implement one or more of the tools. In addition, up to 12 pharmacy staff at each of the 7 implementation sites will complete the tool's Pharmacy Staff Survey contained in the Pharmacy Health Literacy Assessment Tool.

For each of the two pharmacies which do not implement the tools, interviews will be conducted with up to 2 informants per site. The content of this interview will be similar, but not identical, to the interviews with staff at the implementing sites.

Web Site Visitors' Survey

For pharmacists and other visitors to the AHRQ Web site, we will conduct a voluntary survey regarding health literacy in general, and feedback regarding AHRQ's health literacy tools. The Web site visitors' survey will be available on-line.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the case studies. The staff interview at the implementing sites will be completed with up to 5 total pharmacy staff members from each of the 7 pharmacies that implement at least one of the health literacy tools. Staff interviews at the two

non-implementation sites will be completed with up to 2 individuals per pharmacy. The interviews are estimated to last 1 hour for each of the 5 staff interviews at the 7 implementing sites and 30 minutes for each of the 2 staff interviews at the 2 non-implementing sites. The pharmacy staff survey will be completed by up to 12 staff from the 7 implementation pharmacies and is estimated to take approximately 20 minutes. Lastly, we estimate that the Web site visitor's survey will be completed by about 150 respondents and is estimated to take up to 12 minutes to complete. The total burden hours for all data collections is estimated to be 95 hours.

Exhibit 2 shows the estimated annualized cost burden for the respondents' time to provide the requested data. The estimated total cost burden is $2,882.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of sites/ respondents	Number of responses per sites/ respondents	Hours per response	Total burden hours
Staff interview—implementing sites	7	5	1	35
Staff interview—non-implementing sites	2	2	30/60	2
Pharmacy staff survey	7	12	20/60	28
Web site visitors survey	150	1	12/60	30
Total	166			95

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of sites/ respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Staff interview—implementing sites	7	35	$30.33	$1,062
Staff interview—non-implementing sites	2	2	30.33	61
Pharmacy staff survey	7	28	30.33	849
Web site visitors survey	150	30	30.33	910
Total	166	95		2,882

*The average hourly wage rate of $30.33 was calculated based on the following mean hourly wage rates: Pharmacists—$47.58; pharmacy manager [medical & health services manager category]—$50.34; pharmacy technicians—$13.25; and pharmacy aides—$10.15. The mean hourly wage rates for these occupations were obtained from the Bureau of Labor & Statistics on ''Occupational Employment and Wages, May 2007,'' found at: *http://www.bls.gov/OES/current/oes291051.htm.*

Estimated Annual Costs to the Government

The total cost of this contract to the government is $400,000. The project extends over three fiscal years. Exhibit 3 shows a breakdown of the total cost as well as the annualized cost.

EXHIBIT 3—ESTIMATED COST

Cost component	Total cost	Annualized cost
Project Development	$54,822	$18,274
Data Collection Activities	111,509	37,170
Data Processing and Analysis	129,089	43,030
Publication of Results	63,736	21,245
Project Management	40,845	13,615
Total	400,000	133,333

Request for Comments

In accordance with the above cited legislation, comments on the AHRQ information collection proposal are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of functions of AHRQ, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity on the information to be collected; and (d) 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.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 20, 2009.

Carolyn M. Clancy,

Director.

[FR Doc. E9–6957 Filed 3–31–09; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Nominations for AHRQ Study Section Members

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for nominations for public members.

SUMMARY: In accordance with Title IX of the Public Health Service Act, the authorizing legislation for AHRQ and its grant and contract regulations pertaining to Peer Review of Grant and Contracts 42 CFR Part 67, applications submitted to the AHRQ will be evaluated using the AHRQ peer review process to ensure a fair, equitable, and unbiased evaluation of their scientific and technical merit. The initial peer review of grant applications involves an assessment conducted by panels of experts established to include pertinent scientific disciplines and medical specialty areas. The confidential part of the peer review meetings devoted to critical evaluations will be closed meetings in accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2).

AHRQ is seeking nominations to fill approximately 20 to 30 percent of its study section membership, across the following study sections:

(1) Health System Research (HSR),

(2) Health Care Technology and Decision Sciences (HCTDS),

(3) Health Care Quality and Effectiveness Research (HCQER), and

(4) Health Care Research Training (HCRT).

The primary research foci and functions of these four study sections are described on the AHRQ Web site (*http://www.ahrq.gov/fund/peerrev/peerdesc.htm*).

Individuals from the health services research and health care community who could serve as peer reviewers in our study sections are sought to replace study section members whose terms have expired. In sending your nomination, please specify the nominee's professional/scientific/technical expertise, affiliations and full contact information, if this information is available.

Factors that will be considered in the selection of individuals to serve on study sections include: competence in a scientific, technical or clinical discipline or research specialty, particularly in health services research, fairness and evenhandedness in judgment and review, ability to work effectively in a group context, commitment to complete work assignments, adequacy of representations of women, racial and ethnic minority populations, and geographic diversity.

DATES: AHRQ would like to receive your recommendations no later than Friday, May 1, 2009.

ADDRESSES: Please direct your correspondence to: Kishena C. Wadhwani, PhD., M.P.H., Director, Division of Scientific Review (DSR), Office of Extramural Research, Education and Priority Populations (OEREP), Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (DHHS), 540 Gaither Road, Room 2032, Rockville, MD 20850, *Phone:* (301) 427–1556, *Fax:* (301) 427–1562, e-mail: *Kishena.Wadhwani@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Currently, AHRQ has one chartered Health Services Research Initial Review Group (IRG) responsible for the peer review of research and training grant applications submitted for funding consideration. The IRG is to advise the Director of the Agency on matters related to scientific and technical merit of research grant proposals to improve the quality, safety, efficiency, and effectiveness of health care for all Americans.

This IRG is currently comprised of four subcommittees or study sections, each with a particular research focus around which peer reviewer's expertise is assembled. These study sections convene three times per year to review the grant applications submitted to the three different submission cycles. Study section members are appointed for up to a maximum of four years.

Dated: March 24, 2009.

Carolyn M. Clancy,

AHRQ, Director.

[FR Doc. E9–7070 Filed 3–31–09; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

Notice of Cancellation: This notice was published in the **Federal Register** on March 19, 2009, Volume 74, Number 5, pages 813–814. The meeting previously scheduled to convene on March 31, 2009 has been cancelled.

Contact Person for More Information: Theodore M. Katz, M.P.A., Executive Secretary, NIOSH, CDC, 1600 Clifton Rd., NE., Mailstop: E–20, Atlanta, GA 30333, Telephone (513) 533–6800, Toll Free 1–800–CDC–INFO, E-mail *ocas@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2009.

Andre Tyler,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–7268 Filed 3–31–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee A—Cancer Centers.

Date: April 30–May 1, 2009.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gail J. Bryant, MD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8107, MSC 8328, Bethesda, MD 20892–8328, (301) 402–0801, *gb30t@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7308 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c) (4) and 552b(c) (6), Title 5 U.S.C., as amended. The purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will be a decision whether NCI should support request(s) and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Rapid Access to Intervention Development.

Date: April 9–10, 2009.

Time: 1 p.m.–5 p.m.

Agenda: To evaluate the Rapid Access to Intervention Development Portfolio.

Place: National Institutes of Health, Executive Plaza North, Conference Room H, 6130 Executive Boulevard, Rockville, MD 20852.

Contact Person: Phyllis G. Bryant, Executive Secretary, Program Analyst, Developmental Therapeutics Program, National Cancer Institute, NIH, 6130 Executive Boulevard, Rm. 8022, Bethesda, MD 20892, (301) 496–8720, *pb45q@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 25, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7312 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Basic HIV Vaccine Discovery Research (R01).

Date: April 29–May 1, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Sujata Vijh, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–0985, *vijhs@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7304 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, NINDS Conference Grant Review Panel.

Date: April 9, 2009.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, 3201, Rockville, MD 20852. (Virtual Meeting).

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20852–9529. (301) 496–5390. *willarda@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7309 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: May 17–18, 2009.

Time: 7 p.m. to 6:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, PhD, Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders & Stroke, NIH, 35 Convent Drive, Room 6a 908, Bethesda, Md 20892, 301–435–2232, *koretskya@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7310 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of RFA DE 09–003 U01 Applications; Face Base Consortium: Functional Genomics of Craniofacial Development and Disease.

Date: May 7, 2009.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Jonathan Horsford, PhD, Scientific Review Officer, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd, Room 664, Bethesda, MD 20892, 301–594–4859, *horsforj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7311 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; ''DEVELOPMENTAL BIOLOGY TRAINING GRANT''.

Date: May 1, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, Md 20892, (301) 496–1485, *changn@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 26, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–7326 Filed 3–31–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: National Suicide Prevention Lifeline—Call Log—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services has funded a National Suicide

Prevention Lifeline Network, consisting of a system of toll-free telephone numbers that route calls from anywhere in the United States to a network of local crisis centers. In turn, the local centers link callers to local emergency, mental health, and social service resources.

Through its grantee which is administering the National Suicide Prevention Lifeline Network, SAMHSA developed a Call Log in an effort to monitor basic trends in calls received. Data from this instrument will inform the Lifeline's ability to enhance network services, provide training to crisis counselors, and more effectively target its promotional efforts, thus increasing the network's accessibility to people at risk for suicidal behavior and optimizing public health efforts to prevent suicide and suicidal behavior.

All 125 networked crisis centers will be invited to complete the Call Logs, which will be available in both Web-based and hardcopy formats. For the estimated 80% of centers that already collect compatible data, an IT worker will be able to conduct monthly downloads from their own software systems. For the remaining centers, trained crisis counselors will be able to complete the majority of Call Log items during the course of the call, without asking the caller specific questions. They will use their judgment as to whether to complete the remainder of the Call Log at the conclusion of individual calls. Completing the form entails asking callers several basic questions (e.g., age, race, ethnicity, veteran status, how they heard about the Lifeline service). No identifiable information will be collected.

The estimated annual response burden [1] to collect this information is as follows:

Type of respondent	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden per respondent	Total hour burden, all respondents
IT Worker (extract, reformat, upload; ACCs)	[2] 111,100	12	1,200	.5	6	600
Caller (question response; NCCs)	[3] 26,640	1	26,640	.05	.05	1,332
Volunteer Crisis Counselor (form completion; NCCs)	[4] 375	[5] 36	13,500	.08	2.9	1,088
Paid Staff Crisis Counselor (form completion; NCCs)	375	36	13,500	.08	2.9	1,088
Total	27,490		54,840			4,108

Written comments and recommendations concerning the proposed information collection should be sent by May 1, 2009 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: March 25, 2009.

Elaine Parry,

Director, Office of Program Services.

[FR Doc. E9–7274 Filed 3–31–09; 8:45 am]

BILLING CODE 4162–20–P

[1] Estimates based on 444,000 calls annually.

[2] 100 (80%) of the networked crisis centers currently collect this data electronically (automated crisis centers or ACCs). An IT worker would need to extract, reformat, and upload those records monthly.

[3] 25 (20%) of the networked crisis centers do not currently collect this data (non-automated crisis centers or NCCs) and counselors would therefore need to ask Callers questions from the Call Log. A 30% response rate is anticipated. 444,000 total annual calls × (20% of the centers) = 88,800 annual calls answered by NCCs × (30% response rate) = 26,640 Call Logs completed by NCCs.

[4] Estimate based on crisis centers' average staffing level of 30 counselors, 50% (15) of whom are volunteer. 25 non-automated centers × 15 volunteer counselors = 375 volunteer counselors.

[5] Estimate assumes that incoming calls will be equally divided among volunteer and paid counselors. 26,640 calls ÷ 750 total counselors = 36 calls per counselor.

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Renewal From OMB of One Current Public Collection of Information: TSA Claims Management Program

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: 60 day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), OMB control number 1652–0039, abstracted below that we will submit to the Office of Management and Budget (OMB) for renewal in compliance with the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of information from claimants in order to thoroughly examine and resolve tort claims against the agency.

DATES: Send your comments by June 1, 2009.

ADDRESSES: Comments may be mailed or delivered to Ginger LeMay, PRA Officer, Office of Information Technology, TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Ginger LeMay at the above address, or by telephone (571) 227–3616 or e-mail *ginger.lemay@dhs.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov*. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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 the agency's estimate of the burden;

(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, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0039; TSA Claims Management Program allows the agency to collect information from claimants in order to thoroughly examine and resolve tort claims against the agency. TSA receives approximately 1,900 tort claims per month arising from airport screening activities and other circumstances, including motor vehicle accidents and employee loss. The Federal Tort Claims Act (28 U.S.C. 1346(b), 1402(b), 2401(b), 2671–2680) is the authority under which the TSA Claims Management Branch adjudicates tort claims.

The data is collected whenever an individual believes s/he has experienced property loss or damage, a personal injury, or other damages due to the negligence or wrongful act or omission of a TSA employee, and decides to file a Federal tort claim against TSA. Submission of a claim is entirely voluntary and initiated by individuals. The claimants (or respondents) to this collection are typically the traveling public. Currently, claimants file a claim by submitting to TSA a Standard Form 95 (SF–95), which has been approved under OMB control number 1105–0008. Because TSA requires further clarifying information, claimants are asked to complete a Supplemental Information page added to the SF–95. If TSA determines payment is warranted, TSA will send the claimant a form requesting banking information (routing and accounting numbers) in order to direct payment to the claimant. This form has been approved under OMB control number 1652–0039.

Claim instructions and forms are available through the TSA Web site at *http://www.tsa.gov*. Claimants must download these forms and mail or fax them to TSA. On the Supplemental Information page, claimants are asked to provide additional claim information including: (1) E–Mail address, (2) location of incident within the airport, (3) airport, (4) complete travel itinerary, (5) whether baggage was delayed by airline, (6) why they believe TSA was negligent, (7) whether they used a third-party baggage service, (8) whether they were traveling under military orders, and (9) whether they submitted claims with the airlines or insurance.

If TSA determines payment is warranted, TSA sends the claimant a form requesting: (1) Claimant signature, (2) banking information, and (3) Social Security number (required by the U.S. Treasury for all Government payments to the public pursuant to 31 U.S.C. 3325).

Under the current system of claims submitted by mail or fax, TSA estimates there will be approximately 22,800 respondents on an annual basis, for a total annual hour burden of 11,400 hours.

TSA will use all data collected from claimants to examine and analyze tort claims against the agency to determine alleged TSA liability and to reimburse claimants when claims are approved. In some cases, TSA may use the information to identify victims of theft or to aid any criminal investigations into property theft.

Issued in Arlington, Virginia, on March 26, 2009.

Ginger LeMay,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. E9–7256 Filed 3–31–09; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[Docket No. USCBP–2008–0112]

Enhanced Bonding Requirement for Certain Shrimp Importers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice ends the designation of shrimp subject to antidumping or countervailing duty orders as a special category or covered case subject to an enhanced bonding requirement (EBR). A recent World Trade Organization (WTO) Appellate Body Report held that the application of this requirement to shrimp from Thailand and India was inconsistent with U.S. WTO obligations. In response to this report, Customs and Border Protection (CBP) is ending the designation of shrimp subject to antidumping or countervailing duty orders as a special category or covered case subject to the EBR. The shrimp importers affected by this requirement may request termination of any existing continuous bonds pursuant to 19 CFR 113.27(a) and submit a new bond application pursuant to 19 CFR 113.12(b).

DATES: *Effective Date:* The notice is effective on April 1, 2009.

FOR FURTHER INFORMATION CONTACT: David Genovese, AD/CVD & Revenue Policy & Programs Division, Trade Policy and Programs, Office of International Trade, *David.Genovese@dhs.gov*, (202) 863–6092.

SUPPLEMENTARY INFORMATION:

Background

A key U.S. Customs and Border Protection (CBP) mission is to collect all import duties determined to be due to the United States. Under CBP statutes and regulations, release of merchandise prior to the determination of all duties that may be owed is ordinarily permitted, provided the importer posts a bond or other security to insure payment of duties and compliance with other applicable laws and regulations. The final assessment of duties occurs at liquidation of the entry.

The United States maintains a retrospective antidumping and countervailing duty system. The retrospective system means that in the case of goods subject to antidumping or countervailing (AD/CV) duties, the actual rates of AD/CV duties owed are calculated after the entry is made, in an assessment review conducted by the Department of Commerce (DOC). There is a delay between entry and final duty collection, and the United States requires that a security be provided. When an importer requests an assessment review of an AD/CV duty order, the amount of the duty that is ultimately assessed, based on the final AD/CV duty rate, sometimes does not correspond to the amount of security posted.

CBP follows instructions from the DOC. The DOC determines the actual AD/CV duty rates owed on merchandise subject to an AD/CV duty order. CBP assesses the duties owed on specific entries upon liquidation, pursuant to DOC instructions as to the final rates. However, CBP has found that many importers subject to AD/CV duties fail to pay the additional duties determined to be due at liquidation. As a result, because defaults on AD/CV duty supplemental bills have increased significantly, CBP conducted an internal policy review of revenue protection strategies.

CBP's Enhanced Bonding Requirement (EBR)

In response to importers' increasing failure to pay additional duties determined to be due at liquidation, CBP reconsidered the general bond formula which provides that the minimum continuous bond may be in an amount equal to the greater of $50,000 or ten percent of the amount of the previous year's duties, taxes and fees. In order to address the growing collection problem, CBP issued four documents. ''Amendment to Bond Directive 99–3510–004 for Certain Merchandise Subject to Antidumping/ Countervailing Cases,'' July 9, 2004; ''Current Bond Formulas,'' January 25, 2005; ''Clarification to July 9, 2004 Amended Monetary Guidelines for Setting Bond Amounts for Special Categories of Merchandise Subject to Antidumping and/or Countervailing Duty Cases,'' August 10, 2005; and *Monetary Guidelines for Setting Bond Amounts for Importations Subject to Enhanced Bonding Requirements*, 71 FR 62276 (October 24, 2006) (all four documents are referred to collectively as the Amended Customs Bond Directive).

CBP applied the Amended Customs Bond Directive to merchandise subject to the first antidumping orders involving agriculture and aquaculture merchandise imposed after the issuance of the July 2004 Amendment to the Bond Guidelines.[1] Known as the enhanced bonding requirement (EBR), CBP required that continuous bond amounts for importers of shrimp subject to AD/CV duty orders be increased to the rate established in the final AD/CV duty order, multiplied by the value of the importer's entries of the subject merchandise in the previous 12-month period.

World Trade Organization Disputes Regarding EBR

On April 24, 2006, Thailand requested consultations with respect to certain issues relating to the imposition of antidumping measures on shrimp from Thailand, including the application of the EBR to importers of shrimp from Thailand. Thailand requested the establishment of a dispute settlement panel on September 15, 2006, and the World Trade Organization (WTO) Dispute Settlement Body (DSB) established a panel on October 26, 2006.

On June 6, 2006, India requested consultations with respect to certain issues relating to the Amended Customs Bond Directive and the EBR. India alleged that the United States had imposed on importers a requirement to maintain a continuous entry bond in the amount of the anti-dumping duty margin multiplied by the value of imports of subject shrimp imported by the importer in the preceding year, and that this action breached several provisions of the General Agreement on Tariffs and Trade 1994 (GATT 1994), the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (AD Agreement), and the Agreement on Subsidies and Countervailing Measures (SCM Agreement). India requested the establishment of a panel on October 13, 2006, and the DSB established a panel on November 21, 2006.

The panels circulated the reports in both disputes on February 29, 2008. Among other things, the panels found that the EBR as applied to importers of shrimp from Thailand and India was a ''specific action against dumping'' inconsistent with Article 18.1 of the AD Agreement and was inconsistent with the Ad Note to paragraphs 2 and 3 of GATT 1994 Article VI because it did not constitute ''reasonable'' security.[2] Thailand and India disagreed with several of the panels' findings with respect to the additional bond requirement and appealed those findings on April 17, 2008.[3] The United States cross-appealed one aspect of those findings on April 29, 2008.[4]

The Appellate Body report was issued on July 16, 2008.[5] The Appellate Body agreed with the panels in finding that the Amended Customs Bond Directive was not ''as such'' inconsistent with the AD Agreement or the SCM Agreement. *Id.* at paras. 270, 275. The Appellate Body found that the panels properly concluded that the EBR as applied to importers of shrimp from Thailand and India did not constitute reasonable security. The Panel and Appellate Body reports were adopted by the DSB on August 1, 2008. On August 29, 2008, the United States indicated that it intended to comply with the recommendations and findings of the DSB.

Notice of Proposed Modification

On January 12, 2009, CBP published a notice in the **Federal Register** (74 FR 1224) that proposed to end the designation of shrimp covered by antidumping or countervailing duty orders as a special category or covered case subject to the requirement of additional bond amounts, to comply with the recommendations of the DSB. The notice also proposed that shrimp importers may request termination of existing continuous bonds pursuant to 19 CFR 113.27(a) and submit a new continuous bond application pursuant to 19 CFR 113.12(b). The notice of proposed modification solicited comments from the public, and the comment period closed on February 11, 2009.

Discussion of Comments

Twelve parties responded to the solicitation of comments in the notice of proposed modification. A description of the comments contained in the submission and CBP's analysis is set forth below.

Comment: One commenter argues that CBP should devise a bonding mechanism for imports of shrimp and other agriculture and aquaculture products subject to antidumping or countervailing duties that will provide additional assurance that all such duties will be collected, that it should explain how any new bonding mechanism addresses ''the large and increasing'' amount of uncollected or uncollectible duties, and that it must ''implement any new bonding mechanism prospectively only, as required by law.'' The commenter notes that revenue loss continues to be an issue with agriculture and aquaculture products subject to AD/CV duty orders including shrimp and therefore CBP's concerns that led to the EBR were appropriate.

The commenter further contends that CBP's proposal to no longer require the EBR with respect to shrimp importers rewards and further encourages the refusal by certain importers to abide by

[1] Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Brazil, 70 FR 5143 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand, 70 FR 5145 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India, 70 FR 5147 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from People's Republic of China, 70 FR 5149 (Feb. 1, 2005); Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam, 70 FR 5152 (Feb. 1, 2005); and Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Ecuador, 70 FR 5156 (Feb. 1, 2005).

[2] Panel Report, *United States—Measures Relating to Shrimp from Thailand*, WT/DS343/R, adopted August 1, 2008.

[3] Annexes I and II to WTO Appellate Body Report, *United States—Measures Relating to Shrimp from Thailand* and *United States—Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties*, WT/DS343/AB/R and WT/DS345/AB/R, adopted August 1, 2008. (WTO AB Report.)

[4] Annexes III and IV to WTO AB Report.

[5] WTO AB Report.

their legal requirements. The commenter states that as CBP is well aware from its past efforts to enforce the trade laws and collect duties owed, for many agriculture/aquaculture products (and, separately, non-agriculture/aquaculture products of Chinese origin), the companies that become the importer of record for such goods frequently have little intent, much less ability, to pay duties above the deposit rate.

The commenter requests that CBP immediately withdraw its proposal to terminate the designation of shrimp covered by AD/CV orders as a special category or covered case subject to the requirement of additional bond amounts. Instead, the commenter recommends that CBP issue a proposal and/or seek comments on amending the EBR in order to both comply with the WTO's Appellate Body report and address the under-collection of AD/CV duties.

Another commenter states that CBP should use the proposal as an opportunity to include an individual importer risk assessment into its bond analysis. The commenter asserts that the ''one size fits all'' EBR policy based on a sector or category wide risk assessment usurps the core factors of objective risk analysis and imposes a severe strain on the balance sheets of otherwise healthy companies. The commenter contends that a bond based on an assessment for individual importers is not only good Federal policy, but also a necessary analysis for defense of CBP's actions before reviewing panels of the WTO. The commenter further contends that a transparent system supported by substantial evidence is essential to an effective EBR. The commenter maintains that the tools are present for CBP to give proper emphasis to companies with proven track records and solid balance sheets.

CBP's Response: Although CBP is no longer designating shrimp subject to antidumping or countervailing duty orders as a special category or covered case subject to the EBR, CBP is not abandoning its duty to protect revenue or its requirement of sufficient security. In its report, the WTO Appellate Body concluded that the United States could impose ''reasonable security'' on entries made after the imposition of an antidumping duty order and before the final assessment of antidumping duties, but that the EBR, *as applied* to importers of shrimp from Thailand and India was not ''reasonable security''. Consistent with that finding, CBP is ending the designation of shrimp as a covered case or special category subject to the EBR.

As for the other commenter's suggestions for possible methods for future bonding requirements, CBP continues to explore options to protect revenue and address issues of uncollected AD/CV duties, consistent with U.S. international obligations.

Comment: Several commenters support the withdrawal of the designation of shrimp under the EBR, but argue that it should apply retroactively to all entries of subject merchandise covered by bonds calculated using the EBR, and not just to entries made on or after the effective date of the final notice.

Supporters of retroactive application of the proposal contend that because the WTO Appellate Body upheld the panel's findings that the EBR is inconsistent with WTO agreements, compliance with the WTO's rulings would preclude CBP from continuing to treat pre-existing EBR-calculated bonds as valid and enforceable security after the date of implementation or from taking any future action to make a claim against the bonds. Consequently, commenters in support of the retroactive application of the proposal argue that in order to comply with the WTO reports, CBP must not only stop applying the EBR to imports of subject shrimp going forward, but must also ''cancel'' (as one commenter describes it) or ''retroactively eliminate'' (as another commenter argues), bonds to which the EBR has been applied and replace them with bonds based on the standard bond formula of 10% of the previous year's duties, taxes, and fees, or $50,000, whichever is greater. Supporters assert that retroactively applying the proposal is necessary to address surety collateral requirements which have burdened importers' credit lines, causing significant economic harm.

One supporter of the retroactive application of the proposal cites to *National Fisheries Institute, Inc.* v. *United States Bureau of Customs and Border Protection* (465 F. Supp. 2d 1300, 1335–36 (Ct. Int'l Trade 2006)) (*National Fisheries*) to argue that CBP has authority to do this, and claim that this authority has been recognized by the courts.

One commenter argues that canceling the bonds to which the EBR was applied would not be retroactive because the United States would be agreeing to make no future claims against the EBR-calculated bonds.

One commenter urges CBP to automatically terminate all existing continuous bonds and institute new bonds at the minimum required obligation rather than require individual importers to submit individual termination requests in order to expedite U.S. compliance with rulings of the DSB.

Another commenter argues that allowing importers to terminate existing continuous bonds would risk CBP's ability to fully collect duties owed.

CBP's Response: CBP is ending the designation of frozen warmwater shrimp subject to AD/CV duties as a special category or covered case for purposes of the EBR, and is providing importers with an opportunity to request that existing bonds be terminated pursuant to 19 CFR 113.27(a) and submit a new continuous bond application pursuant to 19 CFR 113.12(b). These actions bring the United States into compliance with the recommendations and rulings of the DSB regarding the EBR. The effective date is the publication date of this notice.

CBP disagrees with the commenters' statement that CBP must apply the proposal retroactively. When a bond is terminated, no further obligations arising from post-termination customs transactions may be charged against the bond. *See* 19 CFR 113.27(c); *see also* HQ 211485 (May 12, 1980). The principal (in this case, the importer) and the surety remain liable for the obligations incurred before the date the bond was terminated. *See* 19 CFR 113.3. Termination of the bond does not alter the obligations charged against the bond before it was terminated, but does prevent any obligations arising from post-termination customs transactions from being charged against the bond. *See* 19 CFR 113.27(c); *see also* HQ 211485 (May 12, 1980).

CBP has determined that it will permit importers to terminate EBR-calculated bonds. The only legal authority commenters cite for the proposition that CBP could ''cancel'' or otherwise retroactively apply the policy is the decision of the U.S. Court of International Trade in *National Fisheries*. However, the court made no such finding in that case, nor did it order cancellation or ''retroactive elimination'' of bonds. *National Fisheries* at 1335–1336. Moreover, bonds are contracts between principals and sureties, and are thus contracts between private parties. CBP is reluctant to interfere in that relationship. *See Customs Bond Structure, Revision*, 49 FR 41152, 41155 (October 19, 1984). In addition, the existence of two bonds covering the same period could pose legal confusion. If different sureties issued the bonds, each would raise the other as a defense in a collection action, posing serious risk to the agency's ability to collect duties lawfully owed

through court action. Furthermore, canceling an existing bond and replacing it with another bond with a different limit of liability (either lower or higher) and with retroactive effect is contrary to sound administrative practice. There are approximately 140,000 bonds currently on file with CBP. The possibility that each and every one of these bonds may be reconsidered and liability reassessed anytime after execution would cause administrative chaos. Finally, to avoid confusion, termination will not occur automatically and importers must request termination pursuant to 19 CFR 113.27(a).

CBP requires bonds to protect revenue and assure compliance with any provision of law, regulation, or instruction the agency is authorized to enforce. *See* 19 U.S.C. 1623. CBP is also required to collect debts aggressively. *See* 31 U.S.C. 3711 and 31 CFR 901.1. In order to fulfill its mandate and also facilitate trade, CBP does not retroactively raise or lower bond security amounts that cover past customs transactions. When CBP determines that an existing bond does not provide sufficient security, the principal is only required to terminate the existing bond and obtain a new bond with additional security for future importations. The obligation of the earlier bond for the earlier time period remains in place. *See* 19 CFR 113.3.

It is incorrect to state that if the United States were to agree to make no future claims against the EBR-calculated bonds, then the cancellation of the bonds would not be retroactive. Cancelling the bonds would be retroactive because the bonds secure customs transactions, which are, in this case, entries already made into the United States. As discussed in the Background section of this notice, even though the actual amount of AD/CV duties owed may be determined at a later date, the obligation is incurred and security is posted at the time of entry. Finally, the U.S. Court of International Trade in *National Fisheries* did not order CBP to cancel the bonds at issue in that case, and therefore does not support the commenters' argument that CBP should cancel the EBR-calculated bonds. *National Fisheries* at 1335–1336.

Therefore, on or after the publication of this notice, an importer with a current bond that was calculated using the EBR may request termination pursuant to 19 CFR 113.27(a), such that no further obligations would be charged against that bond. For existing bonds, CBP will enforce the bonds up to the date of termination, which will be no earlier than the effective date of this notice.

Comment: Some commenters recommend that even though the proposal indicates that it applies to shrimp imports from all of the countries subject to an AD order, to avoid confusion, CBP should specifically state this in the final notice and list the individual countries.

Another commenter asserts that the proposal should only apply to India and Thailand because the WTO dispute was initiated by these countries and therefore, the recommendation only applies to those countries and not Brazil, China, and Vietnam. The commenter states that continuing to apply the EBR to Brazil, China, and Vietnam would help to offset any revenue loss on those cases. The commenter also states that discontinuing application to those countries would be contrary to CBP's commitment to Congress to address the issue of non-collection of AD duties and is irrational, unwarranted, and a clear perversion of CBP's mission to collect all import duties determined to be due to the United States.

CBP's Response: Based on a careful evaluation of the WTO reports and available evidence, CBP has decided to end the designation of shrimp subject to AD/CV duty orders as a special category or covered case subject to the requirement of additional bond amounts for all countries. For a list of orders currently covering shrimp, see footnote 1 of this document.

Conclusion

After analysis of the comments and further review of the matter, CBP has decided to end the designation of shrimp covered by antidumping or countervailing duty orders as a special category or covered case subject to the requirement of additional bond amounts. Shrimp importers may request termination of existing continuous bonds pursuant to 19 CFR 113.27(a) and submit a new continuous bond application pursuant to 19 CFR 113.12(b). The requirements for submitting a new bond application pursuant to 19 CFR 113.12 are available on the CBP Web site at *http://www.cbp.gov/xp/cgov/trade/priority_trade/revenue/bonds/pilot_program/news_develop/* under the ''Policy and Procedures'' section.

Dated: March 27, 2009.

Jayson P. Ahern,

Acting Commissioner, Customs and Border Protection.

[FR Doc. E9–7281 Filed 3–31–09; 8:45 am]

BILLING CODE 9110–06–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2009–N0068; 96300–1671–0000–P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. The Endangered Species Act requires that we invite public comment on these permit applications.

DATES: Written data, comments or requests must be received by May 1, 2009.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Jonathan Davis, Malibu, CA, PRT–208563

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Stephen G. Klarr, Bloomfield Village, MI, PRT–209140

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Roberto Garza Sada, Houston, TX, PRT–209373

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Mark D. Brown, Charleston, AR, PRT–209362

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: John S. Osborne, Danville, CA, PRT–209360

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: March 20, 2009.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E9–7265 Filed 3–31–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Alcoholic Beverage Control Ordinance, Salt River Pima-Maricopa Indian Community

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Salt River Pima-Maricopa Indian Community's Code of Ordinances, Chapter 14, Articles I and II. This amended Code of Ordinances was last published on May 8, 1998 (63 FR 25516). Chapter 14 of the Code regulates and controls the possession, sale and consumption of liquor within the Salt River Pima-Maricopa Indian Community's trust lands specified in Attachment A of Article II. The Code allows for the possession and sale of alcoholic beverages within Salt River Pima-Maricopa Indian Community trust lands. This Code will increase the ability of the tribal government to control the distribution and possession of liquor within its reservation and at the same time will provide an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Code is effective as of May 1, 2009.

FOR FURTHER INFORMATION CONTACT: Jim Steele, Tribal Relations Specialist, Western Regional Office, Bureau of Indian Affairs, 400 N. 5th Street, Two Arizona Center, 12th Floor, Phoenix, Arizona 85001; Telephone (602) 379–6786; Fax (602) 379–4100; or Elizabeth Colliflower, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513–MIB, Washington, DC 20240; Telephone (202) 513–7640; Fax (202) 208–5113.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953; Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted or amended liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Salt River Pima-Maricopa Indian Community's Community Council adopted this amendment to the Salt River Pima-Maricopa Indian Community's Code of Ordinances, Chapter 14, Articles 1 and 2, by Ordinance No. SRO–334–08 on June 4, 2008.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Salt River Pima-Maricopa Indian Community Council duly adopted this amendment to the Alcoholic Beverage Control Ordinance on June 4, 2008.

Dated: March 18, 2009.

George T. Skibine,

Deputy Assistant Secretary for Policy and Economic Development.

The amendment to Salt River Pima-Maricopa Indian Community's Code of Ordinances, Chapter 14, Articles 1 and 2, reads as follows:

Salt River Pima-Maricopa

Indian Community

Ordinance Number: SRO–334–08.

To repeal Articles I & II Of Chapter 14 of the Salt River Pima-Maricopa Indian Community Code Of Ordinaces in its entirety and adopt revised Articles I & Ii, to update and provide necessary clarifications to the regulated possession, consumption and sales of alcoholic beverages within the community.

Be it enacted that:

Chapter 14, Article I and II of the Salt River Pima-Maricopa Indian Community Code of Ordinances is repealed in its entirety and revised Articles I and II, Chapter 14 are hereby enacted:

Article I. In General

Sec. 14–1. Violation of chapter.

A person who violates any provision of Chapter 14 of the Code shall be deemed guilty of an offense, and, upon conviction thereof, shall be sentenced to imprisonment for a period not to exceed six (6) months or to a fine not to exceed five thousand dollars ($5,000.00) or both such imprisonment and fine, with costs. (Ord. No. SRO–31–74, 5–29–74; Code 1976, § 14–11–14–16.)

Secs. 14–2–14–09. Reserved.

Article II. Alcoholic Beverage Control

Sec. 14–10. Sovereign Immunity.

Nothing in this Article is intended or shall be construed as a waiver of the sovereign immunity of the Salt River Pima-Maricopa Indian Community.

Sec. 14–11. Title; authority; purpose; etc.

(a) *Title.* This article shall be known as the Salt River Pima-Maricopa Indian Community Alcoholic Beverage Control Ordinance.

(b)

Authority. This article is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 State. 588, 18 U.S.C. 1161) and Article VII of the Salt River Pima-Maricopa Indian Community Constitution.

(c) *Purpose.* The purpose of this article is to regulate and control the possession, consumption, and sale of liquor on the Salt River Pima-Maricopa Indian Community. The enactment of an ordinance governing liquor possession and sale on the reservation will increase the ability of the Community government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the

Community government and the delivery of Community government services.

(d) *Application of 18 U.S.C. 1161.* All acts and transactions under this article shall be in conformity with this article and in conformity with the laws of the State of Arizona, to the extent required by 18 U.S.C. 1161.

(e) *Effective date.* This article shall be effective as a matter of Community law upon approval by the Community Council and effective as a matter of Federal law when the Assistant Secretary of Indian Affairs certifies and published this Article in the **Federal Register**.

Sec. 14–12. Scope.

Except for articles I, II and III of Chapter 14 of the Code of Ordinances of the Salt River Pima-Maricopa Indian Community, this article constitutes the entire statutory law of the Community in regard to the sale and/or distribution of alcoholic beverages within the Community.

Sec. 14–13. Definitions.

In this article, unless the context otherwise requires:

Alcoholic beverage means beer, wine or other spirituous liquor. Beer, wine or other spirituous liquor used solely for the purpose of cooking is excluded from this definition.

Applicant means any partnership, corporation, limited liability company as well as any natural person that is or are requesting approval of a Community liquor license.

Community means the Salt River Pima-Maricopa Indian Community.

License means a license issued pursuant to the provisions of this article.

Licensed premises or *premises* means a place from which a licensee is authorized to sell alcoholic beverages under the provisions of this article.

Licensee means any partnership, corporation or limited liability company, as well as any natural person who has been authorized to sell alcoholic beverages for consumption at a particular premises by the Salt River Pima-Maricopa Indian Community.

Minibar means a closed container, either refrigerated in whole or in part or non-refrigerated, where access to the interior is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

Office means the alcohol beverage control office or persons within the Community Regulatory Agency that regulate alcohol and/or liquor sales and distribution transactions within the Community as created in Section 14–16(a) of this ordinance.

Person means any partnership, corporation or limited liability company, as well as any natural person.

Possess means to have any item or substance within the control of a person or to have any alcoholic beverage within a person's body, regardless of where the consumption may have taken place.

Public Patio Enclosure means a contiguous patio or a patio that is not contiguous to the remainder of the licensed premises if the patio is separated from the remainder of the premises or licensed premises by a public or private walkway or driveway not to exceed 30 feet, subject to the rules that the director may adopt to establish criteria for a noncontiguous premises.

Private residence means a place where an individual or a family maintains a habitation.

Public place means any place not a private residence, including within operational motor vehicles or non-residential structures, and not licensed for the possession of alcoholic beverages.

Sell, sold, buy means and shall include furnish, dispose of, give, receive or acquire.

Sec. 14–14. Unlawful acts.

(a) It shall be unlawful for any person to deal with alcoholic beverages in any manner not allowed by this article or the regulations adopted under this article.

(b) It shall be unlawful for a licensee or other person to give, sell or cause to be sold or otherwise distribute alcoholic beverages to a person under the age of twenty-one (21) years.

(c) It shall be unlawful to employ a person under the age of twenty-one (21) years in any capacity connected with the handling of alcoholic beverages.

(d) It shall be unlawful for a person under the age of twenty-one (21) years to buy, possess, or consume alcoholic beverages.

(e) It shall be unlawful for a licensee or an employee of a licensee to consume alcoholic beverages on or about the licensed premises during such periods such person is working at the licensed premises.

(f) It shall be unlawful for a licensee or any other person to sell alcoholic beverages to an intoxicated or disorderly person, or for a licensee or employee of a licensee to allow or permit an intoxicated or disorderly person to remain on the premises.

(g) It shall be unlawful for a licensee to sell alcoholic beverages in any manner not provided for by this article, the regulations issued pursuant to this article or the licensee's license.

(h) It shall be unlawful for any person over the age of eighteen (18) who lawfully exercises dominion and control within any private residence or the surrounding premises to knowingly permit any person under the age of twenty-one (21) to possess or consume alcoholic beverages within the private residence or the surrounding premises.

Sec. 14–15. Lawful commerce.

(a) Alcoholic beverages may be possessed and consumed only at private residences and licensed premises pursuant to this Chapter, and may be transported in unbroken containers to such places.

(b) Alcoholic beverages may be sold at licensed premises only under the conditions under which the license is issued.

(c) The Community may from time to time issue licenses for the sale of alcoholic beverages subject to the provisions of this article and the regulations adopted pursuant to this article.

Sec. 14–16. Office of alcohol beverage control, duties of director; issuance of license, revocation, hearings.

(a) *Office.* The office of alcohol beverage control (''Office'') is hereby established within the Community's Regulatory Agency. The director of the Office will be the alcohol beverage hearing officer who will be responsible to the Community manager and whose duties may be delegated from time to time to assistant hearing officers or other employees of the office. All of the positions of the Office will be filled and will be conducted in accordance with the Community's established policies and procedures.

(b) *Regulations.* The Community Council shall have the authority to issue such regulations, consistent with the provisions of this Article, that aid in the effective administration of the purpose and intent of this Article. The Community Council may issue regulations for the purpose of carrying out the provisions of this article, including the following:

(1) The establishment of a procedure for the application of a license, including the public hearings process;

(2) The providing of uniform standards or qualifications that all licensees must meet;

(3) Any and all information required by applicants for licenses, and for the verification of such information. Applicants shall include, in the case of a corporation, all shareholders of more than five (5) percent of the corporate

stock and all officers and directors of the corporation; in the case of limited liability companies, all of its managing members; and, in the case of a partnership, all of the partners;

(4) The establishment of fees for the application, renewal application and annual license;

(5) The establishment of hours within which licensed premises may be open for business;

(6) The establishment of standards for operation of the licensed premises and for the audit of any records;

(7) The development of distinct classes of licenses for the sale of (i) all alcoholic beverages, (ii) only beer, (iii) only wine, or (iv) only beer and wine;

(8) The procedures for revocation and suspension of licenses; and

(9) Any necessary regulations that further the intent of this ordinance and provide for the limited and regulated sales of alcohol within the Community.

(c) *Beverage restrictions.* Licenses may only be issued for premises operated under the following classifications as defined herein; and such licenses may be restricted to the sale of (i) all alcoholic beverages, (ii) only beer, (iii) only wine, or (iv) only beer and wine.

(d) *Designated area.* Licenses may be issued for premises located only on land described on the designated area map attached to Ordinance No. SRO–301–05. This designated area map, identified as the ''Liquor License Area Map'' (see attachment A, incoporated herein by reference) shall be in the official records of the Community in the Office of the Council Secretary. Upon majority vote by the Community council and publication in the Community's newspaper, the Community council may amend the Liquor License Area Map.

(e) Premises which may be licensed. Licenses may only be issued for premises as defined in this subsection (e) or its subsections.

(1) Hotel-motel license.

a. The alcohol beverage hearing officer may issue a hotel-motel license to any hotel or motel that operates either a restaurant (as defined below) or a bar in the hotel or motel, provided that the applicant is otherwise qualified to hold a license.

b. The holder of a hotel-motel license is authorized to sell and serve alcoholic beverages solely for consumption on the licensed premises. For the purpose of this section ''licensed premises'' shall include all minibars located within guest rooms accommodations, public bar rooms, outdoor patio enclosures, outdoor pool areas, public restaurant rooms, facilities, areas, and private banquet or meeting rooms located within the hotel-motel premises or connected to the hotel-motel premises by a covered walkway or joined to the hotel-motel premises by a common roof line, all of which shall be deemed to be ''in'' the hotel-motel for purposes of this Chapter if and to the extent they are contained within the licensed premises as provided for in the applicable hotel-motel license. The licensed premises may include parcels that are leased pursuant to two or more separate leases.

c. ''Restaurant'' means an establishment which derives at least forty (40) percent of its gross revenue from the sale of food.

(2) Casino license.

a. The alcohol beverage hearing officer may issue a casino license to any casino authorized to operate as a casino by the Community.

b. The holder of a casino license is authorized to sell and serve alcoholic beverages solely for consumption on the licensed premises. For the purpose of this section, ''licensed premises'' shall include all public bar rooms, gaming areas, private banquet or meeting rooms, restaurants, other food service facilities, outdoor patio enclosures, and land contiguous to the casino facility.

(3) Golf course clubhouse license.

a. The alcohol beverage hearing officer may issue a golf course clubhouse license to any golf course clubhouse.

b. The holder of a golf course clubhouse license is authorized to sell and serve alcoholic beverages solely for consumption on the licensed premises and only to patrons of the golf course facility. For the purpose of this section, ''licensed premises'' shall include all restaurants and other food service facilities, private banquet or meeting rooms, bar rooms, outdoor patio enclosures, lounge facilities within the golf course clubhouse, and golf course enclosure. For purposes of this section a ''golf course clubhouse'' means a clubhouse located on a golf course. For purposes of this section a ''golf course enclosure'' means substantially undeveloped land, including amenities such as landscaping, irrigation systems, paths and golf greens and tees, that may be used for golfing or golfing practice by the public or by members and guests of a private club.

(4) Hotel-Motel Restaurant License.

a. The alcohol beverage hearing officer may issue a hotel-motel restaurant license to any restaurant located in a hotel-motel.

b. The hotel-motel restaurant shall be regularly open for the serving of food to guests for compensation and is an establishment which derives at least forty (40) percent of its gross revenue from the sale of food.

(f) Issuance of licenses, hearings.

(1) *Applicant's Burden.* Licenses will be issued by the director of the Office after a hearing and upon a determination by the alcohol beverage hearing officer that the following criteria has been met by a satisfactory showing by the applicant that:

a. The public convenience requires the issuance of the license; and

b. The best interests of the Community will be substantially served by the issuance of the license.

(2) *Inappropriate Purpose.* In order to prevent the proliferation of spirituous liquor licenses, the Office may deny a license to an applicant after determining that the applicant's business is inappropriate for the sale of spirituous liquor. An inappropropriate applicant or business is one that cannot clearly demonstrate that the sale of spirituous liquor is directly connected to its primary purpose and that the sale of liquor is not merely incidental to its primary purpose.

(3) *Background Investigation.* The Office shall do a criminal history background check qualification on any applicant for a license under this article.

(4) *Public Hearing.* The alcohol beverage hearing officer shall determine after a hearing has been held whether and under what conditions a license shall be issued.

a. The hearing shall be announced by notice in the Community newspaper.

b. Notice shall be given no less than ten (10) days prior to such hearing.

c. The hearing shall be conducted by the alcohol beverage hearing officer in an informal manner with rules adopted pursuant to this article calculated to assure full disclosure of all relevant information.

d. Professional attorneys shall not be permitted to represent parties at any such hearing or hearings on appeal.

e. The alcohol beverage hearing officer shall hear all relevant issues and, within thirty days (30) days after the hearing is concluded, shall issue a written decision.

f. The decision will contain the findings of fact relied on by the alcohol beverage hearing officer for the decision as well as the decision.

g. The findings of fact and decision shall be filed with the clerk of the Salt River Pima-Maricopa Indian Community Court and distributed by the Office within two (2) days after such filing to the applicant, any other person who files a notice of appearance with the alcohol beverage hearing officer before the hearing is adjourned, and the secretary of the Salt River Pima-Maricopa Indian Community.

(5) *Appeals.* A decision of the alcohol beverage hearing officer issued after the public hearing may be appealed to the Salt River Pima-Maricopa Indian Community Court by the applicant, the Community, or any Community member who has filed a notice of appearance. Appeals shall be taken from any decision of the alcohol beverage hearing officer in the following manner:

a. *Notice of appeal.* Written notice of appeal shall be given within ten (10) days after the day the written and executed decision by the alcoholic beverage hearing officer is filed with the clerk of the Salt River Pima-Maricopa Indian Community Court.

1. The notice of appeal shall state all the grounds for appeal relied on by the appellant.

2. The notice of appeal shall not be amended once it is filed.

3. The appellee may file a short written response to the grounds for appeal within ten (10) days after the notice of appeal is filed.

4. The notice of appeal and response shall be mailed to the opposing party on the day it is filed.

5. If the appellant is the applicant for the license, the appellee shall in all cases be the alcohol beverage hearing officer. If the appellant is a person who filed a notice of appearance or the Community, the appellee shall in all cases be the applicant.

6. In the event there is more than one notice of appeal filed, the appeals shall be consolidated by the clerk and only one response shall be filed to the consolidated appeals.

b. *Costs.* There shall be posted with the clerk of the Salt River Pima-Maricopa Indian Community Court a cash fee of twenty-five dollars ($25.00) to cover court costs.

c. *Grounds for appeal.* The court shall determine the appeal upon the findings of fact and decision entered in the case by the alcohol beverage hearing officer.

d. *Findings of fact.* The findings of fact shall be presumed to be without reversible error. The presumption may be overcome by a sworn written statement presented to the court at the time of the filing of the notice of appeal which establishes, on the basis of the statement, any one or more of the following grounds:

1. That a witness ready and willing to testify at the time of the hearing on behalf of the appellant was not allowed by the alcohol beverage hearing officer to take the witness stand and testify, and such testimony would have materially altered the decision of the alcohol beverage hearing officer.

2. That the alcohol beverage hearing officer refused to admit documentary or other physical evidence, and such evidence would have materially altered the decision of the alcohol beverage hearing officer.

3. That after the hearing, the appellant discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing, and such evidence would have materially altered the decision of the alcohol beverage hearing officer.

4. In the event the court finds the presumption is overcome pursuant to this subsection, the court shall remand the case back to the alcohol beverage hearing officer for the limited purpose of hearing only the excluded or new evidence and any evidence presented in rebuttal to such evidence.

5. The hearing will be held within ten (10) days after the order of the court has been filed and served upon the appellants and appellee.

6. At the conclusion of such remand hearing, the alcohol beverage hearing officer shall, within ten (10) days of the hearing, make and enter such amended findings of fact and decision as the alcohol beverage hearing officer determines that the evidence adduced at the remand hearing requires. If the alcohol beverage hearing officer determines that the prior findings of fact requires no amendment, the alcohol beverage hearing officer will issue a decision reaffirming its prior findings of fact and decision.

7. The findings of fact and decision will be transmitted to the court and such findings of fact and decision will not be subject to a separate appeal.

e. *Decision by the Court.* The court shall determine whether the decision is supported by the findings of fact and the law.

1. Any party to the case may request an opportunity to appear before the court prior to its decision to give the court such party's view of the case.

2. The other party or parties shall be given adequate notice of the hearing and an opportunity to present such party's or parties' view of the case. Such views shall be presented orally by the parties or their advocates and shall only deal with the grounds relied on by the appellant as set out in the notice of appeal.

3. The hearing shall be limited to one hour and the time will be equally divided between the appellant and the appellee.

4. If the court finds that the previous decision is incorrect, it shall issue a new decision correctly stating the decision. Such decision shall be final and not subject to rehearing, review or appeal.

(7) *Authority of the Office.*

a. *Inspection of Premises.* The office or the beverage control officer may, in enforcing the provisions of this Article, inspect the premises.

b. *Records of application, permit and proceedings.* A complete record of all applications, actions taken thereon, and any licenses issued shall be maintained by the Community and shall be open for public inspection at the office.

c. *License Term.* Licenses shall be issued for a period of one year and are renewable on application to the office which will renew upon payment of the renewal application fee and annual license fee.

d. *Transfer of License.* Licenses issued under this article are nontransferable without the prior written approval of the alcohol beverage hearing officer after the application process has been completed.

e. *Citation.* The office of alcohol beverage control or the Salt River Police Department may cite a licensee to appear before the alcohol beverage hearing officer for a revocation hearing upon allegations of violations under this Article.

f. *Revocation or Suspension of License.* Any license issued pursuant to this article may be revoked or suspended after a hearing before the alcohol beverage hearing officer upon a finding that the licensee is operating the premises in violation of this article, the regulations adopted pursuant to it, the laws of the Community, or pursuant to finding that that the license would not have been originally issued had the facts in evidence at the time of any revocation hearing had been known at the time of the application for a license.

14–16a. Miscellaneous.

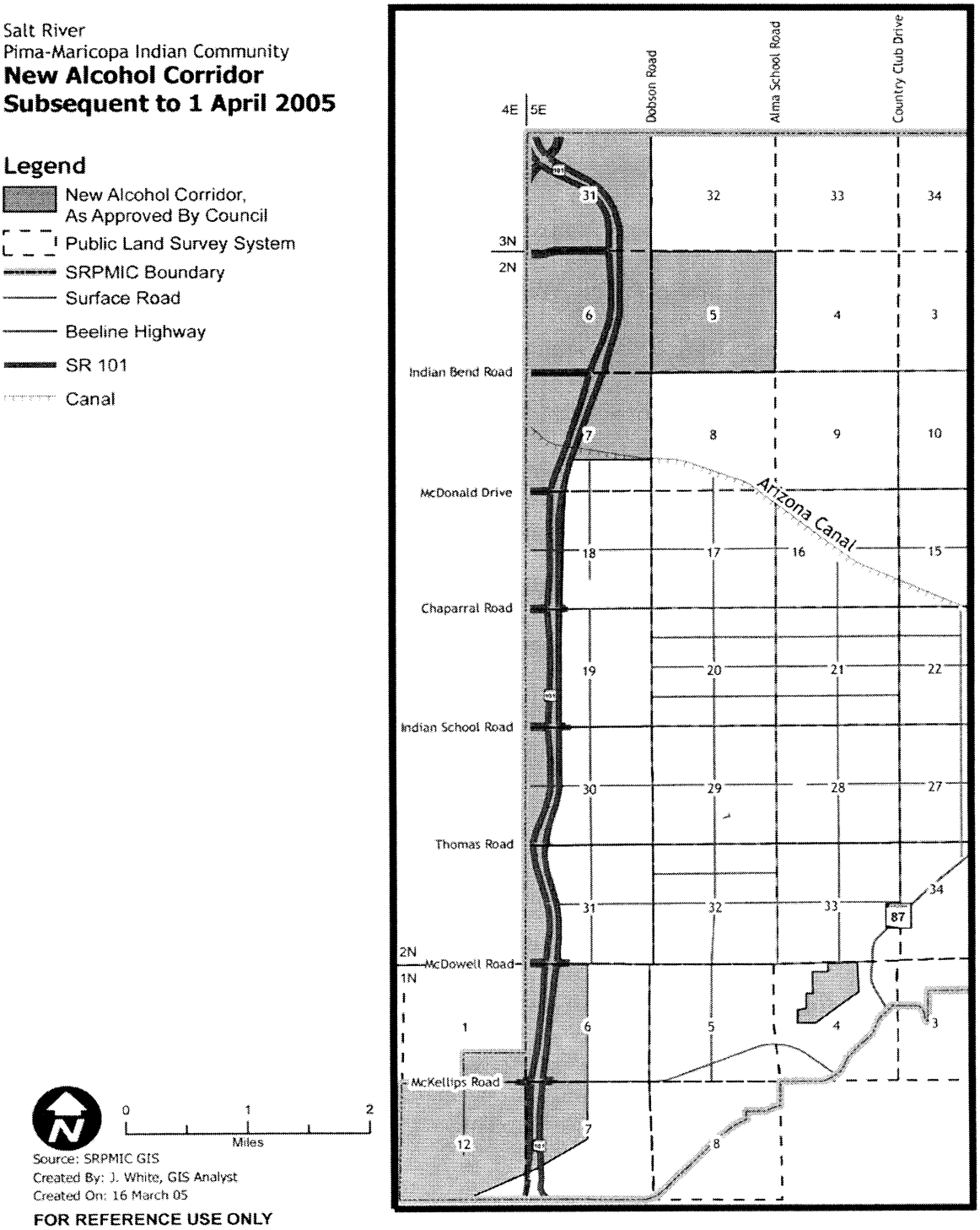
a. *Severability.* If any provision of this Article shall be determined invalid or unenforceable by a court of competent jurisdiction, such determination shall not be held to invalidate or render unenforceable the remainder of this Article, and to this end, the provisions of this Article are severable.

b. *Amendment.* This Article may be amended by a majority vote of the SRPMIC Council or by the SRPMIC initiative or referendum process.

BILLING CODE 4310–4J–P

ATTACHMENT A

Salt River
Pima-Maricopa Indian Community
New Alcohol Corridor
Subsequent to 1 April 2005



[FR Doc. E9–7261 Filed 3–31–09; 8:45 am]
BILLING CODE 4310–4J–C

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands, Auburn School District Property, as an Addition to the Muckleshoot Reservation, Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: This notice informs the public that the Deputy Assistant Secretary for Policy and Economic Development proclaimed approximately 38.23 acres, more or less, to be added to the Muckleshoot Reservation, Washington.

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, Mail Stop 4639–MIB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208–7737.

SUPPLEMENTARY INFORMATION: This Notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and as assumed by the Deputy Assistant Secretary for Policy and Economic Development.

A proclamation was issued, in accordance with Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the land described below. The land was proclaimed to be an addition to and part of the Muckleshoot Reservation for the exclusive use of Indians on that Reservation who are entitled to reside at the Reservation by enrollment or tribal membership.

Williamette Meridian, King County, Washington

Certain tracts of land being described as Parcel A, Parcel B and Parcel C, and legally described as all being within Section 35, Township 21 North, Range 5 East, W.M., King County, Washington, being more particularly described as follows:

Parcel A: That portion of the northeast quarter of the southwest quarter of Section 35, Township 21 north, Range 5 east W.M., in King County, Washington, lying north of county road; LESS state highway; AND LESS the south 570 feet of the north 600 feet of the west 725 feet; AND LESS the west 50 feet of that portion lying south of the north 600 feet.

Parcel B: The north 600 feet of the west 725 feet of the northeast quarter of the southwest quarter of Section 35, Township 21 north, Range 5 east, W.M., in King County, Washington, EXCEPT the north 30 feet for road;

ALSO the west 50 feet of the that portion of the northeast quarter of the southwest quarter of Section 35, Township 21 north, Range 5 east W.M., in King County, Washington, lying north of State Highway No. 5, as conveyed to the State of Washington by deed recorded under Recording Number 5220280; EXCEPT the north 600 feet thereof.

Parcel C: The west 363 feet of the northwest quarter of the southeast quarter of Section 35, Township 21 north, Range 5 east, W.M., in King County, Washington, lying north of Franklin Road. EXCEPT that portion, if any, lying within the east 957 feet of the northwest quarter of the southeast quarter of said Section 35.

Title to the lands herein described shall be subject to any existing easements for public roads and highways, for public utilities and for railroads and pipelines and any other rights-of-way of record.

Containing an area of 38.23 acres, more or less.

The above-described lands contain a total of 38.23 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads and highways, public utilities and for railroads and pipelines and any other rights-of-way or reservations of record.

Dated: March 18, 2009.

George T. Skibine,

Deputy Assistant Secretary, for Policy and Economic Development Office of the Assistant Secretary—Indian Affairs.

[FR Doc. E9–7321 Filed 3–31–09; 8:45 am]
BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14200000.BJ0000–LLNM915000–2009]

Notice of Filing of Plats of Survey, New Mexico and Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management (BLM), Santa Fe, New Mexico, 30 calendar days from the date of this publication.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat representing the dependent resurvey of a portion of the south boundary and subdivisional lines. The subdivision of Sections 32 and 33 and the metes and bounds survey of Tract 37, Township 1 South, Range 10 West of the New Mexico Principal Meridian, New Mexico, accepted February 3, 2009, for Group 1084 NM.

The plat in three sheets representing the dependent resurvey of a portion of the south boundary and subdivisional lines. The subdivision of Section 28 and the metes and bounds survey in Sections 28 and 33, Township 15 North, Range 1 East of the New Mexico Principal Meridian, New Mexico, accepted March 5, 2009, for Group 1065 NM.

The plat in two sheets representing the dependent resurvey of a portion of the subdivisional lines, Township 14 North, Range 1 East of the New Mexico Principal Meridian, New Mexico, accepted March 5, 2009, for Group 1065 NM.

The plat in seven sheets representing the dependent resurvey of a portion of the south boundary of Ojo del Espiritu Santo Grant, a portion of the north, south, and west boundaries of the township, a portion of the subdivisional lines and metes and bounds surveys in certain Sections Township 15 North, Range 1 West of the New Mexico Principal Meridian, New Mexico, accepted March 5, 2009, for Group 1065 NM.

The plat in two sheets representing the metes and bounds surveys of certain tract boundaries within the Ojo del Espiritu Santo Grant, Sandoval County, New Mexico, accepted March 5, 2009, for Group 1065 NM.

The plat in two sheets representing the dependent resurvey of a portion of the south boundary of the Ojo del Espiritu Santo Grant and portion of the subdivisional lines, Township 15 North, Range 2 West of the New Mexico Principal Meridian, New Mexico, accepted March 5, 2009, for Group 1065 NM.

The plat in two sheets representing the dependent resurvey of a portion of the south boundary of the Ute Mountain Indian Reservation (north boundary), the south boundary, a portion of the subdivisional lines, and the subdivision of Sections 6, 30 and 31 in Township 30 North, Range 15 West of the New Mexico Principal Meridian, New Mexico, accepted March 18, 2009, for Group 1076 NM.

The plat in three sheets representing the dependent resurvey of a portion of the south boundary of the Ute Mountain Indian Reservation (north boundary), the south and east boundary, a portion of the subdivisional lines and the subdivision of Sections 1, 2, 11, 12, 26, 27, 34 and 35 Township 30 North, Range 16 West of the New Mexico Principal Meridian, New Mexico, accepted March 18, 2009, for Group 1076 NM.

Indian Meridian, Oklahoma (OK)

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of Section 8, Township 23 North, Range 1 East of the Indian Meridian, Oklahoma, accepted January 23, 2009 for Group 152 OK.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of Section 29, Township 22 North, Range 1 East of the Indian Meridian, Oklahoma, accepted March 3, 2009 for Group 181 OK.

The supplemental plat representing Township 10 North, Range 27 East, of the

Indian Meridian, Oklahoma, accepted March 11, 2009.

Potter County, Texas (TX)

The plat representing a metes and bounds survey in Section 34, Block P MC, EL & RR Railway Co. Survey, Potter County, Texas, accepted February 5, 2009 for Group 9 TX.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico, 87502–0115. Copies may be obtained from this office upon payment of $1.10 per sheet. Contact Marcella Montoya at 505–438–7537, or *Marcella_Montoya@nm.blm.gov*, for assistance.

Robert A. Casias,

Chief, Cadastral Surveyor.

[FR Doc. E9–7275 Filed 3–31–09; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Meetings; Alaska Region's Subsistence Resource Commission (SRC) Program

AGENCY: National Park Service, Interior.

ACTION: Notice of public meetings for the National Park Service Alaska Region's Subsistence Resource Commission (SRC) program.

SUMMARY: The Gates of the Arctic National Park Subsistence Resource Commission (GAAR SRC) and Denali National Park Subsistence Resource Commission (DENA SRC) will meet to develop and continue work on National Park Service (NPS) subsistence hunting program recommendations and other related subsistence management issues. These meetings are open to the public and will have time allocated for public testimony. The public is welcomed to present written or oral comments to the SRC. This meeting will be recorded and meeting minutes will be available upon request from the park superintendent for public inspection approximately six weeks after each meeting. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION ON THE GAAR SRC MEETING CONTACT: Dave Krupa, Subsistence Manager, Tel. (907) 455–0631, *Address*: Gates of the Arctic National Park and Preserve, 4175 Geist Road, Fairbanks, AK 99709 or Clarence Summers, Subsistence Manager, Tel. (907) 644–3603.

GAAR SRC Meeting Dates and Location: The GAAR SRC meeting will be held on Wednesday, April 15, and Thursday, April 16, 2009, from 9 a.m. to 5 p.m. at the Anaktuvuk Pass Community Hall, Anaktuvuk Pass, AK.

FOR FURTHER INFORMATION ON THE DENA SRC MEETING CONTACT: Amy Craver, Subsistence Manager, Tel. (907) 683–9544, *Address*: Denali National Park and Preserve, P.O. Box 9, Denali Park, AK 99755 or Clarence Summers, Subsistence Manager, Tel. (907) 644–3603.

DENA SRC Meeting Date and Location: The DENA SRC meeting will be held on Thursday, April 30, 2009, from 9 a.m. to 5 p.m. at the Denali Dome Home B & B in Healy, AK.

The proposed meeting agenda for each meeting includes the following:

1. Call to order
2. SRC Roll Call and Confirmation of Quorum
3. SRC Chair and Superintendent's Welcome and Introductions
4. Approval of Minutes from Last SRC Meeting
5. Review and Approve Agenda
6. Status of SRC Membership and Charter
7. SRC Member Reports
8. Park Subsistence Manager Report
9. National Park Service Staff Reports
   a. Resource Management Report
   b. Ranger Division Update.
   c. Wildlife Biologist Report—Status of Wildlife Surveys
   d. Subsistence Uses of Horns, Antlers, Bones and Plants EA Update
10. Federal Subsistence Board Update
11. Alaska Board of Game Update
12. Old Business
13. New Business
14. Public and other Agency Comments.
15. SRC Work/Training Session
16. Set Time and Place for next SRC Meeting
17. Adjournment

SUPPLEMENTARY INFORMATION: SRC meeting location and date may need to be changed based on weather or local circumstances. If the meeting date and location are changed, a notice will be published in local newspapers and announced on local radio stations prior to the meeting date. The meeting may end early if all business is completed.

Dated: February 13, 2009.

Victor Knox,

Deputy Regional Director.

[FR Doc. E9–7282 Filed 3–31–09; 8:45 am]

BILLING CODE 4312–HK–P

DEPARTMENT OF THE INTERIOR

National Park Service

Sequoia and Kings Canyon National Parks; Receipt of Application for Telecommunication Site

AGENCY: National Park Service, Sequoia and Kings Canyon National Parks, Interior

ACTION: Notice.

SUMMARY: (*Authorities:* 47 U.S.C. 332 note (Telecommunications Act of 1996, Section 704(c)); 16 U.S.C. 5; other applicable authorities and National Park Service (NPS) Director's Order 53) Sequoia and Kings Canyon National Parks has received an application from Verizon Wireless to construct an eighty foot tall, cellular tower with associated support structures and equipment. The location of the proposed telecommunication site is Park Ridge, near Grant Grove within Kings Canyon National Park. Park Ridge is an established telecommunications site for Sequoia and Kings Canyon National Parks. Current structures on Park Ridge include: two concrete block structures containing NPS and U.S. Forest Service (USFS) communications equipment with power generators; a twenty foot fire lookout tower; two forty foot lattice towers with NPS and USFS telecommunications equipment; and a thirty foot tower on the NPS communications building supporting a passive reflector used for landline service operated by Verizon California.

The proposed Verizon telecommunication site may include a tower approximately 80 feet tall, an equipment building and necessary utilities. The staff at Sequoia and Kings Canyon National Parks is currently evaluating the proposal and conducting a review and analysis pursuant to the National Environmental Policy Act (NEPA), the National Historic Preservation Act, The Telecommunications Act of 1996, and National Park Service requirements, policy and regulations. Once completed the NEPA analysis including the effects, if any, on cultural resources will be available for public review.

DATES: Review and analysis pursuant to NEPA and the National Historic Preservation Act, initiated in December of 2008 is currently being conducted by Sequoia and Kings Canyon National Parks and will be completed after May 1, 2009.

ADDRESSES: Comments on the proposal may be mailed to the park, Sequoia and Kings Canyon National Park, Planning and Compliance Office, 47050 Generals

Highway, Three Rivers, CA 93271 or e-mailed to *seki_planning@nps.gov*.

Copies of the completed NEPA analysis will be available at the Office of the Superintendent Sequoia and Kings Canyon National Parks, online at the Web site *http://parkplanning.gov.nps/seki,* or can be requested by writing to Sequoia and Kings Canyon National Parks, Planning and Compliance Office, 47050 Generals Highway, Three Rivers, CA 93271, or by e-mail addressed to *seki_planning@nps.gov*.

FOR FURTHER INFORMATION CONTACT: Christine Smith, 559–565–3105

SUPPLEMENTARY INFORMATION:

Comments

Before including an 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. Anonymous comments will not be accepted.

Dated: February 9, 2009.

Daniel E. Blackwell,

Acting Superintendent, Sequoia and Kings Canyon National Parks.

[FR Doc. E9–7058 Filed 3–31–09; 8:45 am]

BILLING CODE 4310–X2–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–605]

In the Matter of Certain Semiconductor Chips With Minimized Chip Package Size and Products Containing Same; Notice of Commission Decision To Request Additional Briefing on Remedy and To Extend the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to request additional briefing on remedy and to extend the target date to May 20, 2009, in the above captioned investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 21, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California against Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California; QUALCOMM, Inc. of San Diego, California; AT1 Technologies of Thornhill, Ontario, Canada; Motorola, Inc. of Schaumburg, Illinois (''Motorola''); STMicroelectronics N.V. of Geneva, Switzerland; and Freescale Semiconductor, Inc. of Austin, Texas. 72 *FR* 28522 (May 21, 2007). The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On December 1, 2008, the presiding administrative law judge (''ALJ'') issued his final ID finding no violation of section 337 by Respondents. The ID included the ALJ's recommended determination on remedy and bonding. In his ID, the ALJ found that Respondents' accused products do not infringe the asserted claims the '326 patent or the asserted claims of the '419 patent. The ALJ additionally found that the asserted claims of the '326 and '419 patents are not invalid for failing to satisfy the enablement requirement or the written description requirement of 35 U.S.C. 112 ¶ 1. The ALJ further found that the asserted claims of the '326 and '419 patents are not invalid as indefinite of 35 U.S.C. 112 ¶ 2. The ALJ also found that the asserted claims of the '326 and '419 patents are not invalid under 35 U.S.C. 102 for anticipation or under 35 U.S.C. 103 for obviousness. Finally, the ALJ found that an industry in the United States exists with respect to the '326 and '419 patents as required by 19 U.S.C. 1337(a)(2) and (3). In his recommended determination, the ALJ recommended that, should the Commission determine that a violation exists, a limited exclusion order (''LEO'') would be properly directed to Respondents' accused chip packages and to the downstream products of Motorola, a named respondent.

On January 30, 2009, the Commission determined to review the final ID in part and requested briefing on the issues it determined to review, remedy, the public interest, and bonding. 74 *FR* 6175–6 (Feb. 5, 2009). The Commission determined to review: (1) The ALJ's finding that Respondents' accused devices do not infringe the asserted claims the '326 and '419 patents; (2) the ALJ's finding that Tessera has waived any argument that the accused products indirectly infringe the '419 patent; (3) the ALJ's finding that Motorola*s invention of the 1989 68HC11 OMPAC chip (''OMPAC'') does not anticipate the asserted patents under 35 U.S.C. 102(b); and (4) the ALJ's finding that the Motorola's OMPAC invention does not anticipate the asserted patents under 35 U.S.C. 102(g). *Id.* The Commission determined not to review the remaining issues decided in the ID.

On February 23, 2009, the parties filed initial written submissions regarding the issues on review, remedy, the public interest, and bonding. On March 5, the parties filed response submissions. Several respondents in co-pending investigation *Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same,* Inv. No. 337–TA–649, also filed reply briefs on remedy, the public interest, and bonding. In its initial submission on remedy, Tessera requested that the Commission issue a ''tailored'' general exclusion order (''GEO'') should the Commission determine that there is a violation of Section 337. *See* Complainant Tessera, Inc.'s Brief on the Issues of Remedy, the Public Interest and Bonding (Public Version) (March 5, 2009) (''Tessera Remedy Br.'') (available on EDIS). Tessera also requested that, should the Commission determine that the current record is not adequate to support issuance of a GEO, the Commission should issue immediately the LEO recommended by the ALJ and then conduct further proceedings regarding the availability of a tailored GEO. *See* Tessera Remedy Br. at 5–6. The Commission investigative attorney (''IA'') concurred. *See* Response of Office of Unfair Import Investigations to Complainant's and Respondents' Briefs on Issues Under Review and on

Remedy, the Public Interest, and Bonding (Public Version) (March 16, 2009) (available on EDIS) at 33–34.

The Commission requests additional briefing regarding the appropriateness of Tessera's proposed remedy. Specifically the Commission is particularly interested in responses to the following questions:

1. Please address whether Tessera is entitled to a GEO under 19 U.S.C. 1337(d)(2).

2. Please address whether the Commission has the authority under the statute to issue a ''tailored GEO,'' which would ostensibly reach only specified downstream products and manufacturers while subjecting a complainant to the additional requirements of 19 U.S.C. 1337(d)(2).

3. Please address whether the Commission has the authority to issue two different exclusion orders at two different times, specifically whether the Commission can issue an LEO immediately and then issue a GEO at a later date.

The Commission has also determined that the target date be extended to May 20, 2009.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the questions posed by the Commission above, as well as the recommended determination by the ALJ on remedy and bonding.

The written submissions must be filed no later than close of business on Friday, April 10, 2009. Reply submissions must be filed no later than the close of business on Monday, April 20, 2009. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: March 26, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–7231 Filed 3–31–09; 8:45 am]

BILLING CODE

NATIONAL SCIENCE FOUNDATION

Engineering Advisory Committee; 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: Engineering Advisory Committee Meeting, #1170.

Date/Time: April 22, 2009: 12 p.m. to 6 p.m., April 23, 2009: 8 a.m. to 12 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Deborah Young, 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, April 22

- Introductions and Directorate Updates.
- Broadening Participation Update and Performance.
- Emerging Frontiers in Research and Innovation Update.
- Discussion—Methods for Evaluating Success.
- Sustainable Systems Presentation.

Thursday, April 23

- Industry-University Partnerships.
- Partnerships with Agencies.
- Discussion with Director and Deputy Director, NSF.

Dated: March 26, 2009.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E9–7194 Filed 3–31–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2008–0607]

Commonwealth of Virginia: Discontinuance of Certain Commission Regulatory Authority Within the State; Notice of Agreement Between the NRC and the Commonwealth of Virginia; Notice of Waiver Termination

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Agreement between the U.S. Nuclear Regulatory Commission and the Commonwealth of Virginia.

SUMMARY: This notice is announcing that on March 4, 2009, Dr. Dale E. Klein, Chairman of the U.S. Nuclear Regulatory Commission (NRC), and on March 18, 2009, Governor Timothy M. Kaine of the Commonwealth of Virginia signed an Agreement as authorized by Section 274b of the Atomic Energy Act of 1954, as amended (the Act). The Agreement provides for the Commission to discontinue its regulatory authority and for Virginia to assume regulatory authority over the possession and use of byproduct material as defined in Sections 11e.(1), 11e.(2), 11e.(3), and 11e.(4) of the Act, source material, and special nuclear materials (in quantities not sufficient to form a critical mass). Under the Agreement, a person in Virginia possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the **Federal Register** (FR) and are codified in the Commission's regulations as 10 CFR Part 150. The Agreement is published here as required by Section 274e of the Act.

Notice of Waiver Termination: On March 31, 2009, the Commission terminated the time-limited waivers of the Energy Policy Act of 2005 requirements granted by the Commission (70 FR 51581; August 31, 2005) to Virginia for byproduct material as defined in Sections 11e.(3), and 11e.(4) of the Act.

FOR FURTHER INFORMATION CONTACT: Monica Orendi, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone (301) 415–3938; e-mail: *monica.orendi@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC published the draft Agreement in the FR for comment once each week for 4 consecutive weeks on November 20, 2008 (73 FR 70384), November 26, 2008

(73 FR 72080), December 4, 2008 (73 FR 73961), and December 11, 2008 (73 FR 75470) as required by the Act. The public comment period ended on December 22, 2008. The Commission received one comment letter. The comment did not affect the NRC staff's assessment, which finds that the Virginia Agreement materials program is adequate to protect public health and safety and compatible with the NRC's program. The proposed Virginia Agreement is consistent with Commission policy and thus meets the criteria for an Agreement with the Commission.

After considering the request for an Agreement by the Governor of Virginia, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the Virginia Department of Health, the NRC staff completed an assessment of the Virginia program. The agency made a copy of the staff assessment available in the NRC's Public Document Room (PDR) and electronically on NRC's Web site. Based on the staff's assessment, the Commission determined on February 27, 2009, that the proposed Virginia program for control of radiation hazards is adequate to protect public health and safety, and compatible with the Commission's program.

Documents may be examined, and/or copied for a fee, at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Documents referred to in this notice and other publicly available documents are available electronically at the NRC's Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 26th day of March 2009.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

An Agreement Between the United States Nuclear Regulatory Commission and the Commonwealth of Virginia for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within The Commonwealth Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* (the Act), to enter into agreements with the Governor of any State/Commonwealth providing for discontinuance of the regulatory authority of the Commission within the Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1), (3), and (4) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the Commonwealth of Virginia is authorized under the Code of Virginia Section 32.1–235, to enter into this Agreement with the Commission; and,

Whereas, The Governor of the Commonwealth of Virginia certified on June 12, 2008, that the Commonwealth of Virginia (the Commonwealth) has a program for the control of radiation hazards adequate to protect public health and safety with respect to the materials within the Commonwealth covered by this Agreement, and that the Commonwealth desires to assume regulatory responsibility for such materials; and,

Whereas, The Commission found on February 27, 2009 that the program of the Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

Whereas, The Commonwealth and the Commission recognize the desirability and importance of cooperation between the Commission and the Commonwealth in the formulation of standards for protection against hazards of radiation and in assuring that Commonwealth and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the Commonwealth recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, This Agreement is entered into pursuant to the provisions of the Act;

Now, therefore, It is hereby agreed between the Commission and the Governor of the Commonwealth acting on behalf of the Commonwealth as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

1. Byproduct materials as defined in Section 11e.(1) of the Act;
2. Byproduct materials as defined in Section 11e.(3) of the Act;
3. Byproduct materials as defined in Section 11e.(4) of the Act;
4. Source materials; and
5. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:

1. The regulation of the construction and operation of any production or utilization facility or any uranium enrichment facility;
2. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
3. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear materials waste as defined in the regulations or orders of the Commission;
4. The regulation of the disposal of such other byproduct, source, or special nuclear materials waste as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be disposed without a license from the Commission;
5. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

6. The regulation of byproduct material as defined in Section 11e.(2) of the Act;

7. The regulation of the land disposal of byproduct, source, or special nuclear material waste received from other persons.

Article III

With the exception of those activities identified in Article II.1 through 4, this Agreement may be amended, upon application by the Commonwealth and approval by the Commission, to include one or more of the additional activities specified in Article II, whereby the Commonwealth may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the Commonwealth and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that Commission and Commonwealth programs for protection against hazards of radiation will be coordinated and compatible.

The Commonwealth agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that the Commonwealth's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The Commonwealth and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The Commonwealth and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the Commonwealth agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State.

Accordingly, the Commission and the Commonwealth agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the Commonwealth has not complied with one or more of the requirements of Section 274 of the Act.

The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the Commonwealth has failed to take necessary steps. The Commission shall periodically review actions taken by the Commonwealth under this Agreement to ensure compliance with Section 274 of the Act which requires a Commonwealth program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on March 31, 2009, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Rockville, MD, in triplicate, this 4th day of March 2009.

For The United States Nuclear Regulatory Commission.

Dale E. Klein,
Chairman.

Done at Richmond, Virginia, in triplicate this 18th day of March 2009.

For The Commonwealth of Virginia.

Timothy M. Kaine,
Governor.

[FR Doc. E9–7283 Filed 3–31–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–08–023; ASLBP No. 09–882–02–EA–BD01]

In the Matter of Himat Soni; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.202, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

In the Matter of Himat Soni; (Enforcement Action)

This proceeding concerns a request for a hearing submitted on March 13, 2009 by the law firm of Akerman Senterfitt on behalf of Mr. Himat Soni in response to a February 10, 2009 ''NRC Staff Order Prohibiting Involvement in NRC-Licensed Activities,'' 74 FR 7932 (Feb. 20, 2009). Under the terms of that Order, the Staff concluded that Mr. Himat Soni, the President and Radiation Safety Officer of Eastern Testing and Inspection, Inc. (ETI), violated 10 CFR 30.10, which states, in part, that any Licensee or employee of a Licensee may not engage in deliberate misconduct that causes a Licensee to be in violation of any rule, regulation, or order issued by the Commission. The Order therefore prohibits Mr. Himat Soni from any involvement in NRC-licensed activities for a period of one year from the effective date of the Order.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Paul B. Abramson, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Bruce R. Matthews, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in

accordance with the NRC E-filing rule, which the NRC promulgated in August 2007. *See* 72 FR 49139 (Aug. 28, 2007).

Issued at Rockville, Maryland, this 26th day of March 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9–7284 Filed 3–31–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–08–022; ASLBP No. 09–881–01–EA–BD01]

In The Matter Of Dhiraj Soni; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR sections 2.104, 2.202, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

In the Matter of Dhiraj Soni; (Enforcement Action)

This proceeding concerns a request for a hearing submitted on March 13, 2009 by the law firm of Akerman Senterfitt on behalf of Mr. Dhiraj Soni in response to a February 10, 2009 ''NRC Staff Order Prohibiting Involvement in NRC-Licensed Activities, 74 FR 7930 (Feb. 20, 2009). Under the terms of that Order, the Staff concluded that Mr. Dhiraj Soni, the former Vice President of Eastern Testing and Inspection, Inc. (ETI), engaged in deliberate misconduct that caused ETI to be in violation of 10 CFR 30.9 and, accordingly, that Mr. Dhiraj Soni violated 10 CFR 30.10. The Order therefore prohibits Mr. Dhiraj Soni from any involvement in NRC-licensed activities for a period of one year from the effective date of the Order.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Paul B. Abramson, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Bruce R. Matthews, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC e-filing rule, which the NRC promulgated in August 2007. *See* 72 FR 49,139 (Aug. 28, 2007).

Issued at Rockville, Maryland, this 26th day of March 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9–7277 Filed 3–31–09; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) invites the general public and Federal agencies to comment on the standard data elements that are being reviewed under emergency review procedures for use in complying with reporting requirements under section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (''Recovery Act''). The title of the standard data element set is ''Standard Data Elements for Reports under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (Grants, Cooperative Agreements and Loans).'' Once the standard data elements are approved, each federal agency must require its recipients of grants, cooperative agreements and loans made under the Recovery Act to report the information and data electronically through a central Governmentwide portal or through an agency information collection process. Information on the reporting procedures will be posted to *http://www.federalreporting.gov* once available. Recipients of Recovery Act funded grants, cooperative agreements and loans may collect the data and information approved under this approved information collection from their subrecipients and subcontractors. A standard information collection for recipients of Recovery Act funded contracts directly awarded by the Federal government is being reviewed under a separate information collection process.

DATES: Comments must be submitted on or before May 1, 2009.

ADDRESSES: Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

Comments may be sent via *http://www.regulations.gov*—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type a key term in the information collection title such as ''section 1512'' in quotes in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record.

Comments may be e-mailed to: *mpridgen@omb.eop.gov.* Please include ''section 1512'' in the subject line of your e-mail message. Also, please include the full body of your comments in the text of the electronic message, as well as in an attachment. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message. Comments may also be submitted via facsimile to (202) 395–3952.

Comments may be mailed to Marguerite Pridgen, Office of Federal Financial Management, Office of Management and Budget, Room 6025, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Marguerite Pridgen, Office of Federal Financial Management, Office of Management and Budget, telephone (202) 395–7844 (direct) or (202) 395–3993 (main office) and e-mail: *mpridgen@omb.eop.gov*. The proposed data elements can be downloaded from the OMB Grants Management Web page at (*http://www.whitehouse.gov/omb/grants_standard_report_forms/*).

OMB Control No.: TBD.

Title: Standard Data Elements for Reports under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (Grants, Cooperative Agreements and Loans)

Form No.: Not applicable.

Type of Review: Emergency clearance.

Respondents: States, local governments, Universities, non-profit organizations, commercial organizations, subrecipients and subcontractors under grants, cooperative agreements and loans.

Number of Responses: 993,100.

Estimated Time Per Response: 1.50 hours.

Needs and Uses: The ''Standard Data Elements for Reports under Section

1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5'' was developed to serve as a government-wide standard data set for agencies to use in collecting information required under section 1512 of the American Recovery and Reinvestment Act of 2009 (''Recovery Act'') from recipients of Federal grant, cooperative agreement and loan funds. The data and information will be collected within ten days after each calendar quarter from each recipient unless the data has been pre-filled from a prior reporting period and is still accurate and current.

Danny Werfel,

Deputy Controller.

STANDARD DATA ELEMENTS FOR REPORTS UNDER SECTION 1512 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111–5

[Grants, Cooperative Agreements and Loans]

Item	Data elements	Instruction
	General Section—Award and Award Recipient Information	
Please provide requested information regarding the award and award recipient.		
ARRA–A	Awarding Federal agency and Organizational Element to Which Report is Submitted.	Provide the name of the awarding Federal agency and organizational element identified in the award document or otherwise instructed by the agency. The organizational element is a subagency within an awarding Federal agency.
ARRA–B	Federal Grant or Other Identifying Number Assigned by the awarding Federal agency.	Provide the grant/award number contained in the award document.
ARRA–C	DUNS Number	Provide the prime recipient organization's 9 digit Data Universal Numbering System (DUNS) number or Central Contractor Registration plus 4 extended DUNS number.
ARRA–D	EIN	Provide the recipient organization's Employer Identification Number (EIN) provided by the Internal Revenue Service.
ARRA–E	CFDA	Provide Catalog of Federal Domestic Assistance (CFDA) number on the award document or provided by the awarding agency. If this award is being funded through multiple programs, provide each CFDA number.
ARRA–F	Recipient Organization	Provide the legal name of recipient organization and address, including zip code. This should be the same name and address that appears in recipient's Central Contractor Registration profile.
ARRA–G	Recipient Account Number or Account Number.	Provide the account number or any other identifying number assigned by the recipient to the award. This number is strictly for the recipient's use only and is not required by the awarding Federal agency.
ARRA–H	Project/Grant Period	Indicate the project/grant period established in the award document during which Federal sponsorship begins and ends. Note: Some agencies award multi-year grants for a project/grant period (e.g., 5 years) that are funded in increments known as budget periods or funding periods. These are typically annual increments. Please provide the total project/grant period, not the individual budget period or funding period.
ARRA–I	Reporting Period End Date	The frequency of required reporting is quarterly. Provide the ending date of the reporting period. For quarterly reports, the following calendar quarter reporting period end dates shall be used: 6/30; 9/30; 12/31; or 3/31. For final reports, the reporting period end date shall be the end date of the project/grant period.
ARRA–J	Final Report	Mark appropriate box. Check ''yes'' only if this is the final report for the project/grant period specified in Box 6.
ARRA–K	Report or Frequency	Select ''quarterly'' for quarterly reports and/or ''final''.
	Section 1 Project/Activity Information	
Please provide requested information for the project or activity for which Recovery Act funds were awarded.		
ARRA–1–01	Name of Project or Activity	Provide a brief descriptive title of the project or activity funded in whole or in part with Recovery Act funds. If this award funds multiple projects or activities, provide a descriptive title that captures the general focus area, e.g., ''community development,'' ''comprehensive community mental health services to adults with a serious mental illness,'' etc.
ARRA–1–02	Total Amount of Recovery Funds Received from Federal Agency Indentified in Item ARRA–A.	Provide the cumulative amount of actual cash received from the Federal agency as of the reporting period end date.

STANDARD DATA ELEMENTS FOR REPORTS UNDER SECTION 1512 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111–5—Continued

[Grants, Cooperative Agreements and Loans]

Item	Data elements	Instruction
ARRA–1–03	Amount of recovery funds received that were expended to projects or activities (''Federal Share of Expenditures'').	Provide the cumulative total for the amount of Federal fund expenditures. For reports prepared on a cash basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense charged; the value of third-party in-kind contributions applied; and the amount of cash advance payments and payments made to subcontractors and subawardees. For reports prepared on an accrual basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense incurred; the value of in-kind contributions applied; and the net increase or decrease in the amounts owed by the recipient for (1) goods and other property received; (2) services performed by employees, contractors, subcontractors, subawardees, and other payees; and (3) programs for which no current services or performance are required. Do not include program income expended.
	Section 2 Project/Activity Information	
Please provide requested information for the project or activity for which Recovery Act funds were awarded.		
ARRA–2–01	Description of Project or Activity (code(s)).	For awards primarily funding infrastructure projects or activities, as defined by the awarding agency, provide the North American Industry Classification System (NAICS) code(s) that describe the Recovery Act projects or activities under this award. A searchable code list is at *http://www.census.gov/naics/*. For all other awards, provide the National Center for Charitable Statistics ''NTEE–NPC'' code(s) that describe the Recovery Act projects or activities under this award. A searchable code list is at *http://nccsdataweb.urban.org/PubApps/nteeSearch.php?gQry=all-core&codeType=NPC.*
ARRA–2–02	Description of Project or Activity (brief narrative).	A description of the overall purpose and expected outputs and outcomes or results of the award and first-tier subaward(s), including significant deliverables and, if appropriate, units of measure. For an award that funds multiple projects or activities, such as a formula block grant, the purpose and outcomes or results may be stated in broad terms.
ARRA–2–03	Evaluation of completion status of the project or activity.	Evaluate the status of the work that has been completed. This evaluation should be based on performance progress reports and other relevant non-financial performance information. For awards funding a single project or activity, please choose one of the following options: Not started; Less than 50% completed; Completed 50% or more; Fully Completed. For awards funding multiple projects or activities, such as formula block grants, provide your best estimate of completion of all projects and/or activities based on any aggregate data and information.
ARRA–2–04	A narrative description of the employment impact of the Recovery Act funded work.	Provide a narrative description of the employment impact of the Recovery Act funded work. This narrative should be cumulative for each calendar quarter and at a minimum, address the impact on the recipient's workforce, and if known, the impact on the workforces of subrecipients. At a minimum, the recipient shall provide— (i) *A brief description of the types of jobs created and jobs retained in the United States and outlying areas.* ''Jobs or positions created'' means those new positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act funding. ''Jobs or positions retained'' means those previously existing filled positions that are retained as a result of Recovery Act funding. This description may rely on job titles, broader labor categories, or the contractor's existing practice for describing jobs as long as the terms used are widely understood and describe the general nature of the work; and (ii) *An estimate of the number of jobs created and jobs retained in the United States and outlying areas.* At a minimum, this estimate shall include any new positions created and any existing filled positions that were retained to support or carry out Recovery Act projects or activities managed directly by the recipient, and if known, by subrecipients. The number shall be expressed as ''full-time equivalent'' (FTE), calculated cumulatively as all hours worked divided by the total number of hours in a full-time schedule, as defined by the recipient. For instance, two full-time employees and one part-time employee working half days would be reported as 2.5 FTE in each calendar quarter. (iii) A job cannot be reported as both created and retained. As used in this instruction, United States means the 50 States and the District of Columbia, and outlying areas means— (1) Commonwealths. (i) Puerto Rico. (ii) The Northern Mariana Islands; (2) Territories.

STANDARD DATA ELEMENTS FOR REPORTS UNDER SECTION 1512 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111–5—Continued

[Grants, Cooperative Agreements and Loans]

Item	Data elements	Instruction
		(i) American Samoa. (ii) Guam. (iii) U.S. Virgin Islands; and (3) Minor outlying islands. (i) Baker Island. (ii) Howland Island. (iii) Jarvis Island. (iv) Johnston Atoll. (v) Kingman Reef. (vi) Midway Islands. (vii) Navassa Island. (viii) Palmyra Atoll. (ix) Wake Atoll.
ARRA–2–05	For infrastructure investments made by State and local governments: Total cost of infrastructure investment made by State and Local governments.	Provide the cumulative total cost of investment. This amount should include the total cumulative federal expenditures and non-federal expenditures for the infrastructure investment: Federal (Recovery Act funds): $_____. Federal (non-Recovery Act funds): $_____. NonFederal: $_____.
ARRA–2–06	For infrastructure investments made by State and local governments: What is the rationale of the Award Recipient for funding the infrastructure investment with funds made available under the Recovery Act?	Explain how the infrastructure investment will contribute to one or more purposes of the Recovery Act: Purposes: (1) To preserve and create jobs and promote economic recovery. (2) To assist those most impacted by the recession. (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health. (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits. (5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.
ARRA–2–07	For infrastructure investments made by State and local governments: Who should we contact if we have concerns about this infrastructure investment?	Provide name, phone number, address and email address of the appropriate contact in the state/local government.

Section 3 Subrecipient Information

For any first-tier subcontract or subaward funded in whole or in part under the Recovery Act, that is over $25,000 and not subject to aggregate reporting under Section 4, the recipient shall provide detailed information as follows:

ARRA–3–01	Subrecipient DUNS Number	Provide the subrecipient organization's 9 digit Data Universal Numbering System (DUNS) number or Central Contractor Registration plus 4 extended DUNS number.
ARRA–3–02	Award Number or Other Identifying Number Assigned by the Recipient Entity.	Provide the grant/award number (if any) assigned to the subrecipient award by the recipient.
ARRA–3–03	Subrecipient Name	Provide the legal name of subrecipient as registered in the Central Contractor Registration (www.ccr.gov).
ARRA–3–04	Subrecipient Location	Physical location as listed in the Central Contractor Registration. For congressional district, use the format: 2 characters State Abbreviation—3 characters District Number, e.g., CA–005 for California 5th district, CA–012 for California 12th district, NC–13 for North Carolina's 13rd district. If the program/project is outside the US, enter 00–000.
ARRA–3–05	Subrecipient Type	Select primary category from the list of categories below. A. State Government. B. County Government. C. City or Township Government. D. Special District Government. E. Regional Organization. F. U.S. Territory or Possession. G. Independent School District. H. Public/State Controlled Institution of Higher Education. I. Indian/Native American Tribal Government (Federally Recognized). J. Indian/Native American Tribal Government (Other than Federally Recognized). K. Indian/Native American Tribally Designated Organization. L. Public/Indian Housing Authority.

STANDARD DATA ELEMENTS FOR REPORTS UNDER SECTION 1512 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111–5—Continued

[Grants, Cooperative Agreements and Loans]

Item	Data elements	Instruction
		M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education). N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education). O. Private Institution of Higher Education. P. Individual. Q. For-Profit Organization (Other than Small Business). R. Small Business. S. Hispanic-serving Institution. T. Historically Black Colleges and Universities (HBCUs). U. Tribally Controlled Colleges and Universities (TCCUs). V. Alaska Native and Native Hawaiian Serving Institutions. W. Non-domestic (non-US) Entity. X. Other.
ARRA–3–06	Amount of Subcontract or Subaward Disbursed.	Provide the cumulative amount of cash disbursed to the subawardee or subcontractor as of the reporting period end date.
ARRA–3–07	Total Amount of Subcontract or Subaward (Ultimate Contract/Award Value).	Provide the anticipated total amount of cash to be disbursed to the subawardee or subcontractor by the expiration date of the subaward or subcontract, respectively.
ARRA–3–08	Subaward Date	Provide the date the subcontract or subaward was signed (mm/dd/yyyy).
ARRA–3–09	Subaward Project/Grant Period	Indicate the project/grant period established in the subaward document during which sponsorship begins and ends. For multi-year awards for a project/grant period (e.g., 5 years) that are funded in increments known as budget periods or funding periods, please provide the total project/grant period, not the individual budget period or funding period.
ARRA–3–10	Primary Performance Location	Provide physical location of primary place of performance.
ARRA–3–11	For the five most highly compensated officers of the entity: the names and total compensation.	Provide the names and total compensation of the five most highly compensated officers of the subrecipient entity if— (1) the recipient in its preceding fiscal year received— (a) 80 percent or more of its annual gross revenues in Federal awards; and (b) $25,000,000 or more in annual gross revenues from Federal awards; and (2) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 [26 USC § 6104]. ''Total compensation'' means the cash and noncash dollar value earned by the executive during the subrecipient's past fiscal year of the following (for more information *see* 17 CFR 229.402(c)(2)): (i). Salary and bonus. (ii). Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with FAS 123R. (iii). Earnings for services under non-equity incentive plans. Does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees. (iv). Change in pension value. This is the change in present value of defined benefit and actuarial pension plans. (v). Above-market earnings on deferred compensation which are not tax-qualified. (vi). Other compensation. For example, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property if the value for the executive exceeds $10,000.
Section 4 Subawardee or Subcontract Award Information—Aggregated		
For subcontracts or subawards valued at less than $25,000 or any subcontracts or subawards awarded to an individual, or subcontracts or subawards awarded to an entity other than an individual which in the previous tax year had gross income under $300,000, the recipient shall only report the aggregate number of such first tier subawards and subcontracts awarded in the quarter and their aggregate total dollar amount.		
ARRA–4–01	Total Number of Subcontracts and Subawards less than $25,000/award and awarded to individuals.	Self-explanatory.
ARRA–4–02	Total Amount of Subcontracts and Subawards less than $25,000/award and awarded to individuals.	Provide the total cumulative amount of cash disbursed to subawardees and subcontractors. This aggregate amount should be cumulative as of the reporting period end date.

[FR Doc. E9–7317 Filed 3–31–09; 8:45 am]
BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 2, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting scheduled for Thursday, April 2, 2009 will be:

Institution of an injunctive action; institution and settlement of administrative proceedings of an enforcement nature; adjudicatory matters; and other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: March 26, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–7228 Filed 3–31–09; 8:45 am]
BILLING CODE

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Order of Suspension of Trading Global Matrechs, Inc.

March 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Global Matrechs, Inc. (''Global'') because it is nearly two years delinquent in its required periodic reports. Global is quoted on the Pink Sheets OTC Markets, Inc. under the ticker symbol GBMR.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on March 30, 2009, through 11:59 p.m. EDT on April 13, 2009.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E9–7397 Filed 3–30–09; 4:15 pm]
BILLING CODE

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59632; File No. SR–NASDAQ–2009–030]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposal To Extend the Options Penny Pilot for The NASDAQ Options Market

March 26, 2009.

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 March 25, 2009, The NASDAQ Stock Market LLC (''Nasdaq'') 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 Nasdaq. 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 the Substance of the Proposed Rule Change

Nasdaq is proposing to extend a pilot (the ''pilot'') that permits certain options series to be quoted and traded in increments of $0.01. The Exchange proposes to extend the pilot through July 3, 2009. There is no new text contained in this proposed rule change. The text of the filing is available at *http://www.cchwallstreet.com/nasdaq*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

Nasdaq has designated this proposal as non-controversial and provided the Commission with the notice required by Exchange Act Rule 19b–4(f)(6)(iii). Nasdaq requests that the Commission waive the 30-day pre-operative waiting period contained in that rule. If such waiver is granted by the Commission, this rule proposal, which is effective upon filing with the Commission, shall become immediately operative pursuant to SEC Rule 19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

1. Purpose

The purpose of the proposed rule change is to continue to permit specified options series to be quoted and traded in increments of $0.01 by extending the pilot through July 3, 2009. Prior to the Penny Pilot Program, options were quoted options in nickel and dime increments. The minimum price variation for quotations in options series that are quoted at less than $3 per contract is $0.05 and the minimum price variation for quotations in options series that are quoted at $3 per contract or greater is $0.10.

Under the Penny Pilot Program, beginning on January 26, 2007, market participants were able to begin quoting in penny increments in certain series of option classes. The Penny Pilot Program originally included the following thirteen options: Ishares Russell 2000 (IWM); NASDAQ–100 Index Tracking Stock (QQQQ); SemiConductor Holders Trust (SMH); General Electric Company (GE); Advanced Micro Devices, Inc.

[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).

(AMD), Microsoft Corporation (MSFT); Intel Corporation (INTC); Caterpillar, Inc. (CAT); Whole Foods Market, Inc. (WFMI); Texas Instruments, Inc. (TXN); Flextronics International Ltd. (FLEX); Sun Microsystems, Inc. (SUNW); and Agilent Technologies, Inc. (A).

On September 28, 2007, the following twenty-two options classes were added: SPDRs (SPY); Apple, Inc. (AAPL); Altria Group Inc. (MO); Dendreon Corp. (DNDN); Amgen Inc. (AMGN); Yahoo! Inc. (YHOO); QUALCOMM Inc. (QCOM); General Motors Corporation (GM); Energy Select Sector (XLE); DIAMONDS Trust, Series 1 (DIA); Oil Services HOLDRs (OIH); NYSE Euronext, Inc. (NYX); Cisco Systems, Inc. (CSCO); Financial Select Sector SPDR (XLF); AT&T Inc. (T); Citigroup Inc. (C); Amazon.com Inc. (AMZN); Motorola Inc. (MOT); Research in Motion Ltd. (RIMM); Freeport-McMoRan Copper & Gold Inc. (FCX); ConocoPhillips (COP); and Bristol-Myers Squibb Co. (BMY). These thirty-five options classes are among the most actively-traded, multiply-listed options classes.

On March 28, 2008, the following 28 options classes were added:

Goldman Sachs Group, Inc. (GS)
Countrywide Financial Corporation (CFC)
Bank of America Corporation (BAC)
iShares MSCI Emerging Mkts. Index Fund (EEM)
Merrill Lynch & Co., Inc. (MER)
Vale (RIO)
EMC Corporation (EMC)
Exxon Mobil Corporation (XOM)
Wal-Mart Stores, Inc. (WMT)
The Home Depot, Inc. (HD)
Valero Energy Corporation (VLO)
Alcoa Inc. (AA)
Dell Inc. (DELL)
SanDisk Corporation (SNDK)
The Bear Stearns Companies, Inc. (BSC)
Pfizer Inc. (PFE)
eBay Inc. (EBAY)
Halliburton Company (HAL)
Lehman Brothers Holdings Inc. (LEH)
JPMorgan Chase & Co. (JPM)
Washington Mutual, Inc. (WM)
Ford Motor Company (F)
Target Corporation (TGT)
American International Group, Inc. (AIG)
Newmont Mining Corporation (NEM)
Verizon Communications Inc. (VZ)
Mini-NDX Index Options (MNX)
Starbucks Corporation (SBUX)

The minimum price variation for all classes included in the Penny Pilot Program, except for the QQQQs, is $0.01 for all quotations in option series that are quoted at less than $3 per contract and $0.05 for all quotations in option series that are quoted at $3 per contract or greater. The QQQQs are quoted in $0.01 increments for all options series.

During the extended Pilot Program, Nasdaq will submit a report addressing the impact of the pilot on the quality of the Exchange's markets and option quote traffic and capacity not later than the last business day of May 2009, covering the period from February 1, 2009 through April 30, 2009, and will submit further reports as requested by the Commission as the pilot continues.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general and with Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

Analysis of the current Pilot has shown that the reduction in the minimum quoting increment has resulted in narrowing the average quoted spreads in all classes in the Pilot. A reduction in quoted spreads means that customers and other market participants may be able to trade options at better prices. Extending the Pilot Program as proposed will allow further analysis of the impact of penny quoting in the Pilot classes over a longer period of time on, among other things: (1) Spreads; (2) peak quote rates; (3) quote message traffic; (4) displayed size; (5) ''depth of book'' liquidity; and (6) market structure. Nasdaq's unique options market structure will add to the analysis delivered by the existing options markets to date.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is 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

Written comments were neither solicited nor received.

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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow the Penny Pilot Program to continue without interruption through July 3, 2009.[11] Accordingly, the Commission designated the proposed rule change operative upon filing with the Commission.

At any time within 60 days of the filing of the 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of 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 Exchange has satisfied the pre-filing requirement.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

[11] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78(c)(f).

including whether the proposed rule change, as amended, 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–NASDAQ–2009–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2009–030. 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 Section, 100 F Street, NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at Nasdaq's principal office and on its Internet Web site at *www.nyse.com.* 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–NASDAQ–2009–030 and should be submitted on or before April 22, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–7291 Filed 3–31–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59626; File No. SR–NYSE–2009–33]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying the Wireless Data Communications Initiatives and Codifying the Wireless Policy

March 25, 2009.

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 March 20, 2009, the New York Stock Exchange, LLC (''NYSE'' 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 NYSE. NYSE has submitted the proposed rule change pursuant to Rule 19b-4(f)(6) under the Act,[3] 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 persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) Modify its Wireless Data Communications Initiatives (referred to herein as the ''Wireless Policy'') to eliminate the requirement that all orders or messages transmitted electronically from off the Floor must first be recorded in a Floor broker's booth location on the Floor (''Floor booth'') before being transmitted to the Floor broker's wireless hand-held device for representation and execution; (2) modify the Wireless Policy to eliminate the requirement that Floor booth locations print paper records of all orders; (3) modify the interpretation of NYSE Rule 117 as it applies to what constitutes a ''written order''; and (4) codify the Wireless Policy as amended herein.

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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

1. Purpose

The Exchange proposes to: (1) Modify its Wireless Data Communications Initiatives (referred to herein as the ''Wireless Policy'')[4] to eliminate the requirement that all orders or messages transmitted electronically from off the Floor must first be recorded in a Floor broker's booth location on the Floor (''Floor booth'') before being transmitted to the Floor broker's wireless hand-held device for representation and execution; (2) modify the Wireless Policy to eliminate the requirement that Floor booth locations print paper records of all orders; (3) modify the interpretation of NYSE Rule 117 as it applies to what constitutes a ''written order''; and (4) codify the Wireless Policy as amended herein.

The Exchange notes that parallel changes are proposed to be made to the rules of the NYSE Amex Exchange (formerly the American Stock Exchange).[5]

Background

On August 25, 1995, the Commission approved the Exchange's introduction of wireless data communications technology to the Floor. One feature of the wireless technology was the use of wireless hand-held data communications devices on the Floor. A wireless hand-held device (''hand-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 36156 (August 25, 1995), 60 FR 45756 (September 1, 1995) (SR–NYSE–95–22). The approval order of the initial filing and subsequent amendment by the Commission to changes to the Wireless Data Communications Initiatives has historically been referred to by the NYSE as the ''Wireless Policy.'' *See also* Securities Exchange Act Release No. 39379 (December 1, 1997), 62 FR 64615 (December 8, 1997) (SR–NYSE–97–17).

[5] See SR–NYSEAmex–2009–02 (to be filed on March 23, 2009).

[12] 17 CFR 200.30–3(a)(12).

held'') is a tool used by NYSE Floor brokers as part of an integrated Floor order management system to trade and to send and receive messages. Such messages can consist of the price, size and time of the orders as well as cancellations and modification of orders from the hand-held to the Floor booth and thereafter to locations off the Floor. The Exchange developed and installed a wireless data communications infrastructure on its Floor and provided its Floor brokers with hand-helds. The Exchange also allowed private vendors to offer hand-helds, with any needed support infrastructure, to be used by Floor brokers.

The Wireless Policy was implemented in four phases in order to adequately install and test the viability of the wireless data communication infrastructure and connections to private vendor hand-helds.

By December 1997, the Exchange had completed the second phase of the implementation of the Wireless Policy, namely the supervision of additional pilot testing of independent wireless data communication services, including the services offered by the Exchange. After entering the next phase, the Exchange amended the Wireless Policy to, *inter alia,* modify the types of wireless data communications that the Exchange would permit over the infrastructure by allowing communications between two hand-helds on the Floor.[6]

The purpose of the 1997 amendments was to permit communication between two hand-helds on the Floor, thereby eliminating the first step of routing all such communications to the Floor booth. These amendments expedited the transmittal and receipt of orders and to allow for more efficient processing of orders and dissemination of information.

NYSE Rule 117 and the Wireless Policy

NYSE Rule 117 (''Orders of Members to be in Writing'') states that no member on the Floor shall make any bid, offer or transaction for or on behalf of another member except pursuant to a written or electronically recorded order.

Pursuant to the Wireless Policy, the Exchange interpreted NYSE Rule 117 to mean that an order sent to an Exchange Floor member by an authorized hand-held constituted a ''written order'' for the purposes of NYSE Rule 117 if the member could show that the transmission of the order: (1) Provided adequate information relating to the price, size and time of the order, the cancellation of the order and any other relevant order information; (2) satisfied the Exchange's audit trail requirements; and (3) satisfied all other Exchange reporting and record-keeping requirements.

Furthermore, the Wireless Policy provided that all orders entered from off the Floor were required to be transmitted to a Floor broker's booth terminal prior to transmission to the Floor broker's hand-held.[7] In addition, the Wireless Policy required Floor brokers to create and maintain a paper record at the booth to supplement the electronic record of an order transmitted from an off-Floor location to a booth terminal and, from the booth to a Floor broker's hand-held.[8]

Since the implementation of the Wireless Policy in 1995 and its subsequent amendment, the Exchange has made significant technological developments to the operation of its market. The Exchange has evolved into a more electronic market and the NYSE's trading systems have been continuously upgraded to provide for greater speed and efficiency in processing orders and reports through the hand-held.

The current electronic trading environment on the Floor has obviated the necessity for paper orders, as well as the need to electronically route all messages through the booth as an intermediate step between the Floor broker's hand-held and the message's points of origin and destination. In particular, the NYSE's systems have evolved significantly since the Wireless Policy was first approved, and are now capable of capturing all order information, including price, size and time, electronically, thereby rendering paper records unnecessary. In recognition of this, subsequent to the implementation of the Wireless policy, the Exchange amended NYSE Rule 123 (Record of Orders) to add sections (e) (System Entry Required) and (f) (Reports of Order Executions).[9] These amendments required the entry of order information and execution reports into an electronic system on the Floor. All NYSE broker trading systems operate to create an electronic order trail, making the creation of a supplemental paper audit trail obsolete.[10]

Proposed Modifications to the Wireless Policy and Interpretation of NYSE Rule 117

The Exchange now proposes to amend the Wireless Policy and the interpretation of NYSE Rule 117, to provide that wireless communications can be sent and received directly to and from the hand-held. For example, orders entered from off the Floor may be transmitted directly to a hand-held, bypassing the booth.[11] Likewise, Floor brokers may send order-related messages (*e.g.*, cancellations and administrative messages) and information (*e.g.*, Market Look data) back to the customer directly through the hand-held. The Exchange seeks to modify its Wireless Policy to eliminate the requirement that orders be routed to the booth terminal before being received by the hand-held. Order-related messages or information sent from the hand-held would also not be routed to the booth terminal before being transmitted off-Floor. Pursuant to the instant proposal, orders and order-related messages or information may be sent directly to and received by the hand-held. These proposed amendments to the Wireless Policy do not change the content of what is sent currently to and from the hand-helds but simply amends the procedure for transmitting such information to and from the hand-held.

Pursuant to the proposed new Wireless Policy, where: (1) Orders are transmitted electronically from a member's off-Floor location to a booth

[6] See Securities Exchange Act Release No. 39379 (December 1, 1997), 62 FR 64615 (December 8, 1997) (SR–NYSE–97–17). The 1997 amendments also clarified that a vendor cannot provide wireless data communications services to Floor members unless such member is a member organization of the Exchange; and announced the forms of agreement and provisions pursuant to which the Exchange would allow vendors and member organizations to provide wireless data communications services to members on the Floor of the Exchange in the production roll-out environment.

[7] *See* Securities Exchange Act Release No. 36156 (August 25, 1995), 60 FR 45756 (September 1, 1995) (SR–NYSE–95–22) at Footnote 8.

[8] *Id.* at Footnote 9.

[9] *See* Securities Exchange Act Release No. 43689 (December 7, 2000), 65 FR 79145 (December 18, 2000) (SR–NYSE–98–25).

[10] Additionally, the NYSE has adopted NYSE Rule 132A (Synchronization of Member Business Clocks) and NYSE 132B (Order Tracking Requirements). These rules require that members and member organizations create and maintain electronic records of orders originated, received, and transmitted to a market center for execution. These Rules, in conjunction with the amendments to NYSE Rule 123 which requires system entry on the Floor, create an electronic record of orders, transmittals, and executions.

[11] In 2007, the NYSE amended NYSE Rule 54 and other rules to permit appropriately registered and supervised employees working in Exchange Regulation-approved booths to process orders sent to the booth in the same manner that sales traders in an ''upstairs'' office are allowed to process orders. *See* Securities Exchange Act Release No. 55908 (June 14, 2007), 72 FR 34056 (June 20, 2007) (SR–NYSE–07–51). *See also* Exchange Information Memo 07–77. This amendment to the Wireless Policy would not impact those rules because the direct transmittal of an order from off the Floor to the handheld would constitute a determination to have the order represented and executed on the NYSE Floor, and not processed in the booth in the same manner as an ''upstairs'' trading desk.

terminal and then the order is retransmitted from the booth terminal to a member's hand-held; or (2) order-related messages or information are transmitted directly to the hand-held, bypassing the booth, a record must be established and maintained which reflects the time the order or order-related message or information was received by the booth terminal or the hand-held. The time of receipt will be captured by the Booth or the hand-held, depending upon where the order was routed. The record of time of receipt by a hand-held and [sic] will be established and maintained by such device or the Booth and by the server which receives a message acknowledgment from the hand-held or the Booth. The Booth will not be required to print records.

Orders sent from off-Floor to the booth or the hand-held are first sent through a secured network and routed to an NYSE wired database that captures and records the orders. Likewise, order related messages or information generated from the Floor broker's booth or hand-helds are transmitted back to the Exchange-wired databases via the secured wireless network, where the information is captured and recorded, and then sent off-Floor to the customer via the Exchanges secured network. In short, Exchange wired databases capture and record all of the information sent to and transmitted from the hand-held.

The Exchange notes that the transmission of orders from off-Floor locations directly to the hand-helds and order-related messages or information sent from hand-helds to off-Floor locations will not result in an increased risk of loss of order information. As is the case today, all orders and order-related messages or information will be recorded in an Exchange database upon receipt and prior to delivery to the hand-held. In the event that a hand-held loses connectivity with the database, all incoming and outgoing transactions will continue to be captured and stored in said database and will be re-transmitted to the hand-held once connectivity is restored. To further mitigate the risk of any loss of data, the NYSE infrastructure offers a fully redundant, dual-sited back-up database. This same infrastructure is currently in place today for orders received into NYSE systems destined for a booth. Therefore, all the information captured by the database is the identical information that would be captured had the order been sent to the Floor booth before being sent to the hand-held or the order-related message or information had been sent from the hand-held to the Floor booth. The informational content transmitted to and from the hand-held remains the same and is not affected by these proposed amendments.

Furthermore, this change will not impact the requirements for the system entry of orders and execution reports under NYSE Rules 123(e) and (f). All order, order messages and report information captured by the database will be provided electronically in the same manner as orders transmitted directly to a booth today for audit trail purposes. The wireless infrastructure captures the same information that was previously captured in the Floor booth. The hand-held will operate as the functional equivalent as the Floor booth premise for order receipt and retention purposes.

Removing the requirement that orders be transmitted to the Floor booth will not affect the adequacy of information that is required to be provided through the hand-held. In fact, the hand-held will continue to provide the requisite information as to price, size and time of the order, and information if the order is cancelled. Audit trail information will be captured electronically by the hand-held, thereby obviating the need for the transmission to the booth terminal which historically recorded this information.

NYSE Rule 117 will now be interpreted to recognize any order transmitted directly to the hand-held to constitute a written order since the requisite information as to price, size and time of the order, and information if the order is cancelled will be captured by the hand-held. Furthermore, the information directly sent to the hand-held satisfies the Exchange's audit trail requirements and all other Exchange reporting and record-keeping requirements.

The Exchange believes that this proposal will provide for a more efficient and expeditious mechanism for order execution. The Exchange further believes that its customers and market participants will benefit from faster order execution, enhanced market quality and a reduction in latency of order executions as a result of this proposal.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5),[12] which requires that an exchange have rules that are designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is consistent with these objectives in that it enables the Exchange to further facilitate transactions on the NYSE Trading Floor by eliminating the requirements that orders entered from off the Floor require transmission to a Floor booth before being transmitted to the hand-held for representation and execution or that order-related messages or information from the hand-held be transmitted to a Floor booth before being transmitted off-Floor. The elimination of this routing through the Floor booth terminal removes an impediment to the order execution system and provides for a faster, more efficient method of order execution.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is 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

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 foregoing 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 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b-4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[16] permits the Commission to designate a shorter time if such action is consistent

[12] 15 U.S.C. 78f (b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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. NYSE has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

with the protection of investors and the public interest. NYSE requests that the Commission waive the 30-day operative delay in order to immediately remove an impediment to the efficient execution of customer orders and transmission of order-related messages or information. The Exchange believes that it promotes the protection of investors and serves the public interest to have its systems allow for the delivery of customer orders to the point of sale and order-related messages or information back to the customer immediately now that hand-held technology is capable of meeting all audit trail requirements. The Commission notes the Exchange's representation that the proposed changes to the Wireless Policy do not change the content of what is sent to and from the hand-helds, but simply amends the procedure for transmitting such information. In addition, the Commission notes the Exchange's representation with regard to the ability of Exchange systems to capture and record all information sent to and transmitted from the handhelds. For these reasons, the Commission believes that waiving the 30-day operative delay [17] is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.

At any time within 60 days of the filing of the 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.

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–NYSE–2009–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–33. 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 Exchange. 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 publicly available. All submissions should refer to File Number SR–NYSE–2009–33 and should be submitted on or before April 22, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–7214 Filed 3–31–09; 8:45 am]

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[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59627; File No. SR–NYSEAmex–2009–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex LLC Formally Adopting and Codifying Its Wireless Data Communications Initiatives

March 25, 2009.

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 March 23, 2009, NYSE Amex US LLC (the ''Exchange'' or ''NYSE Amex'') 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 NYSE Amex. NYSE Amex has submitted the proposed rule change pursuant to Rule 19b–4(f)(6) under the Act,[3] 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 persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to formally adopt and codify its Wireless Data Communications Initiatives (referred to herein as the ''Wireless Policy'').

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 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

NYSE Amex LLC (''NYSE Amex'' or ''Exchange''), formerly the American Stock Exchange LLC and NYSE Alternext US LLC[4] proposes to formally adopt and codify a Wireless Data Communications Initiative (referred to herein as the ''Wireless Policy''). The proposed Wireless Policy is identical to a proposal separately submitted by the New York Stock Exchange LLC (''NYSE'').[5]

Background

As described more fully in a related rule filing,[6] NYSE Euronext acquired The Amex Membership Corporation (''AMC'') pursuant to an Agreement and Plan of Merger, dated January 17, 2008 (the ''Merger''). In connection with the Merger, the Exchange's predecessor, the American Stock Exchange LLC (''Amex''), a subsidiary of AMC, became a subsidiary of NYSE Euronext called NYSE Alternext US LLC, and continues to operate as a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, as amended (the ''Act'').[7] The effective date of the Merger was October 1, 2008.

In connection with the Merger, on December 1, 2008, the Exchange relocated all equities trading conducted on the Exchange legacy trading systems and facilities located at 86 Trinity Place, New York, New York, to trading systems and facilities located at 11 Wall Street, New York, New York (the ''Equities Relocation''). The Exchange's equity trading systems and facilities at 11 Wall Street (the ''NYSE Amex Trading Systems'') are operated by the NYSE on behalf of the Exchange.[8]

As part of the Equities Relocation, NYSE Amex adopted NYSE Rules 1–1004, subject to such changes as necessary to apply the Rules to the Exchange, as the NYSE Amex Equities Rules to govern trading on the NYSE Amex Trading Systems.[9] The NYSE Amex Equities Rules, which became operative on December 1, 2008, are substantially identical to the current NYSE Rules 1–1004 and the Exchange continues to update the NYSE Amex Equities Rules as necessary to conform with rule changes to corresponding NYSE Rules filed by the NYSE.

Pursuant to the Equities Relocation, the Exchange's equity trading systems and facilities are operated by the NYSE on behalf of the Exchange. As a result, NYSE Amex Trading Systems currently operate pursuant to the NYSE's policies and procedures that govern wireless data communication technology of the Floor.[10] The NYSE formally submitted a proposal to the Securities and Exchange Commission to modify its policies and procedures that govern wireless data communications technology on the systems NYSE operates on behalf of the Exchange. As such, the Exchange submits this proposal to formally adopt and codify those amended policies and procedures.

Wireless Policy

The Exchange now proposes to formally adopt a Wireless Policy that allows wireless communications to be sent to and received directly to and from: (i) A Floor broker's booth premise; or (ii) wireless technology in the form of wireless hand-held data communication devices. A wireless hand-held device (''hand-held'') is a tool used by Floor brokers as part of an integrated Floor order management system to trade and to send and receive messages. Such messages can consist of orders and cancellations and modification of orders, as well as electronic text messages permitting the communication of text or graph information. Pursuant to the policy, orders entered from off the Floor may be transmitted to a Floor broker's booth or directly to a hand-held.[11] Likewise, Floor brokers may send order-related messages (*e.g.*, cancellations and administrative messages) and information (*e.g.*, Market Look data) back to the customer from the booth premise or directly from the hand-held.

Pursuant to the proposed Wireless Policy, where: (1) Orders are transmitted electronically from a member's off-Floor location to a booth terminal and then the order is retransmitted from the booth terminal to a member's hand-held; or (2) order-related messages or information are transmitted directly to the hand-held, bypassing the booth, a record must be established and maintained which reflects the time the order or order-related message or information was received by the booth terminal or the hand-held. The time of receipt will be captured by the Booth or the hand-held, depending upon where the order was routed. The record of time of receipt by a hand-held may be established and maintained by such device or the Booth and by the server which receives a message acknowledgment from the hand-held or the Booth. The Booth will not be required to print records.

Orders sent from off-Floor to the booth or the hand-held are first sent through a secured network and routed to an Exchange wired database that captures and records the orders. Likewise, order-related messages or information generated from the booth or the Floor broker's hand-held are transmitted back to the Exchange-wired databases via the secured wireless network, where the information is captured and recorded, and then sent off-Floor to the customer via the Exchange's secured network. In short, Exchange wired databases capture and record all of the information sent to and transmitted from the hand-held.

[4] On March 3, 2009, the Exchange submitted a rule filing to change its name from NYSE Alternext US LLC to NYSE Amex LLC (SR–NYSEALTR–2009–24).

[5] See SR–NYSE–2009–33 (filed on March 20, 2009). The NYSE filing includes a historical discussion of the implementation of the NYSE Wireless Policy.

[6] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex 2008–62) (approving the Merger).

[7] 15 U.S.C. 78f.

[8] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex 2008–63) (approving the Equities Relocation).

[9] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex 2008–63) (approving the Equities Relocation); Securities Exchange Act Release No. 58833 (October 22, 2008), 73 FR 64642 (October 30, 2008) (SR–NYSE–2008–106) *and* Securities Exchange Act Release No. 58839 (October 23, 2008), 73 FR 64645 (October 30, 2008) (SR–NYSEALTR–2008–03) (together, approving the Bonds Relocation); Securities Exchange Act Release No. 59022 (November 26, 2008), 73 FR 73683 (December 3, 2008) (SR–NYSEALTR–2008–10) (adopting amendments to NYSE Alternext Equities Rules to track changes to corresponding NYSE Rules); Securities Exchange Act Release No. 59027 (November 28, 2008), 73 FR 73681 (December 3, 2008) (SR–NYSEALTR–2008–11) (adopting amendments to Rule 62—NYSE Alternext Equities to track changes to corresponding NYSE Rule 62).

[10] The Exchange's Wireless Communications Plan governing the use of the hand-held on the Equities Trading Floor is the same as the NYSE's, which was previously approved by the Commission. *See* Securities Exchange Act Release No. 36156 (August 25, 1995), 60 FR 45756 (September 1, 1995) (SR–NYSE–95–22). The approval order of the initial filing and subsequent amendment by the Commission to changes to the Wireless Data Communications Initiatives has historically been referred to by the NYSE as its ''Wireless Policy.'' *See also* Securities Exchange Act Release No. 39379 (December 1, 1997), 62 FR 64615 (December 8, 1997) (SR–NYSE–97–17).

[11] Pursuant to NYSE Amex Equities Rule 54, appropriately registered and supervised employees working in Exchange Regulation-approved booths are permitted to process orders sent to a Floor broker's booth premise in the same manner that sales traders in an ''upstairs'' office are allowed to process orders. The proposed Wireless Policy would not impact this ability because the direct transmittal of an order from off the Floor to the handheld would constitute a determination to have the order represented and executed on the Exchange Floor, and not processed in the booth in the same manner as an ''upstairs'' trading desk.

The Exchange notes that the transmission of orders from off-Floor locations directly to the hand-helds and order-related messages or information sent from hand-helds to off-Floor locations will not result in an increased risk of loss of order information. As is the case today, all orders and order-related messages or information will be recorded in an Exchange database upon receipt and prior to delivery to the hand-held. In the event that a hand-held loses connectivity with the database, all incoming and outgoing transactions will continue to be captured and stored in said database and will be re-transmitted to the hand-held once connectivity is restored. To further mitigate the risk of any loss of data, the Exchange infrastructure offers a fully redundant, dual-sited back-up database. This same infrastructure is currently in place today for orders received into NYSE Amex systems destined for a booth. Therefore, all the information captured by the database is the identical information that would be captured had the order been sent to the Floor booth before being sent to the hand-held or the order-related message or information had been sent from the hand-held to the Floor booth. The informational content transmitted to and from the hand-held remains the same and is not affected by the proposed Wireless Policy.

Furthermore, this change will not impact the requirements for the system entry of orders and execution reports pursuant to NYSE Amex Equities Rule 123(e) and (f). All orders, order messages and report information captured by the database will be provided electronically in the same manner as orders transmitted directly to a booth today for audit trail purposes. The wireless infrastructure captures the same information that was previously captured in the Floor booth. The hand-held will operate as the functional equivalent as the Floor booth premise for order receipt and retention purposes.

Hand-helds will continue to provide the requisite information as to price, size and time of the order, and information if the order is cancelled. Audit trail information will be captured electronically by the hand-held, thereby obviating the need for the transmission to the booth terminal which historically recorded this information.

Pursuant to NYSE Amex Equities Rule 117, any order transmitted directly to the hand-held to constitute a written order since the requisite information as to price, size and time of the order, and information if the order is cancelled will be captured by the hand-held. Furthermore, the information directly sent to the hand-held satisfies the Exchange's audit trail requirements and all other Exchange reporting and record-keeping requirements.

The Exchange believes that this proposal will facilitate an efficient and expeditious mechanism for order execution. The Exchange further believes that its customers and market participants will benefit from faster order execution, enhanced market quality and a reduction in latency of order executions as a result of this proposal.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5),[12] which requires that an exchange have rules that are designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is consistent with these objectives in that it enables the Exchange to further facilitate transactions on the Exchange Trading Floor by allowing for the direct transmission of orders and order-related messages and information to the hand-held for representation and execution. Likewise, the ability to transmit order-related messages or information from the hand-held to off-Floor customers provides the customer with speed of execution and greater market transparency for off-Floor participants. Overall, the Exchange believes that its Wireless Policy provides for a faster, more efficient method of order execution.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is 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

No written comments were solicited or received with respect to the proposed rule change.

[12] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. NYSE Amex requests that the Commission waive the 30-day operative delay in order to immediately remove an impediment to the efficient execution of customer orders and transmission of order-related messages or information. The Exchange represents that the proposed changes merely seek to adopt the identical provisions of the NYSE Wireless Policy. The Exchange believes that it promotes the protection of investors and serves the public interest to have its systems allow for the delivery of customer orders to the point of sale and order-related messages or information back to the customer immediately now that hand-held technology is capable of meeting all audit trail requirements. The Commission notes the Exchange's representation that the proposed changes to the Wireless Policy do not change the content of what is sent to and from the hand-helds, but simply amends the procedure for transmitting such information. In addition, the Commission notes the Exchange's representation with regard to the ability of Exchange systems to capture and record all information sent to and transmitted from the handhelds. For these reasons, the Commission believes that waiving the 30-day operative delay [17] is consistent with the protection

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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. NYSE Amex has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the

of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.

At any time within 60 days of the filing of the 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.

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–NYSEAmex–2009–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2009–02. 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 Exchange. 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 publicly available. All submissions should refer to File Number SR–NYSEAmex–2009–02 and should be submitted on or before April 22, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–7217 Filed 3–31–09; 8:45 am]

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proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 3.375 (3⅜) percent for the April–June quarter of FY 2009.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Grady B. Hedgespeth,

Director, Office of Financial Assistance.

[FR Doc. E9–7315 Filed 3–31–09; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Providing Guidance on Airline Baggage Liability and Responsibilities of Code Share Partners Involving International Itineraries

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice.

SUMMARY: The Department is publishing the following notice on Airline Baggage Liability and Responsibilities of Code Share Partners Involving International Itineraries.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Attorney, Office of Aviation Enforcement and Proceedings (C–70), 1200 New Jersey Ave., SE.,Washington, DC 20590, (202) 366–9349.

This notice is intended to give guidance to U.S. and foreign air carriers on two tariff matters: First, tariffs relating to liability for lost, stolen, delayed or damaged baggage carried on international itineraries; and second, tariffs that appear to assign responsibility, in code-share service, to the operating carrier rather than the selling carrier (*i.e.*, the carrier shown on the ticket).

We have become aware of tariff provisions filed by several carriers that attempt, with respect to checked baggage, to exclude certain items, generally high-cost or fragile items such as electronics, cameras, jewelry or antiques, from liability for damage, delay, loss or theft. A typical provision found in carrier tariffs and disclosed on carrier Web sites states that the carrier does not assume liability for loss, damage, or delay of ''certain specific items, including: * * * antiques, documents, electronic equipment, film, jewelry, keys, manuscripts, medication, money, paintings, photographs * * *.''

Such exclusions, while not prohibited in domestic contracts of carriage, are in contravention of Article 17 of the Montreal Convention (Convention),[1] as revised on May 28, 1999. Article 17 provides that carriers are liable for damaged or lost baggage if the ''destruction, loss or damage'' occurred while the checked baggage was within the custody of the carrier, except to the extent that the damage ''resulted from the inherent defect, quality or vice of the baggage.'' [2] Article 19 provides that a carrier is liable for damage caused by delay in the carriage of baggage, except to the extent that it proves that it took all reasonable measures to prevent the damage or that it was impossible to take such measures. Although carriers may wish to have tariff terms that prohibit passengers from including certain items in checked baggage, once a carrier accepts checked baggage, whatever is contained in the checked baggage is protected, subject to the terms of the

[1] Convention for the Unification of Certain Rules for International Carriage by Air, adopted on May 28, 1999 at Montreal.

[2] The quoted language might absolve a carrier from liability for a fragile item that is damaged during transport. It would not absolve the carrier from liability for the item's loss or theft.

Convention, up to the limit of 1000 SDRs (Convention, Article 22, para. 2.).[3] Carriers should review their filed tariffs on this matter and modify their tariffs and their baggage claim policies, if necessary, to conform to the terms of the Convention. In addition, carriers should ensure that their websites do not contain improper information regarding baggage liability exclusions applicable to international service.

A second issue of concern stems from airline tariffs related to code-share service. As a condition for approval of international code-share services, the Department has as a matter of policy required that ''the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in the contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.'' (Order 2008–5–19, OST–2008–0064).[4] Notwithstanding this clear language, several carriers have filed tariff provisions that purport to apply the terms and conditions of the operating carrier's contract of carriage generally, or in certain areas such as check-in time limits, unaccompanied minors, carriage of animals, refusal to transport, oxygen service, irregular operations, denied boarding compensation, and baggage acceptance, allowance and liability. Others state that passengers on code-share flights ''may be subject'' to the operating carrier's baggage charges. A number of carriers have no clear tariff rule on the subject. The intent of this DOT code-share approval provision may not be circumvented by tariff provisions attempting to allocate responsibility and contract of carriage provisions in different ways by the carriers involved, or by silence on the subject. As with the exclusionary provisions cited above, carriers should review their tariffs and practices and make revisions, if necessary, to reflect the conditions imposed in the Department's orders approving code-share service.

As a matter of policy, the Aviation Enforcement Office will consider the subject tariff provisions noted above involving exclusionary baggage provisions to be of no effect and in violation of the Convention and those involving code share relationships to be in violation of pertinent Department approvals of those code-share services. The tariffs and their application, and similar practices, in the view of the Aviation Enforcement Office, also constitute unfair or deceptive business practices and unfair methods of competition in violation of 49 U.S.C. 41712. Carriers should, therefore, review their tariffs and practices with respect to these two areas and, if necessary, immediately modify their practices to conform to the Convention and Department code-share conditions and, within 90 days of this notice, revise their respective tariffs and modify appropriately the statements of their baggage and code-share policies on their Web sites. After that date, the Aviation Enforcement Office will pursue enforcement action in appropriate cases. This disclosure guidance, it should be noted, also extends to ticket agents. Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings (C–70), U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590.

Dated: March 26, 2009.
By:

Samuel Podberesky,

Assistant General Counsel for Aviation Enforcement and Proceedings.

An electronic version of this document is available at *http://www.regulations.gov.*

[FR Doc. E9–7264 Filed 3–31–09; 8:45 am]
BILLING CODE 4910–9X–P

[3] Article 22, para. 2 also allows the passenger to declare excess value for baggage, subject to payment of a supplementary fee if the carrier so requires. Some tariff provisions state that the higher declared value shall not apply to a list of valuable articles including ''money, jewelry, silverware, negotiable papers, securities, business documents, samples, paintings * * *.'' Such rules are also inconsistent with the Convention.

[4] Similar language occurs in numerous other approvals of code-share services.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Kansas City International Airport, Kansas City, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Kansas City Aviation Department for the Kansas City International Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act, herein after referred to as ''the Act'') and 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as ''Part 150'') are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the Kansas City International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before September 16, 2009.

DATES: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is March 20, 2009. The public comment period ends May 19, 2009.

FOR FURTHER INFORMATION CONTACT: FAA, Todd Madison, ACE–61 1 F, 901 Locust, Room 335, Kansas City, Missouri 64106–2325, *todd.madison@faa.gov*, 816–329–2640. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces the FAA finds that the noise exposure maps submitted for the Kansas City International Airport are in compliance with applicable requirements of Part 150, effective March 20, 2009. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before September 16, 2009. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 of the Act, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Kansas City Aviation Department submitted to the FAA on March 6, 2009, noise exposure maps, descriptions and other documentation that were produced during the ''2008 Update to 14 CFR Part 150 Noise Exposure Maps and

Noise Compatibility Program.'' It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Kansas City Aviation Department. The specific documentation determined to constitute the noise exposure maps includes: Current Noise Exposure Map (2008) as shown on Exhibit NEM–1, Future Noise Exposure Map/Noise Compatibility Program Map (2013) as shown on Exhibit NEM–2, and the associated supporting report, ''2008 Update to 14 CFR Part 150 Noise Exposure Maps and Noise Compatibility Program'', which contains all other narrative, graphic, or tabular representations of the data as required by section Al 50.101 of Part 150, and sections 47503 and 47506 of the Act. The FAA has determined that these maps for the Kansas City International Airport are in compliance with applicable requirements. This determination is effective on March 20, 2009. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Kansas City International Airport, also effective on March 20, 2009. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 16, 2009.

The FAA's detailed evaluation will be conducted under the provisions of section 150.33 of Part 150. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All relevant comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Central Region Airports Division, Room 335, 901 Locust, Kansas City, Missouri 64106–2325, from 7:30 a.m. to 4 p.m.

Lapondzia Jones, Kansas City Aviation Department, Kansas City International Airport, 601 Brasilia Avenue, Kansas City, Missouri 64153–2054, from 8 a.m. to 5 p.m.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Kansas City, Missouri, March 20, 2009.

Jim A. Johnson,

Manager, Central Region Airports Division.

[FR Doc. E9–7000 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and other Federal agencies that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, State Route 76 (SR–76) from Melrose Drive in Oceanside to South Mission Avenue in Bonsall [KP 11.7/21.1 (PM 7.3/13.1)] in the county of San Diego, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 28, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then the shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Susanne Glasgow, Deputy District Director, Division of Environmental Analysis, California Department of Transportation, 4050 Taylor Street, San Diego, CA 92110, Regular Office Hours 8 a.m. to 5 p.m., Telephone number 619–688–0100, e-mail *Susanne.Glasgow@dot.ca.gov*.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project is located in northern San Diego County on SR–76 from Melrose Drive in the City of Oceanside, to South Mission Road in the unincorporated community of Bonsall, covering a distance of approximately 9.4-kilometers (5.8-miles). The project would construct SR–76 as a four-lane conventional highway

with right-of-way and grading to accommodate future widening, if justified. The project would require channelization lanes in some locations and would be constructed to accommodate six-lanes in response to the channelization need. The Existing Alignment Alternative has been selected as the Preferred Alternative and the Least Environmentally Damaging Practicable Alternative (LEDPA). The FHWA project reference number is FHWA–CA–EIS–07–01–F. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on November 26, 2008, in the FHWA Record of Decision (ROD) issued on March 3, 2009, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.keepsandiegomoving.com/sr-76.html*. Pending federal actions include:

• 401 Water Quality Certification from the Regional Water Quality Control Board, under Section 401 of the Clean Water Act.

• 404 Permit pursuant to the *Memorandum of Understanding Among the FHWA; Caltrans, USACE, U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the National Environmental Policy Act and the Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California* (NEPA/404 MOU).

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. Farmland Protection Policy Act of 1981;
11. Title VI of the Civil Rights Act of 1964;
12. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;
13. National Historic Preservation Act of 1966;
14. Historic Sites Act of 1935;
15. Executive Order 11990, Protection of Wetlands;
16. Executive Order 13112, Invasive Species;
17. Executive Order 11988, Floodplain Management; and,
18. Executive Order 12898, Environmental Justice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1)

Issued on: March 25, 2009.

Cindy Vigue,

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. E9–7278 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Informational Filing To Test a Processor-Based Signal and Train Control System and a Request for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

CSX Transportation, Inc.

(Docket Number FRA–2006–25057)

On June 11, 2007, FRA authorized CSX Transportation, Inc. (CSXT) to conduct limited field testing of its Communications Based Train Management (CBTM) system. CBTM is a non-vital safety-critical overlay designed to supplement the existing method of operation to protect against the consequence of human error. As part of this authorization, FRA granted CSXT temporary conditional relief from certain requirements of the Federal railroad safety regulations, including specific sections of the following Parts of Title 49 of the CFR: 216 (Special notice and emergency order procedures: Railroad track, locomotive and equipment), 217 (Railroad operating rules), 218 (Railroad operating practices), 229 (Railroad locomotive safety standards), 233 (Signal systems reporting requirements), 235 (Instructions governing applications for approval or a discontinuance or material modification of a signal system or relief from the requirements of part 236), 236 (Rules, standards, and instructions governing the installation, inspection, maintenance, and repair of signal and train control systems, devices, and appliances), and 240 (Qualification and certification of locomotive engineers). Details of the exact relief granted are found in FRA's June 11, 2007, letter (document number FRA–2006–25057–0008).

The CBTM test territory authorized was 144.9 miles of CSXT trackage on the Blue Ridge Subdivision of the Huntington Division West, and 128.1 miles of CSXT trackage on two subdivisions, the Spartanburg and McCormick subdivisions of the Florence Division.

In association with the continued development and implementation testing of the CBTM system, by letter dated August 13, 2008, CSXT submitted an amended informational filing and waiver petition seeking to modify the terms of FRA's June 11, 2007, approval. In its August 13, 2008, waiver petition, CSXT asserts that because of increased traffic in the approved test territories, recent signal system upgrades have been completed that limit its ability to properly conduct CBTM fields tests in the previously approved territory. Accordingly, CSXT requests that FRA amend its original approval and waiver to apply to new test territories on the railroad's Aberdeen and Andrews's subdivisions. Specifically, CSXT requests authority to test its CBTM system consistent with the conditions outlined in FRA's June 11, 2007, approval on 86.9 miles of CSXT trackage on the Aberdeen subdivision and 156.6 miles of CSXT trackage on the Andrews subdivision. Both the Aberdeen and Andrews subdivision are part of CSXT's Florence Division.

For information purposes only, FRA is also providing notice that pursuant to 49 CFR 236.913(j), CSXT has submitted an amended informational filing pertaining to enhancements that have been made to the CBTM system. FRA will accept comments on the amended informational filing only as far as that document requires waivers from regulatory requirements.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA–2006–25057) and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC, on March 26, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–7249 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

New River Railway Company (Docket Number FRA–2009–0005)

The New River Railway Company (NR) of Devonia, Tennessee, has petitioned for a permanent waiver of compliance for one locomotive (SOU 520) and two rail passenger coaches (NR 290 and NR 808) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The locomotive, as well as the two coaches, are in good condition with no defective glass.

NR operates between Huntsville and Devonia, Tennessee, a distance of approximately 32 miles, only on Saturday and Sunday. The territory is farm land, dense woodland and tall hills following NR. The operating speed is between 10 and 15 miles per hour (mph) and slowed down to 5 mph at times for passengers to view certain scenery. NR states that there is no history of vandalism involving their operations. NR also states that no one makes the safety glazing for the subject locomotive and the coaches because of the age of the equipment, and that to have the glazing specially made to FRA specifications for this equipment could cost more than the equipment would be worth to start with.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2009–0005) and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC, on March 26, 2009

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–7251 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Railserve Inc.

[Docket Number FRA–2008–0138]

The Railserve Inc. (RASX) of Atlanta, Georgia, has petitioned for a permanent waiver of compliance for fifteen (15) locomotives from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which requires certified glazing in all windows. The reporting marks on these locomotives are RASX 5487, RASX 1078, RASX 2460, RASX 2558, RASX 8959, RASX 5489, RASX 5077, RASX 1037, RASX 356, RASX 4487, RASX 4489, RASX 8999, RASX 103, RPRY 2402, and LTEX 2503.

These locomotives are used in switching operations inside the DOW A & B Chemical Plants in Freeport, Texas. The switching operations involve interchange with the Union Pacific Railroad Company for inbounds and outbounds only on the trackage that is less than ¼ mile long. RASX states that there is no history of vandalism at the DOW A & B Chemical Plants in Freeport, Texas, and that all of the locomotives are parked inside the plants at all times. The top speed of operations is 5 miles per hour. RASX has stated that to install glass at FRA specifications would be cost prohibitive.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2008–0138) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC on March 26, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–7247 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

SMS Rail Service

[Docket Number FRA–2009–0018]

The SMS Rail Service (SMS Lines) of Bridgeport, New Jersey, has petitioned for a permanent waiver of compliance for three locomotives (SLRS 304, SLRS 305 and SLRS 306) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which requires certified glazing in all windows. The locomotives are in good condition with no defective glass. SMS Lines operates these locomotives in back-up service within the Pureland Industrial Park in Bridgeport, NJ, and the Valero Refinery in Paulsboro, NJ. There has been no history of broken glass at these locations and there are no overhead bridges or tunnels. The maximum operating speed is 10 miles per hour. SMS Lines states that they plan to upgrade all three locomotives to FRA Safety Glazing Standards as and when these locomotives are overhauled and repaired. SMS Lines is, therefore, seeking interim relief from the FRA Safety Glazing Standards.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2009–0018) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC, on March 26, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–7250 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Sunflour Railroad Inc./Denver Rock Island Railroad

[Docket Number FRA–2003–15513]

The Sunflour Railroad Inc./Denver Rock Island Railroad (SNR) of Commerce City, Colorado, has petitioned for a permanent waiver of compliance for one locomotive (SNR 61) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The locomotive is equipped with automotive type safety glass that is in good condition with no discoloration. SNR operates over 26.3 miles of excepted track in primarily rural territory at speeds not exceeding 10 miles per hour. There has been no instances of vandalism from the time the original waiver was granted in 2003. As stated in their original petition for waiver in 2003, SNR states that the expense of retrofitting the locomotive to comply with FRA Safety Glazing Standards would impose an undue financial burden on the company to protect against situations they do not encounter.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2003–15513) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov*.

Anyone is able to search the electronic form of any written communications and 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC on March 26, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0178]

Amendments to Highway Safety Program Guidelines

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Revisions to highway safety program guidelines.

SUMMARY: Section 402 of title 23 of the United States Code requires the Secretary of Transportation to promulgate uniform guidelines for State highway safety programs.

This notice revises five of the existing guidelines and adds a new one to reflect program methodologies and approaches that have proven to be successful and are based on sound science and program administration. The revised guidelines are Guideline No. 4 Driver Education; Guideline No. 5 Non-Commercial Driver Licensing; Guideline No. 7 Judicial and Court Services; Guideline No. 10 Traffic Records; and Guideline No. 17 Pupil Transportation. The new guideline is Guideline No. 12 Prosecutor Training.

DATES: The revised guidelines become effective as of the date of publication of this document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Susan Kirinich, Research and Program Development, NTI–100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; *Telephone:* 202–366–1755; *Fax:* 202–366–7721.

SUPPLEMENTARY INFORMATION:

I. Background

Section 402 of title 23 of the United States Code requires the Secretary of Transportation to promulgate uniform guidelines for State highway safety programs. As the highway safety environment changes, it is necessary for NHTSA to update the guidelines to provide current information on effective program content for States to use in developing and assessing their traffic safety programs. Each of the revised guidelines reflects the best available science and the real-world experience of NHTSA and the States in developing and managing traffic safety program content. Specifically, NHTSA will update the guidelines periodically to address new issues and to emphasize program methodology and approaches that have proven to be effective in these program areas.

The guidelines offer direction to States in formulating their highway safety plans for highway safety efforts that are supported with Section 402 grant funds as well as safety activities funded from other sources. The guidelines provide a framework for developing a balanced highway safety program and serve as a tool with which States can assess the effectiveness of their own programs. NHTSA encourages States to use these guidelines and build upon them to optimize the effectiveness of highway safety programs conducted at the State and local levels.

The revised and new guidelines emphasize areas of nationwide concern and highlight effective countermeasures. As each guideline is updated or created, it will include a date representing the date of its revision or development.

All the highway safety guidelines are available on the NHTSA Web site at *http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/*.

In a Notice published in the **Federal Register** on February 6, 2007 (72 FR 5495), the agency requested comments on the proposed revisions and additions to the guidelines. The guidelines the agency proposed to revise were Guideline No. 4 Driver Education; Guideline No. 5 Non-Commercial Driver Licensing; Guideline No. 7 Judicial and Court Services; Guideline No. 10 Traffic Records; Guideline No. 17 Pupil Transportation; and Guideline No. 21 Roadway Safety. The new guideline is Guideline No. 12 Prosecutor Training. This new Guideline was developed because NHTSA has found educating prosecutors and judges to be an important part of broader efforts to enforce and prosecute traffic safety laws at the State and local levels. Guideline No. 21 Roadway Safety is still under review, and will be addressed in a subsequent publication. Overall, these revisions and additions will provide up-to-date and current guidance to States.

II. Comments

The agency received comments in response to the notice from several organizations or associations: the American Automobile Association (AAA), the Driver Education and Training Administrators (DETA), the Governors Highway Safety Association (GHSA), the Motorcycle Riders Foundation (MRF), the Motorcycle Safety Foundation (MSF), the National Road Safety Foundation (NRSF), the National School Transportation Association (NSTA), the National Association of Students Against Violence Everywhere (SAVE), one State agency (the State of Michigan Department of State Police); and four individuals.

GHSA submitted general comments on the guidelines. The majority of guideline-specific comments received focused on Guidelines No. 4 Driver Education and No. 5 Non-Commercial Driver Licensing. The agency also received two comments related to Guideline No. 17 Pupil Transportation.

A. Comments in General

SAVE generally supported the guidelines, stating that the guidelines further encourage States to protect students. MRF and MSF expressed general support for the proposed additions of motorcycle-specific safety references.

GHSA provided several general comments on the guidelines and commented on NHTSA's characterization that the guidelines offer direction to States in formulating their highway safety plans for efforts supported with Section 402 and other funds. GHSA also asserted that the 402 program is a behavioral program rather than a comprehensive highway safety program. GHSA further commented that a State's annual Highway Safety Plan is not comprehensive and does not replace strategic highway safety plan requirements under the Highway Safety Improvement Program (HSIP) of Section 148 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Public Law 109–59.

The HSIP directs State transportation departments to establish and implement a State strategic highway safety plan in their State. To receive funds for the program, States must have a process in place to analyze highway safety problems and opportunities and to produce strategies to mitigate identified safety problems. The development and implementation of a strategic highway safety plan within each State requires that the transportation department conduct extensive consultation with other organizations within the State and adopt strategic and performance-based goals that are coordinated with other State highway safety programs. In and of itself this does not require changes in existing planning processes, plans, or programs of other State highway safety agencies; and updating and revising the Highway Safety Guidelines is not considered to be in conflict with the HSIP requirements.

Consistent with Congressional direction, NHTSA has issued the guidelines to provide broad guidance to the States on best practices in each program area. Research has shown that the most effective traffic safety countermeasures involve a comprehensive approach that utilizes education, enforcement, engineering and emergency medical services (the ''4 E's''). This comprehensive approach is cross-cutting by nature and requires voluntary coordination between various State and local agencies. A State Highway Safety Office (SHSO) cannot require or mandate other State or local agencies to participate in this type of cross-cutting program. That does not mean, however, that the overall program approach should avoid those areas that are the primary responsibility of other governmental agencies. A SHSO should seek to work cooperatively with other State and local agencies to implement the guidelines and in development and implementation of the strategic highway safety plan required under Section 148 of SAFETEA–LU. These guidelines are not meant to supersede that process, but rather to complement it.

Citing specific examples in three proposed guidelines (Guideline No. 4 Driver Education; Guideline No. 5 Non-Commercial Driver Licensing; and Guideline No. 7 Judicial and Court Services), GHSA also asserted that ''the guidelines recommend that SHSOs play a role that is beyond their authority or control or that may be unacceptable politically.'' NHTSA does not expect a SHSO to go beyond its State mandate to fulfill the guidelines. It can, however, encourage and support the efforts by other State agencies by providing leadership, technical guidance, or training in these areas, where appropriate.

GHSA also voiced concerns regarding the use of the guidelines. Specifically, GHSA asked whether NHTSA would hold a SHSO responsible for implementing the specific countermeasures in the guidelines, connecting them to assessments and management reviews. The purpose of each highway safety guideline is to provide States a description of a successful comprehensive highway safety program addressing a given safety issue. The agency does not intend the guidelines to be limited to activities required by Section 402, but rather to serve as a blueprint for States in developing and administering their own highway safety programs. Given the unique and changing circumstances in each State, certain guidelines and parts of guidelines may have a greater or lesser impact on the safety plans of different States. NHTSA Regional Offices can provide guidance to States to help determine how to use the guidelines most effectively based on individual State needs.

GHSA asked that NHTSA remove from the guidelines references to SHSOs. NHTSA believes that SHSOs have an important leadership role in developing comprehensive traffic safety programs that effectively reduce traffic fatalities. The highway safety guidelines are intended to provide direction to help SHSOs achieve that goal. As such, the guidelines remain unchanged in response to GHSA's comments outlined above.

B. Comments Regarding Guideline No. 4: Driver Education

The agency received comments related to Guideline No. 4 from AAA,

DETA, GHSA, MRF, MSF, NRSF, and three individuals. The comments are addressed below under the corresponding Guideline section.

I. Program Management

DETA, AAA, and NRSF provided similar comments regarding the Program Management section of the Driver Education Guideline. In particular, DETA suggested that the Guideline should apply to public and private providers of driver education, that there should be collaboration and coordination with other State agencies in addition to the highway safety office, and the inclusion of a full-time State employee to provide leadership for driver education. The agency agrees with these suggestions and recommends that, to the extent feasible, States devote a full-time position for coordination and oversight of its driver education program.

AAA and NRSF stressed the importance of evaluating driver education programs and suggested the use of their materials to achieve this. The agency agrees that this kind of evaluation is important. However, the Guideline allows States to identify their own tools to help them accomplish this goal. NRSF also suggested periodic assessment of drivers. NHTSA believes that the expense of encouraging States to set up such a system would be prohibitive, particularly in light of unknown benefits. The Guideline remains unchanged in response to this comment.

DETA and NRSF stressed the importance of educating younger children about traffic safety. The agency agrees with this comment, and has added language recommending that States consider driver and highway safety education for younger students.

NRSF recommended that each State provide financial incentives to schools to teach driver education. The agency believes that this is solely within the discretion of each State, and, thus, has not included language to this effect in the Guideline.

II. Legislation, Regulation, and Policy

The MSF suggested that language regarding graduated driver licensing (GDL) restrictions may be more appropriate for Highway Safety Guideline No. 5. The agency retained the language in Guideline No. 4, but also added it to Guideline No. 5.

The MRF asked for a ''common sense approach'' in adapting GDL guidelines to motorcycles. NHTSA agrees and has added the language to this Guideline where GDL pertains to motorcycles. In response to this Guideline and Guideline No. 5, MRF indicated it would oppose the Guideline separating motorcycle licenses into categories. The agency notes that neither Guideline suggests such separation.

III. Enforcement Program

An individual commented that GDL is not enforced by the police. The agency agrees that challenges exist for GDL enforcement due to the inherent difficulties of identifying drivers covered by GDL restrictions. The agency has included in the existing language the need for visible and well-publicized enforcement of the components of the GDL and zero tolerance laws. AAA recommended evaluation of enforcement efforts. The agency agrees and believes this is part of an overall evaluation program that is currently incorporated within the Guideline. However, the agency added additional language to this section of the Guideline to further emphasize evaluation of enforcement efforts.

IV. Driver Education and Training Program

DETA suggested that NHTSA incorporate a section in this Guideline pertaining to continuing education for driver education instructors. DETA and AAA commented in support of inclusion of standards for driver education instructors, and indicated that this Guideline should apply to both public and commercial schools. DETA and AAA emphasized that coordination among all State agencies, not just the State Highway Safety Office, dealing with driver education is necessary. The agency agrees with these comments and that coordination among State agencies responsible for driver education is beneficial and has incorporated these suggestions into the Guideline.

DETA also suggested the inclusion of parent involvement in GDL. The agency agrees and has incorporated language in the Guideline regarding parental involvement.

AAA and NRSF recommended including a more comprehensive ''post novice'' or ''adult retraining'' within the Guideline. While NHTSA agrees that this additional training may be beneficial, States can opt to promote refresher training for older drivers through private sources or through a State agency. The Guideline remains unchanged in response to these comments.

AAA supports coordinating driver education with GDL. The agency agrees but believes the Guideline already addresses this concern.

One individual suggested alternate language for major parts of the elements of a training program. Some of these coincided with DETA recommendations. The Guideline incorporates two specific suggestions pertaining to requiring training in balanced vehicle movements (through steering, braking, accelerating, etc.) and training in new vehicle technology.

DETA recommended that training vehicles include certain safety equipment and that driver education programs include cognitive skills. The agency agrees and has incorporated this information into the Guideline.

DETA proposed the inclusion of ''risk prevention'' techniques within the Guideline's discussion about advanced driving techniques. Both AAA and an individual suggested that advanced driving techniques lack research on safety benefits and may be inappropriate for the novice driver. The agency agrees with these comments and has deleted the advanced driving techniques section, replacing it with risk prevention, as suggested by DETA. A recommendation by DETA to incorporate attitudinal awareness training and peer pressure education into the Guideline was also accepted.

DETA commented that driver licensing agencies should require and review parent driving logs detailing supervised driving. Because this would involve significant resources at DMVs and uncertain benefits, the Guideline remains unchanged in response to this comment.

The MSF expressed support for this Guideline's inclusion of ''sharing the roadway'' language but recommended that the Guideline also include scooters. Additionally, the MSF and MRF commented that driver education courses should include a motorcycle awareness component. The agency agrees with both comments and has incorporated these suggestions in the Guideline.

V. Communication Program

An individual commented that drivers from other countries acquire licenses too easily and need a longer education process addressing language and cultural needs. The agency notes that within the Communication Program segment of this Guideline there is existing language to identify audiences at particular risk and provide culturally competent materials. However, the agency does not agree that there should be a requirement for extended driver education for drivers from other countries.

DETA and the NRSF recommended the inclusion of language regarding education for children and youth that will engender knowledge of safe driving

practices. The agency agrees and has incorporated introductory language to that effect. NRSF also had specific recommendations, such as the inclusion of a multi-media campaign and expanded discussion of parental responsibilities. The agency does not agree with those recommendations and believes States need flexibility to construct their communication programs.

VI. Program Evaluation and Data

DETA has suggested that NHTSA include language encouraging States to share data to determine whether the driver education guidelines impact traffic safety. The agency agrees with this statement but believes the Guideline already encourages evaluation in this section.

C. Comments Regarding Guideline No. 5: Non-Commercial Driver Licensing

The agency received comments related to Guideline No. 5 from AAA, DETA, MRF, MSF, NRSF and one individual. These comments are addressed below.

I. Program Management

An individual raised issues related to security within driver license agencies. The agency has added language in the program management section of the Guideline in response to this comment.

II. Legislation, Regulation and Policy

As noted above, DETA commented (in response to Guideline No. 4 Driver Education) that the driver license skill and knowledge tests are too brief and inadequate to assess a driver's readiness to drive. The agency is working with motor vehicle administrators to develop a model driver testing program, and anticipates that the model will provide a better assessment of readiness to drive. No changes will be made to the Guideline at this time.

AAA suggested that the recommendations for GDL be expanded with specific passenger age and nighttime driving restrictions. The Guidelines are intended to provide general guidance concerning GDL to allow States maximum flexibility. However, NHTSA provides more extensive GDL recommendations to the States in other publications.

MSF and MRF commented that GDL requirements must recognize differences between motorcycle operators and drivers to the extent that the requirements are prohibitive to motorcycling (*e.g.*, seat belt use, supervised driving). The agency has made changes in Guideline No. 4 (Driver Education) to reflect these comments; however, in the interest of keeping GDL recommendations general in nature to allow States flexibility, this Guideline remains unchanged in response to these comments.

NRSF also provided several comments on this Guideline. It proposed that license renewals include skills assessments and examinations. While the agency does not agree that the Guideline should be overly prescriptive in the renewal process, language has been added that States should re-test, as appropriate.

This commenter additionally recommended that NHTSA research the effectiveness of supervised driving. The agency did not include this recommendation in the Guideline, however research efforts on this issue are underway. NRSF further recommended that supervising drivers should demonstrate driving qualifications and that States should implement procedures to help novice drivers and their guardians to identify and procure the services of qualified driving mentors. NHTSA will await the results of current research before offering guidance in this area. Strong parental involvement in the driver education and licensing of novice drivers is a critical contributor to a safe transition to driving. The agency strongly supports active parental involvement in assisting novice drivers in the transition to driving under a GDL program.

NRSF suggested that States provide online and print manuals detailing the requirements for supervised driving. NRSF further commented that driver education should be ''integrated as a phased in process of GDL.'' The Guideline remains unchanged in response to these comments. NHTSA is developing materials for use by State licensing agencies and driver education programs on supervised driving. The commenter also recommended including a ban on cell phones and other personal electronic devices as part of GDL restrictions. NHTSA has recently incorporated a restriction on portable electronic communication and entertainment devices for drivers in the permit and intermediate phases in its GDL recommendations to the States. This has been noted in Guidelines 4 and 5. Finally, the agency does not agree with adding language on improvements to driver education prior to extensive evaluation of effectiveness.

III. Driver Fitness

AAA commented that experts suggest driver testing should focus on the functional limitations produced by a medical condition, rather than on the medical condition itself. Accordingly, AAA suggested the agency remove the word ''medical'' from this section of the Guideline and replace the phrase ''mental or physical conditions'' with ''functional limitations.'' Because there remains evidence of increased risk among drivers with some medical conditions, NHTSA does not agree with elimination of the ''medical'' modifier to ''evaluation.'' Because of this, the Guideline retains the language as proposed, but the agency will keep this recommendation in mind as further research becomes available.

NRSF commented that medical evaluation systems should include: (1) Guidelines for mental and physical performance; (2) medical standards for physician reference; (3) methodologies for determining patient health risks; and (4) methodologies for communicating health and fitness standards to patients and to DMVs. Specifically, NRSF suggested that training for medical professionals who work with the driving population include these components.

NRSF also commented that State guidelines should include periodic driver skill retesting to maintain operational and medical fitness for drivers of all ages. The Guideline remains unchanged in response to these comments. There is insufficient evidence at this time to suggest that periodic driver skill retesting, i.e., behind-the-wheel testing, is an effective strategy for identifying at-risk drivers. Currently, the best available evidence suggests that in-person renewal is the most effective approach to identifying at-risk drivers of all ages.

The *Physician's Guide to Assessing and Counseling Older Drivers*, developed by NHTSA and the American Medical Association, identifies red flags and interventions. Beyond that, assessment strategies are limited by the predictive value that a given screening tool might have. The *Physician's Guide* includes information on making referrals to the DMV and on counseling patients. It also includes information on obtaining Continuing Medical Education credits for use of the guide. The agency believes that NRSF's comments are addressed in its ongoing work. While on its face, periodic retesting seems reasonable, currently there is no evidence to suggest that such a strategy would have any safety benefits. The agency is conducting research on the safety benefits of different State licensing practices. Until that research is completed, any changes to the Guideline on this issue would be premature.

In response to the proposed Guideline's provision that each State

should have ''a medical advisory board or equivalent allied health professional unit composed of qualified personnel to advise the driver license agency on medical criteria and vision guidelines,'' an individual recommended adding a reference to prescription, over-the-counter, and illegal alcohol and drug use. While there is value in considering alcohol and drug use for licensing purposes, the implementation of this recommendation would not be practical or feasible given the broad range of medications, the durations that people use them, and the different reactions individuals have to medications. Including alcohol use in the medical section's purview seems worthwhile, given recognition that addiction to it is a treatable disease. Language, therefore, on this issue is included.

V. Driver Records, Data, and Evaluation

NRSF advocated for driver improvement action prior to when a driver demonstrates problematic behavior (*i.e.*, drivers involved with a high number of traffic crashes or violations). The agency has made no changes to the Guideline in response to this comment, as the agency believes that States should have the flexibility to reassess drivers as States deem appropriate and institute follow-up measures accordingly. NHTSA is undertaking a project to determine best approaches to identifying and treating problem drivers.

MSF suggested cross-referencing rider education training data with operator licensing records, particularly in States conditioning licensing upon safety training. The agency agrees with this recommendation, and has recommended that motorcycle rider licensing and registration records be linked in State licensing records.

D. Comments Regarding Guideline No. 7 Judicial and Court Services & Guideline No. 12 Prosecutor Training

GHSA expressed concern regarding the development of a resource management plan that would include specific components concerning the allocation of funding, personnel, and facilities. GHSA also stated that this is not a feasible or appropriate role for a SHSO. GHSA said that it would be more appropriate for a national organization of prosecutors or judges to develop a model resource management tool for its members.

These Guidelines were developed to help the SHSOs effectively incorporate the criminal justice system into their traffic safety programs. The intent of this section is to ensure that the impact of SHSO-generated traffic safety law enforcement activities on the entire criminal justice system is taken into account when developing State plans.

The judicial and prosecutor Guidelines are designed to help the SHSOs develop a balanced overall approach that fully engages all elements of the criminal justice system. They are intended to provide a basic understanding of the criminal justice system, as it relates to traffic safety, and point out how decisions on funding various law enforcement activities can impact the overall effectiveness of the enforcement, prosecutorial and judicial outreach efforts. To help clarify that, the Resource Management section of these two Guidelines now indicates that the SHSO should work with the relevant State enforcement and adjudication offices to ensure that adequate resources are allocated throughout the criminal justice system for SHSO-generated law enforcement activities, while acknowledging that this is not meant to ask the SHSO to develop a resource plan for another State agency.

E. Comments Regarding Guideline No. 10 Traffic Records

The agency addresses below comments received from MRF, MSF, and AAA regarding Guideline No. 10 Traffic Records.

I. Traffic Records System Information Components

MSF and MRF expressed general support for a Traffic Records System (TRS). MRF added that motorcycle records should be administered and collected uniformly with ''as little bias as possible with regard to all safety equipment.'' The MSF recommended adding another category to crash data components to specifically document the use of motorcycle helmets and whether helmets used are DOT-compliant.

The MSF recommendation to document the use of safety equipment, specifically motorcycle helmets, is not appropriate because the Guideline does not address crash data components at the data element level. Collecting information on safety equipment for motorcycles, including motorcycle helmet use, is addressed in the revised Model Minimum Uniform Crash Criteria (MMUCC). The MMUCC is jointly developed by States and Federal agencies and is intended to improve traffic safety both nationally and locally by providing a recommended set of uniform data elements for capturing information about motor vehicle crashes. The Third Edition MMUCC Guideline was published in 2008.

The proposed Guideline identified particular elements crash data should incorporate, including location characteristics (*e.g.*, roadway type or specific intersections). Commenting that crash data should be linked to roadway data, AAA proposed that NHTSA replace location characteristics with ''Location'' (linkable to Roadway Data Component). The agency intended the specific terms proposed in the ''Crash Data Component'' section to identify general variables and/or attributes that one would expect to find in a crash database for the characteristics of the persons, locations, vehicles, etc. involved in a crash. Accordingly, the Guideline does not incorporate AAA's suggested change. The broader issue that the commenter raised—the State's ability to link crash data with roadway inventory data—is a cogent issue. The benefit for a State to have data that permits the integration of databases is supported and addressed more fully in Section IV, Data Integration.

The premise of linking the crash data to a roadway inventory constitutes a major safety effort for the Federal Highway Administration (FHWA). The FHWA is currently working to establish the Model Minimum Inventory of Roadway Elements (MMIRE). Once the MMIRE is established, it will provide a uniform inventory of roadway data elements and attributes for locations (*e.g.*, intersections and roadway segments). This linkage, which will rely upon the precise location of crashes, will permit an analysis on the contribution of roadway factors to traffic crashes.

AAA additionally commented that the Guideline should reflect that project inventory for the Roadway Data Component should include initiation and completion dates as well as descriptions of projects and project locations. While NHTSA concurs that the commenter's suggested practice for documenting information regarding projects is valuable and should be followed by all agencies responsible for roadway maintenance/improvement, the agency believes that this level of detail in the Guideline extends beyond the intended scope and purpose of the Guideline.

MRF and MSF commented that VMT numbers are inaccurate with respect to motorcycles. MSF also commented that States should be required to report motorcycle VMT. NHTSA collects data on motor vehicle crashes, including those involving motorcycles; however, NHTSA does not collect data on VMT. VMT data are collected and published annually by FHWA as part of the Highway Performance Monitoring

System (HPMS). The DOT recognizes the need for the best motorcycle travel data possible to support calculation of a more accurate and consistent measurement of motorcycle travel. State reporting of motorcycle VMT to the FHWA was optional prior to this year. Even for those States that reported motorcycle VMT, it was often only measured as a standard proportion of total VMT rather than being collected directly through surveys or roadside counters. FHWA had to then estimate VMT for States that did not report based on data from States that did report. Beginning in 2007, FHWA began requiring States to collect and report motorcycle VMT data. Initial data became available in 2008. Also, the Department is currently working with the States to improve and address any technical issues surrounding the collection of motorcycle exposure data. In October 2007, FHWA and NHTSA held a symposium on motorcycle travel to exchange State best practices in motorcycle VMT collection, explore new data sources and data collection technologies, and develop a long-term research and implementation roadmap.

II. Uses of a Traffic Records System

AAA expressed support for the proposed Guideline's language regarding reasonable public access to data and commented in favor of making data files available to traffic safety research organizations. NHTSA believes traffic safety research organizations are covered under the Guideline's language providing for data access for ''the public or general non-government user.''

III. Traffic Records System Management

MSF suggested cross-referencing rider education training data with operator licensing records, particularly in States conditioning licensing upon safety training. The agency has addressed this recommendation in Guideline No. 5 Non-Commercial Driver Licensing.

F. Comments Regarding Guideline No. 17 Pupil Transportation

The State of Michigan Department of State Police and NSTA submitted comments on this Guideline. The State of Michigan's comments summarized the State's current laws relative to this Guideline, noting that the State currently has no pending legislation to conform to several provisions in the proposed Guideline. This Guideline remains unchanged in response to the State of Michigan's submission. NSTA conveyed overall support for the Guideline, particularly its language regarding prohibiting the operation of nonconforming school transportation vehicles. NSTA's remaining comments are addressed below.

I. Operations

NSTA commented that with respect to driver physical qualifications, school bus inspections and maintenance and driver daily vehicle inspection reports, the Guideline differentiates between operations subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and those that are not. NSTA suggested that NHTSA apply the relevant provisions of the FMCSRs for all school bus operations. NHTSA agrees with the comment and modified this section accordingly as follows:

Under the Personnel heading, the Guideline removes the phrase ''if the driver or the driver's employer is subject to those regulations'' from the physical qualification standards statement.

Regarding school bus inspections, under the Vehicle Maintenance heading, the Guideline removes the references to FMCSR. The language now reads, ''[r]egularly scheduled vehicle inspections should be conducted as specified in accordance with FMCSA regulations contained in 49 CFR Part 396.3'' and ''[s]chool bus drivers should perform daily inspections of their vehicles, including all safety equipment and submit a report of their findings daily as specified in 49 CFR 396.''

The guidelines published today also will appear on NHTSA's Web site in the Highway Safety Grant Management Manual in the near future. Guideline Nos. 4, 5, 7, 10, 12, and 17 are set forth below. The remaining guidelines are not addressed by today's action and remain unchanged.

Highway Safety Program Guideline No. 4

Driver Education

Each State, in cooperation with its political subdivisions and tribal governments, should develop and implement a comprehensive, culturally competent highway safety program, reflective of State demographics, to achieve a significant reduction in traffic crashes, fatalities and injuries on public roads. All programs should be data driven, and the highway safety program should include a driver education and training program designed to educate new drivers and provide remedial training for existing drivers. This guideline describes the components that the State driver education program should include and the minimum criteria that the program components should meet. Resources permitting, schools should also include traffic safety education for children and youth designed to engender knowledge of safe driving practices.

I. Program Management

Each State should have centralized program planning, implementation, and coordination to deliver comprehensive and uniform driver education that applies to both public and private programs. Evaluation should be used to revise existing programs, develop new programs, and determine progress and success. The State Highway Safety Office (SHSO) in collaboration and in cooperation with other State agencies involved in driver education, such as Transportation Departments, Motor Vehicle Departments, Licensing Departments, and Education Departments, should:

- Provide leadership, training, and technical assistance to public and private providers of driver education to ensure consistency and quality;
- Resources permitting, work with other relevant State agencies to identify staff resources to provide full-time oversight over driver education programs delivered within the State; and
- Evaluate the effectiveness of the State's driver education program.

II. Legislation, Regulation and Policy

Each State should enact and enforce laws and policies intended to reduce crashes caused by novice drivers. To enhance the effectiveness of driver education, States should:

- Enact Graduated Driver Licensing (GDL) laws that include three stages of licensure, and that place restrictions and sanctions on high-risk driving situations for novice drivers (i.e., nighttime driving restrictions, passenger restrictions, zero tolerance, portable electronic communication and entertainment devices restrictions, and required seat belt use);
- Ensure that the GDL restrictions and sanctions for GDL licensure are adapted for and applicable to motorcycle operators, and enforceable for motorcycle operators;
- Develop driver education standards and guidelines to which all driver education programs, whether public or private, must adhere to satisfy licensing requirements for novice drivers; and
- Ensure that completion of driver education programs will not reduce time required for novice drivers to proceed through a GDL system.

III. Enforcement Program

Components of a State driver education enforcement program should include:

• Visible and well-publicized law enforcement of the components of GDL and zero tolerance laws;
• Licensing sanctions for violations of these provisions;
• Evaluation of enforcement efforts to determine effectiveness;
• State agency oversight of driver education programs to ensure delivery of approved State curriculum; and
• Administrative or financial penalties for programs in noncompliance.

IV. Driver Education and Training Program

A driver education program should be available to novice drivers and all youths of licensing age and include the following criteria:
• The program is taught by instructors, public or private, certified by the State as qualified for these purposes; examples of such standards might include: minimum levels of education and continuing education, not being convicted of any felony or certain misdemeanor crimes, holding a valid driver license, and setting limits on numbers and types of driving violations.
• All vehicles used in public or commercial Behind the Wheel training have appropriate safety inspections and are equipped with, at a minimum, a safety brake accessible by the driver side passenger, a first aid kit, a fire extinguisher, an instructor rear view mirror and an eye check mirror for the instructor.
• It provides each student with practice driving and/or instruction in at least the following:
○ Basic driving techniques, including starting, stopping, turning, and basic interaction in controlled environments in light and moderate traffic;
○ Additional driving techniques, including balanced vehicle movement through steering, braking, and accelerating in a precise and timely manner;
○ Cognitive aspects of driving, including gap management, recognizing blockage and hazards, responding early and appropriately to hazards and potential hazards, signaling techniques, methods for speed management and effective visual searching, and decision-making and habit-development strategies;
○ Risk prevention techniques such as skid prevention;
○ Rules of the road and other State laws and local motor vehicle laws and ordinances;
○ Attitudinal awareness training that includes how attitudes can have an impact on driving behavior;
○ Peer pressure training including how vehicle operators and passengers can say no in unsafe peer-pressure situations and how to utilize leadership skills in managing the driver and the passengers in a vehicle;
○ Vehicle technology and the benefit of braking, traction, intelligent handling, and stability systems;
○ Critical vehicle systems and sub-systems requiring preventive maintenance;
○ Vehicle and highway features (including different vehicle and roadway conditions) that:
■ Aid the driver in avoiding crashes;
■ Protect the driver and passengers in crashes; and
■ Maximize the care of the injured.
○ Signs, signals, and highway markings and highway design features that require understanding for safe operation of motor vehicles;
○ Differences in characteristics of urban and rural driving including safe use of modern expressways;
○ Safe Driving Practices, including making good driver decisions; use of occupant restraints; not driving under the influence; and dealing with fatigue, distractions, and aggressive drivers; and
○ Sharing the roadway with other users, especially pedestrians, bicycles, scooters, and motorcycles, who are more physically vulnerable to injury or death in the event of a crash. This should include techniques to increase awareness of motorcycles and other road users.

Each State should also ensure:
• That research and development programs include adequate research, development, and procurement of practice driving facilities, simulators, online teaching resources, and other similar teaching aids for both school and other driver training use;
• There is a program that engages parents and/or guardians in the driver education and GDL programs;
• There is a program for adult driver training and retraining; and
• Commercial driving schools are licensed and instructors are certified in accordance with applicable State laws, regulations or other criteria.

V. Communication Program

States should develop and implement communication strategies directed at supporting policy and program elements. The SHSO, in collaboration and cooperation with driver education and training and highway safety partners, should consider a statewide communications plan and campaign that:
• Informs the public, especially parents, about State GDL laws;
• Identifies audiences at particular risk and develops appropriate messages;
• Provides culturally competent materials;
• Informs parents/guardians and young drivers about the role of supervised driving and the State's GDL law;
• Informs novice drivers about underage drinking and zero tolerance laws (in effect in all 50 States and the District of Columbia), such as including information in manuals for new drivers and including a question about the topic on the written test for a learner's permit;
• Informs the public on the role of parental monitoring/involvement; and
• Informs the public about State guidelines and regulation of driver education.

VI. Program Evaluation and Data

The SHSO, in collaboration and cooperation with the State agencies responsible for driver education and training, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives and optimize the allocation of limited resources. The State should promote effective evaluation by:
• Supporting the analysis of police accident reports;
• Encouraging, supporting, and training localities in process, impact, and outcome evaluation of local programs;
• Evaluating the use of program resources and the effectiveness of existing countermeasures for the general public and high-risk populations; and
• Ensuring that evaluation results are used to identify problems, plan new programs, and improve existing programs.

Highway Safety Program Guideline No. 5

Non-Commercial Driver Licensing

Each State, in cooperation with its political subdivisions and tribal governments, should develop and implement a comprehensive, culturally competent highway safety program, reflective of State demographics, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. Each State should have a driver licensing program ensuring that every driver is adequately trained and tested, evaluated for physical and mental fitness, when appropriate, and possesses only one driver license and driver record.

I. Program Management

Each State should have a licensing agency that ensures only those qualified

to operate motor vehicles obtain a valid State driver license applicable to vehicles they are authorized to operate. This agency should:

- Ensure that drivers are appropriately licensed for the vehicles they operate;
- Ensure that driver license applicants are appropriately screened for correct identity;
- Ensure that documents used to establish identity are appropriately analyzed;
- Take appropriate measures to ensure that applicants are not licensed in other States;
- Provide driver licenses that are tamper resistant to prevent fraudulent use of the document;
- Provide driver licenses that clearly indicate if the driver is under 21 years of age; and
- Ensure that license issuing offices maintain industry standards for security to prevent license issuance to ineligible applicants.

II. Legislation, Regulation, and Policy

A model driver licensing program should provide, at a minimum, that each driver:

- Hold only one license, which identifies the type(s) of vehicle(s) he or she is authorized to operate;
- Submits acceptable proof of identity in applying for an original, renewal, or re-application of a driver's license;
- Passes an examination demonstrating:
  - Ability to operate the class(es) of vehicles(s) for which he or she is licensed;
  - Ability to read and comprehend traffic signs and symbols;
  - Knowledge of laws relating to traffic (rules of the road) safe driving procedures, vehicle and highway safety features, emergency situations that arise in the operation of a vehicle, and other driver responsibilities; and
  - Visual acuity, which must meet or exceed State guidelines; and
- Renews the license, in-person, periodically with skill testing and medical examinations, as appropriate.

A model Graduated Driver Licensing (GDL) law should require each driver under age 18 to participate in a GDL System, a three-stage system that incrementally adds privileges for novice drivers as they gain experience driving. The three-stage process should include the following progressive steps:

- First, the young, novice driver receives a learner's permit that:
  - Starts no younger than 16 years of age;
  - Requires completion of a minimum of 6 months driving without an at-fault crash or traffic violation;
  - Requires supervised driving at all times in which the supervising licensed driver is age 21 or older; and
  - Prohibits the use of portable electronic communication or entertainment devices while driving.
- Next, the young driver receives an intermediate, or provisional, permit that:
  - Requires completion of a minimum of 6 months driving without an at-fault crash or traffic violation;
  - Imposes nighttime driving restrictions;
  - Imposes teenage passenger restrictions;
  - Prohibits the use of portable electronic communication or entertainment devices while driving; and
  - Mandates adherence to State seat belt use requirements.
- The third and final stage is full licensure with:
  - Passenger, nighttime and portable electronic devices restrictions until age 18; and
  - Maximum blood alcohol limits of .02 until age 21.
- The driver should receive driver education that meets standards set by the State that are related to the State driving manual and driving test and, to the greatest degree possible, increases the safety performance of new drivers. (Under no circumstance should driver education reduce the time required to pass through the GDL system.)

III. Driver Fitness

Each State should have:

- A system that provides medical evaluation of people who the driver licensing agency has reason to believe have mental or physical conditions that might impair their driving abilities;
- A procedure that will keep the driver license agency informed of all licensed drivers who are currently applying for or receiving any type of tax, welfare, or other benefits or exemptions for the blind or visually impaired beyond established State vision requirements;
- A medical advisory board or equivalent allied health professional unit composed of qualified personnel to advise the driver license agency on medical criteria, including alcohol use and vision guidelines; and
- Protection from civil liability for individuals who report, in good faith, potentially at-risk drivers to the licensing authority.

IV. Motorcycle Operator Licensing

States should require every person who operates a motorcycle on public roadways to pass an examination designed especially for motorcycle operation and to hold a license endorsement specifically authorizing motorcycle operation. Each State should have a motorcycle licensing system that requires:

- A motorcycle operator's manual that contains essential information on reducing the risks associated with riding a motorcycle;
- A motorcycle license examination, including knowledge and skill tests, and State licensing medical criteria;
- License examiner training specific to testing of motorcyclists;
- Motorcycle license endorsement;
- Cross referencing of motorcycle registrations with motorcycle licenses to identify motorcycle owners who do not have the proper endorsement;
- Motorcycle license renewal requirements;
- Learner's permits issued for a period of at least 90 days and the establishment of limits on the number and frequency of learner's permits issued per applicant to encourage each motorcyclist to get full endorsement; and
- Penalties for violation of motorcycle licensing requirements.

V. Driver Records, Data, and Evaluation

Each State should maintain a driver control record on each licensed driver that includes identification information, principle residence, and driver history. (*See* Highway Safety Program Guideline No. 10—Traffic Records.) In addition to the historical aspect, the traffic records system should be conducive to:

- Timely, accurate, and complete entry of data into the system;
- Ease of accessibility to the system to give timely, accurate, and complete information on drivers for users of the system. Functional users may include courts, administrative/legal personnel, motor vehicle administration, law enforcement, research and development, and private citizens;
- Real-time availability of data to provide DMV personnel and other system users with a rapid-response system for the information requested on standard and priority requests for eligibility of an applicant for issuance of a driver license;
- Ad-hoc reporting for statistical and other research purposes;
- Real-time identification of problem drivers for enforcement or other operational countermeasures; and
- Medical restriction or suspension/revocation information.

Each license should be issued for a specific term, and should be renewed to remain valid. At time of issuance or

renewal each driver's record should be checked.

Motorcycle registration and licensing records should be linked to ensure that riders are properly licensed and trained.

There should be a driver improvement program to identify problem drivers for record review and other appropriate actions designed to reduce the frequency of their involvement in traffic crashes or violations.

The non-commercial driver licensing program should be periodically evaluated by the State. The evaluation should, among other issues, attempt to ascertain the extent to which driving without a license occurs.

VI. Communication Program

States should develop and implement communication strategies directed at supporting policy and program elements. In collaboration with motor vehicle and other State agencies, the SHSO should consider a statewide communications plan and campaign that:

- Informs the public about State licensing requirements;
- Identifies audiences at particular risk and develops appropriate messages;
- Provides information about driver fitness requirements and mental or physical conditions that might impair driving abilities;
- Informs motorcycle registrants of the need to obtain an appropriate motorcycle endorsement or license;
- Provides culturally competent materials;
- Informs parents/guardians about the role of supervised driving and the State's GDL law; and
- Informs novice drivers about underage drinking and zero tolerance laws (in effect in all 50 States and the District of Columbia), such as including information in manuals for new drivers and including a question about the topic on the written test for a learner's permit.

Highway Safety Program Guideline No. 7

Judicial and Court Services

Each State, in cooperation with its political subdivisions and tribal governments, should develop and implement a comprehensive, culturally competent highway safety program, reflective of State demographics, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. Each State should have a comprehensive judicial services program as part of its overall highway safety program. Such judicial services programs should support courts in the competent and effective adjudication of both administrative and statutory law cases. Judicial services programs should, consistent with ethical and professional requirements, promote judicial outreach activity to reduce traffic crashes and resultant fatalities and injuries. This document describes the four key components of State judicial services programs and the specific activities needed to implement those components. Additional information on judicial outreach is addressed in Highway Safety Guideline No. 8, Impaired Driving.

I. Program Management

Program planning, implementation, and coordination are essential for achieving and sustaining State traffic enforcement and adjudication functions. The State Highway Safety Office (SHSO), in conjunction with State and local court administrators, chief judges, and judicial educators should ensure that State traffic safety judicial education programs are well planned and coordinated. State SHSOs should provide leadership, training and technical assistance to:

- Implement and integrate regular traffic law and safety-related judicial education in judicial education programs for all judges;
- Generate broad-based support for traffic safety programs by informing all stakeholders, including court administrators and the judges they serve, of comprehensive highway safety plans for traffic enforcement;
- Coordinate traffic safety programs to include Commercial Motor Vehicle (CMV) safety activities such as the Motor Carrier Safety Assistance Program;
- Promote the dissemination of NHTSA-supported judicial traffic safety and education courses through coordination with State judicial educators and nationally based institutions such as the National Center for State Courts, National Council of Juvenile and Family Court Judges, and the National Judicial College; and
- Support the development and ethical implementation of judicial education programs for State, local, administrative, and tribal courts that will accomplish the following objectives:
- Utilize enabling legislation and regulations to provide the public with effective and efficient court services;
- Provide the impetus for judges to be thoroughly educated on all facets of motor vehicle law;
- Develop cooperative relationships with other government branches, agencies, and entities, as well as community organizations and traffic safety stakeholders; and
- Establish qualitative and quantitative performance measures by which the delivery of services can be evaluated.

II. Resource Management

The SHSO should coordinate with the courts to develop plans that identify the resources necessary to effectively provide efficient traffic law-related services throughout the criminal justice system. The plans should include specific components concerning the allocation of funding, personnel, and facilities and:

- Periodic assessment of traffic law-related service demands and the resources needed to serve the needs of the public;
- Development of traffic law-related court service plans that address budgetary requirements, staff allocation, and facilities requirements; and
- Employment of efficient accounting and data processing systems to facilitate prompt and accurate generation, retrieval, and sharing of information and records.

III. Training and Education

Training and education are essential to support and maintain the delivery of traffic law-related services by the judicial branch of government. To be effective adjudicators, and serve the needs of the public, judges must receive regular education and training of the highest caliber. Judicial education and training should be promoted and, where appropriate, presented by the SHSO or other training entities with experienced faculties in the area of traffic safety, including law and procedure. Judicial education and training should be:

- Adequately funded and where possible compulsory as a requirement to maintaining service in office;
- Provided by State or nationally based judicial education and training entities with experienced faculties in the areas of traffic-related law and procedure;
- Inclusive of education components consistent with models developed by the American Bar Association, for example the Code of Judicial Ethics and the Rules of Professional Conduct;
- Inclusive of case management components so as to foster productivity and the prompt and efficient disposition of cases;
- Specialized as to curriculum so as to address the needs of both statutory and administrative judges as well as hearing officers; and
- Assessed regularly so as to insure that education components address

specialized traffic enforcement skills, techniques, or programs such as DWI/Drug Courts.

IV. Data and Evaluation

The SHSO, in conjunction with court administrators, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. Utilizing comprehensive evaluation programs, the SHSO should effectively plan and implement statewide, county, local, and tribal traffic safety programs. Such programs should have as objectives the optimization of limited resource allocation and should measure the impact of traffic enforcement on court resources. Data that are collected should include case disposition summaries and reports, and other relevant workload information. Court administrators should:

- Include evaluation components in initial program planning so as to ensure that data will be available for evaluation;
- Ensure that adequate resources and personnel are allocated to program planning and data collection;
- Regularly report results of program evaluations to project and program managers, legislative decision-makers, and to the public;
- Utilize results to guide future activities and to assess in justifying resources to governing bodies;
- Conduct surveys to assist in determining court and program effectiveness, including surveys that measure public knowledge and attitudes about court programs;
- Evaluate the effectiveness of services provided in support of priority safety programs; and
- Maintain and report court generated data to appropriate repositories through the use of effective records programs that:
  - Provide records rapidly and accurately;
  - Provide routine compilations of data for management use in the decision-making process;
  - Provide data for operational planning and execution;
  - Interface with a variety of data systems, including statewide traffic safety records systems that are accessible by other State and local governmental entities, agencies, and courts;
  - Provide for the evidentiary integrity of information so as to insure its admissibility in subsequent court and administrative hearing proceedings; and
  - Work with court administrators to use the traffic court functional standards that are available through the National Center for State Courts.

Highway Safety Program Guideline No. 10

Traffic Records

Each State, in cooperation with its political subdivisions and tribal governments, should implement a traffic records system (TRS) to support highway and traffic safety decision-making and long-range transportation planning. A complete TRS is necessary for identifying the locations and causes of crashes, for planning and implementing countermeasures, for operational management and control, and for evaluating highway safety programs and improvements. This guideline describes the components that a State TRS program should include and the criteria that the program components should meet.

I. Traffic Records System Information Components

A TRS has been defined as a virtual set of independent real systems (*e.g.*, driver conviction records, crash records, roadway data, etc.), which collectively form the information base for the management of the highway and traffic safety activities of a State. An updated concept of a TRS encourages States to take a global approach and work toward compiling data into a unified, accessible resource. Sharing and integrating data makes such a system possible, without necessarily duplicating costly and time-consuming tasks such as data entry. Achieving integrated access to data without bringing all the data into a single database is a goal of the TRS. The traffic records system should consist of the following major components:

A. The Crash Data Component documents the time, location, environment, and characteristics (*e.g.*, sequence of events, rollover, etc.) of a crash. It contains basic information about every reportable (as defined by State statute) motor vehicle crash on any public roadway in the State. Through links to other TRS components, the Crash Data Component identifies the roadways, vehicles, and people (*e.g.*, drivers, occupants, pedestrians) involved in the crash. These data help to document the consequences of the crash (*e.g.*, fatalities, injuries, property damage, and violations charged), support the analysis of crashes in general, and support the analysis of crashes within specific categories defined by:

- Person characteristics (*e.g.*, age or gender);
- Location characteristics (*e.g.*, roadway type or specific intersections);
- Vehicle characteristics (*e.g.*, condition and legal status); and
- The interaction of various components (*e.g.*, time of day, day of week, weather, driver actions, pedestrian actions, etc.).

B. The Roadway Data Component includes roadway location, identification, and classification, as well as a description of a road's total physical characteristics and usage. These attributes are tied to a location reference system. Linked safety and roadway information are valuable components that support a State's construction and maintenance program development. This roadway information should be available for all public roadways, including local roads.

The State Department of Transportation (State DOT) typically has custodial responsibility for the Roadway Data Component. This component includes various enterprise-related files such as:

- Pavement
- Bridges
- Intersections
- Roadside appurtenances
- Traffic control devices
- Guard rails
- Barriers

Traffic

- VMT (vehicle miles traveled)
- Travel by vehicle type

Other

- GIS (Geographic Information System)
- LRS (Location Reference System)
- Project inventory

C. The Driver Data Component includes information about the State's population of licensed drivers as well as information about convicted traffic violators who are not licensed in that State. Information about persons licensed by the State should include: personal identification, driver license number, type of license, license status, driver restrictions, convictions for traffic violations in the State and the history of convictions for critical violations in prior States, crash history (whether or not cited for a violation), driver improvement or control actions, and driver education data.

Custodial responsibility for the Driver Data Component usually resides in a State Department or Division of Motor Vehicles (DMV). Some commercial vehicle operator-related functions may be handled separately from the primary custodial responsibility for driver data. The structure of driver databases typically is oriented to individual ''customers.''

D. The Vehicle Data Component includes information on the identification and ownership of vehicles registered in the State. Data should be available regarding vehicle make, model, year of manufacture, body type, and vehicle history (including odometer readings) in order to produce the information needed to support analysis of vehicle-related factors that may contribute to a State's crash experience. Such analyses would be necessarily restricted to crashes involving in-State registered vehicles only.

Custodial responsibility for the vehicle data usually resides in a State Department or Division of Motor Vehicles. Some commercial vehicle-related functions may be handled separately from the primary custodial responsibility for all other vehicle data. The structure of vehicle databases typically is oriented to individual ''customers.''

E. The Citation/Adjudication Data Component, which identifies citation/arrest and adjudication activity of the State, includes information that tracks a citation from the time of its distribution to a law enforcement officer, through its issuance to an offender, its disposition, and the posting of conviction in the driver history database.

Case management systems, law enforcement records systems, and DMV driver history systems should share information to support:

- Citation tracking;
- Case tracking;
- Disposition reporting; and
- Specialized tracking systems for specific types of violators (*e.g.*, DUI tracking systems).

Information should be available to identify the type of violation, location, date and time, the enforcement agency, court of jurisdiction, and final disposition. Similar information for warnings and other motor vehicle incidents that would reflect enforcement activity are also useful for highway safety purposes and should be available at the local level.

The information should be used for determining the level of enforcement activity in the State, for accounting and controlling of citation forms, and for detailed monitoring of court activity regarding the disposition of traffic cases.

Custodial responsibility for the multiple systems that make up the Citation/Adjudication Data Component should be shared among local and State agencies, with law enforcement, courts, and the State Division or DMV sharing responsibility for some files (*e.g.*, portions of the citation tracking system). State-level agencies should have responsibility for managing the law enforcement information network (*e.g.*, a criminal justice information agency), for coordinating and promoting court case management technology (*e.g.*, an administrative arm of the State Supreme Court), and for assuring that convictions are forwarded to the DMV and actually posted to the drivers' histories (*e.g.*, the court records custodian and the DMV).

F. The Statewide Injury Surveillance System (SWISS) Data Component typically incorporates pre-hospital (EMS), trauma, emergency department (ED), hospital in-patient/discharge, rehabilitation and morbidity databases to track injury causes, magnitude, costs, and outcomes. Often, these systems rely upon other components of the TRS to provide information on injury mechanisms or events (*e.g.*, traffic crash reports). The custodial responsibility for various files within the SWISS typically is distributed among several agencies and/or offices within a State Department of Health.

This system should allow the documentation of information that tracks magnitude, severity, and types of injuries sustained by persons in motor-vehicle-related crashes. Although traffic crashes cause only a portion of the injuries within any population, they often represent one of the more significant causes of injuries in terms of frequency and cost to the community. The SWISS should support integration of the injury data with police-reported traffic crashes and make this information available for analysis to support research, public policy, and decision making.

II. Traffic Records System Information Quality

A State's traffic records information should be maintained in a form that is of high quality and readily accessible to users throughout the State. Performance-based measures should be quantifiable and should be established for each attribute of each component (*e.g.*, the amount of elapsed time from initial data collection until entry in the traffic records system, the level of accuracy and completeness the data must meet in order to pass edit and validation checks during data entry, the level of adoption of various standards and guidelines, etc.). The definition of each performance-based measure and its relative significance may vary for each of the State's TRS data components.

The quality of a State's traffic records information is determined by the following attributes:

- Timeliness—information should be available within a timeframe to be meaningful for effective analysis of a State's highway safety programs, and for efficient conduct of each custodial agency's business and mission;
- Consistency—the information should be consistent with nationally accepted and published guidelines and standards (*e.g.*, the Model Minimum Uniform Crash Criteria, the National EMS Information System) and data should be collected on uniform forms that are prescribed by the State for use by all jurisdictions. The ANSI D16.1–2007 is the standard for statistical classification of motor vehicle traffic crashes and is the primary reference for classifying motor vehicle crashes. This standard promotes consistency of motor vehicle traffic accident statistics. To view the standard, go to: *http://www.atsip.org/index.php?/atsip/d-16.*
- Completeness—the information should be complete in terms of all the people, events, things, or places represented by the records in the various components, and it should be complete in terms of all the variables required to be collected on those people, events, things, or places;
- Accuracy—the information should be accurate as determined by quality control methods to ensure accurate information is contained on individual reports (*e.g.*, validity and consistency checks in the data capture and data entry processes and feedback to jurisdictions submitting inaccurate reports);
- Accessibility—the information should be readily and easily accessible to the principal users of the traffic records system components, including both direct access (automated) and the ability to obtain periodic (standard) reports as well as reports and data by special request; and
- Data Integration—information in any traffic records system component should be capable of being linked with any other component through the use of common data variables where possible and permitted by law.

III. Uses of a Traffic Records System

The purpose of a State's traffic records system is to establish a base of useful information and data. This includes operational personnel, program managers, program analysts, researchers, policy makers, and the public. To be of optimal value, the system should provide for the efficient flow of data to support a broad range of traffic safety and other activities, in particular the following:

- Problem Identification

Problem identification is the process of determining the locations and causes of crashes and their outcomes and of selecting those sites and issues that

represent the best opportunity for highway safety improvements;

• Research and Program Development

The traffic records system should provide information to identify safety problems, trends, and baseline measures essential for data-driven planning decisions;

• Policy Development

The traffic records system should provide information to permit informed decisions in setting highway safety policy, including State Highway Safety Plans.

• Analytic Resources Access

Data users, and decision makers in particular, should have access to resources including skilled analytic personnel and easy to use software tools to support their needs. These tools should be specifically designed to meet needs such as addressing legislative issues (barriers as well as new initiatives), program and countermeasure development, management, and evaluation, as well as meeting all reporting requirements.

• Public Access to Data

The TRS should be designed to give the public or general non-government user reasonable access to data files, analytic results, and resources, but still meet State and Federal privacy and security standards.

• Data Use and Improvement

The TRS should be viewed as more than a collection of data repositories, and as a set of processes, methods, and component systems. Knowledge of how these data are collected and managed, along with where the bottlenecks and quality problems arise, is critical to users understanding proper ways to apply the data.

IV. Traffic Records System Management

The development and management of traffic safety programs is a systematic process with the goal of reducing the number and severity of traffic crashes. This data-driven process ensures that all opportunities to improve highway safety are identified and considered for implementation. This process can be achieved through the following initiatives:

Traffic Records Coordinating Committee (TRCC)

The State should form a TRCC whose membership includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems. The TRCC should have the authority to approve the State's Strategic Plan for Traffic Records Improvements. The TRCC should also:

• Represent all stakeholders; each stakeholder must have support from the top management of the representative agency;

• Have the authority to review any of the State's highway safety data and traffic records systems and to review any proposed changes to such systems prior to implementation;

• Provide a forum for the discussion of highway safety data and traffic records issues and report on any such issues to the agencies and organizations in the State that create, maintain, and use highway safety data and traffic records;

• Represent the interests of the agencies and organizations within the traffic records system to outside organizations; and

• Review and evaluate new technologies to keep the highway safety data and traffic records system up-to-date.

Strategic Planning

The TRS should support the traffic safety strategic planning process that helps State and local data owners identify and support their overall traffic safety program needs and addresses the changing needs for information over time.

Data Integration

States should integrate data and expand their linkage opportunities to track traffic safety events among data files. Data integration should be addressed through the following:

• Create and maintain a system inventory;

• Support centralized access to linked data;

• Meet Federal reporting requirements such as the Fatality Analysis Reporting System (FARS), Motor Carrier Management Information System (MCMIS/safetynet), the Highway Performance Monitoring System (HPMS) and others;

• Support electronic data sharing; and

• Adhere to State and Federal privacy and security standards.

Highway Safety Program Guideline No. 12

Prosecutor Training

Each State, in cooperation with its political subdivisions and tribal governments, should develop and implement a comprehensive, culturally competent highway safety program, reflective of State demographics, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. All programs should include a comprehensive prosecutorial training program that supports prosecutors in the prosecution of traffic-related cases. Prosecutorial training programs should be consistent with ethical and professional requirements in addition to addressing training and technical assistance needs. These programs should encourage prosecutors to make the prosecution of traffic-related cases a high priority. This guideline describes the key components that a State program should include and the minimum criteria that the program components should meet. Additional information on prosecutor outreach is addressed in Highway Safety Guideline No. 8, Impaired Driving.

I. Program Management

Program planning, implementation, and coordination are essential for achieving and sustaining high-quality State traffic enforcement and prosecution functions. The State Highway Safety Office (SHSO), in conjunction with State prosecutor associations, Prosecutor Coordinators, and Traffic Safety Resource Prosecutors (TSRP) should ensure that State traffic safety programs are comprehensive, well planned, and coordinated. State SHSOs should provide leadership, training, and technical assistance to their State's prosecutors. In doing so, the SHSOs should:

• Communicate and coordinate with State prosecutor coordinators and TSRPs regarding comprehensive highway safety plans for traffic enforcement so they can generate broad-based prosecutorial support for traffic safety programs;

• Assist State prosecutor coordinators and TSRPs in implementing regular traffic law and safety-related prosecutor training programs;

• Provide support and assistance to State prosecutor coordinators and TSRPs for training and technical assistance that prosecutors need to effectively prosecute impaired driving and other traffic-related cases; and

• Evaluate the delivery of training and technical assistance through established qualitative and quantitative measures.

II. Resource Management

The SHSO should encourage prosecutors to develop plans that identify those resources necessary to provide efficient traffic law-related services that include:

• Periodic assessment of traffic law-related service demands and the resources needed to serve the needs of prosecution and the public.

• Development of traffic law-related prosecutor resource management plans that address budgetary requirements,

staff allocation, and facilities requirements.

• Employment of efficient accounting and data processing systems to facilitate prompt and accurate generation, retrieval, and sharing of information and records.

III. Training and Technical Assistance

Training and technical assistance are essential to support the delivery of high-quality traffic law-related prosecution. To effectively serve the needs of law enforcement, victims, and the public, prosecutors must receive regular, consistent training and have available to them individuals who can provide technical assistance in a competent and efficient manner. To this end, the SHSO should:

• Encourage the implementation of the TSRP program;

• Provide Prosecutor Coordinators and TSRPs with advanced education and training in the area of traffic-related law and procedure so as to enhance delivery of training and technical assistance to local prosecutors, law enforcement officers, advocacy groups, and other traffic safety professionals;

• Assist and support prosecutor coordinators in providing traffic law and safety-related training programs to the State's prosecutors;

• Include development and delivery of specialized curriculum to address the needs of both experienced and inexperienced prosecutors handling complex impaired-driving and other traffic prosecutions;

• Encourage consistent training and technical assistance through the prosecutor coordinators to address high turnover rates in prosecutor offices; and

• Include case management components to foster prompt and effective prosecution of traffic cases.

IV. Data and Evaluation

The SHSO, in conjunction with the prosecutor coordinator and the TSRP, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. Using comprehensive evaluation strategies, the SHSO should effectively plan and implement statewide, county, and local traffic safety training programs. Collected data should include training programs attended, technical assistance requested and received, and other workload information. The evaluation results should be used to maximize limited resources and measure the impact of such training and assistance on prosecutorial resources and the ability to effectively prosecute traffic cases. The SHSO should make sure that Prosecutor Coordinators or TSRPs:

• Include evaluation components in initial program planning to ensure that data will be available for analysis;

• Ensure that adequate resources and personnel are allocated to program planning and data collection;

• Regularly report results of program evaluations to project managers, program managers, and legislative decision-makers;

• Utilize results to guide future activities and assess resource allocation; and

• Evaluate the effectiveness of services provided in support of priority traffic safety programs.

Highway Safety Program Guideline No. 17

Pupil Transportation Safety

Each State, in cooperation with its political subdivisions and tribal governments, should establish a State highway safety program for pupil transportation safety including administration; the identification, operation, and maintenance of buses used for carrying students; and the training of passengers, pedestrians, and bicycle riders. The purpose of this guideline is to provide strategies for minimizing, to the greatest extent possible, the danger of death or injury to school children while they are traveling to and from school and school-related events.

I. Program Management

There should be a single State agency with primary administrative responsibility for pupil transportation, that employs at least one full-time professional to carry out these responsibilities. The responsible State agency should develop an operating system for collecting and reporting information needed to improve the safety of operating school buses and school-chartered buses. Each State should establish procedures to meet the following recommendations for identification and equipment of school buses. All school buses should:

• Be identified with the words ''School Bus'' printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear, and have no other lettering on the front or rear of the vehicle, except as required by Federal Motor Vehicle Safety Standards (FMVSS), 49 CFR Part 571;

• Be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of National Institute of Standards and Technology (NIST) Federal Standard No. 595a, Color 13432; except that the hood should be either that color or lusterless black, matching NIST Federal Standard No. 595a, Color 37038.

• Have bumpers of glossy black, matching NIST Federal Standard No. 595a, Color 17038, unless, for increased visibility, they are covered with a reflective material;

• Comply with all FMVSS applicable to school buses at the time of their manufacture;

• Be equipped with safety equipment for use in an emergency, including a charged fire extinguisher that is properly mounted near the driver's seat, with signs indicating the location of such equipment;

• Be equipped with device(s) demonstrated to enhance the safe operation of school vehicles, such as a stop signal arm;

• Be equipped with a system of signal lamps that conforms to the school bus requirements of FMVSS No. 108, 49 CFR 571.108; and

• Have a system of mirrors that conforms to the school bus requirements of FMVSS No. 111, 49 CFR 571.111.

• School-chartered buses should comply with all applicable Federal Motor Carrier Safety Regulations (FMCSR) and FMVSS.

Any school bus meeting the recommendations above that is permanently converted for uses other than transporting children to and from school should be painted a color other than National School Bus Glossy Yellow, and should have the stop arms and school bus signal lamps removed.

School buses, while being operated on a public highway and transporting primarily passengers other than school children, should have the words ''School Bus'' covered, removed, or otherwise concealed, and the stop arm and signal lamps should not be operated.

II. Operations

Each State should establish procedures to meet the following recommendations for operating school buses and school-chartered buses:

• Personnel

○ Each State should develop a plan for selecting, training, and supervising people whose primary duties involve transporting school children in order to ensure that such persons will attain a high degree of competence in, and knowledge of, their duties;

○ Every person who drives a school bus or school-chartered bus occupied by school children should, at a minimum:

• Have a valid State driver's license to operate such a vehicle. All drivers who operate a vehicle designed to transport 16 or more persons (including the driver) are required by the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License Standards (49 CFR Part 383) to have a valid commercial driver's license;

• Meet all physical, mental, moral, and other requirements established by the State agency having primary responsibility for pupil transportation, including requirements related to drug and/or alcohol misuse or abuse; and

• Meet the physical qualification standards for drivers under the FMCSR of the FMCSA, 49 CFR Part 391.

• Vehicles

○ Each State should enact legislation that provides for uniform procedures regarding school buses stopping on public highways for loading and discharge of children. Public information campaigns should be conducted on a regular basis to ensure that the driving public fully understands the implications of school bus warning signals and requirements to stop for school buses that are loading or discharging school children. Schools should work with local law enforcement agencies to enforce laws against passing a stopped school bus that is loading or unloading students.

○ Each State should establish policies to ensure that school districts are aware of the Federal statutory provision 49 U.S.C. Section 30112(a), as amended by Section 10309(b) of SAFETEA–LU (Pub. L. 109–59), prohibiting the purchase by schools and school systems of new non-conforming vehicles for school transportation purposes, and prohibit operation of any school bus or other vehicle used for school transportation purposes unless it meets the FMVSSs for school buses.

○ Each State should minimize highway use hazards to school bus and school-chartered bus occupants, other highway users, pedestrians, bicycle riders and property. Efforts to minimize such hazards should include, but not be limited to:

• Planning safe routes and annually reviewing routes for safety hazards;

• Planning routes to ensure the most effective use of school buses and school-chartered buses to ensure that passengers are not standing while these vehicles are in operation;

• Providing loading and unloading zones off the main traveled part of highways, whenever it is practical to do so;

• Establishing restricted loading and unloading areas for school buses and school-chartered buses at or near schools;

• Ensuring that school bus operators, when stopping on a highway to take on or discharge children, adhere to State regulations for loading and discharging including the use of signal lamps;

• Replacing school buses manufactured before April 1, 1977, with buses that meet the current FMVSSs for school buses, and not chartering any pre-1977 school buses; and

• Prohibiting public or private schools from purchasing school buses built prior to April 1, 1977 for school transportation or school-related events.

○ Use of amber signal lamps to indicate that a school bus is preparing to stop to load or unload children is at the option of the State. Use of red warning signal lamps as specified in this guideline for any purpose or at any time other than when the school bus is stopped to load or discharge passengers should be prohibited.

○ When school buses are equipped with stop arms, such devices should be operated only in conjunction with red warning signal lamps, when vehicles are stopped.

• Seating

○ Children are protected in large school buses by compartmentalization, a passive occupant protection system. This provides a protective envelope consisting of strong, closely-spaced seats that have energy-absorbing padded seat backs that help to distribute and reduce crash forces. Compartmentalization is most effective when occupants are fully seated within the bus seat. Seating should be provided that will allow each occupant to sit on a school bus seat without any part of his or her body extending into the aisle.

○ There should be no auxiliary seating accommodations such as temporary or folding jump seats in school buses.

○ Standing while school buses and school-chartered buses are in motion should not be permitted. Routing and seating plans should be coordinated to eliminate passengers standing when a school bus or school-chartered bus is in motion.

○ Drivers of school buses and school-chartered buses should be required to wear occupant restraints whenever the vehicle is in motion.

○ Passengers in school buses and school-chartered buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less should be required to wear occupant restraints (where provided) whenever the vehicle is in motion. Occupant restraints should comply with the requirements of FMVSS Nos. 208, 209 and 210, as they apply to multipurpose vehicles.

○ When transporting preschool age children in a school bus;

• Each child should be properly secured in a Child Safety Restraint System, suitable for the child's weight and age, that meets applicable FMVSSs; and

• The Child Safety Restraint System should be properly secured to the school bus seat, using anchorages that meet FMVSSs.

• Emergency exit access

○ Baggage and other items transported in the passenger compartment should be stored and secured so that the aisles are kept clear and the door(s) and emergency exit(s) remain unobstructed at all times.

○ When school buses are equipped with interior luggage racks, the racks should be capable of retaining their contents in a crash or sudden driving maneuver.

• Vehicle maintenance. Each State should establish procedures to meet the following recommendations for maintaining buses used to carry school children:

○ School buses should be maintained in safe operating condition through a systematic preventive maintenance program;

○ Regularly scheduled vehicle inspections should be conducted as specified in accordance with FMCSA regulations contained in 49 CFR Part 396.3; and

○ School bus drivers should perform daily inspections of their vehicles, including all safety equipment and submit a report of their findings daily as specified in 49 CFR 396.11.

III. Other Elements of Pupil Transportation Safety

• At least once during each school semester, each pupil transported from home to school in a school bus should be instructed in safe riding practices, proper loading and unloading techniques, proper street crossing to and from school bus stops and should participate in supervised and timed emergency evacuation drills. Prior to each departure, each pupil transported on an activity or field trip in a school bus or school-chartered bus should be instructed in safe riding practices and the location and operation of emergency exits.

• Parents and school officials should work together to identify and select safe pedestrian and bicycle routes for the use of school children. (*See* Guideline No. 14.)

• All school children should be instructed in safe transportation

practices for walking to and from school. For those children who routinely walk to school, training should include pre-selected routes and the importance of adhering to those routes.

• Children riding bicycles to and from school should receive bicycle safety education, be required to wear bicycle safety helmets, and not deviate from pre-selected routes.

• Local school officials and law enforcement personnel should work together to establish crossing guard programs.

• Local school officials should investigate programs that incorporate the practice of escorting students across streets and highways when they leave school buses. These programs may include the use of school safety patrols or adult monitors.

• Local school officials should establish passenger vehicle loading and unloading points at schools that are separate from the school bus loading zones.

• Before chartering any vehicle or motor coach for school activity purposes, schools should check the safety record of charter bus companies through the FMCSA Safety and Fitness Electronic Records System. Schools should also consider using a multi-function school activity bus in place of charter buses where feasible. A multi-function school activity bus is not required to be equipped with traffic control devices (*i.e.*, flashing lights and stop arm). These buses are not intended for the roadside picking up and dropping off of children during service between home and school. They are intended for use by schools and other institutions that need transportation services for school activity trips or for other coordinated transportation activities.

IV. Program Evaluation

The pupil transportation safety program should be evaluated at least annually by the State agency having primary administrative responsibility for pupil transportation.

V. Definitions

• A ''bus'' is a motor vehicle designed for carrying more than 10 persons (including the driver).

• A ''school bus'' is a ''bus'' that is used for purposes that include carrying students to and from school or related events on a regular basis, but does not include a transit bus or a school-chartered bus.

• A ''school-chartered bus'' is a bus that is operated under a short-term contract with State or school authorities who have acquired the exclusive use of the vehicle at a fixed charge to provide transportation for a group of students to a special school-related event.

• A ''multi-function school activity bus'' is a school bus whose purposes do not include transporting student to and from home or school bus stops.

• ''Federal Motor Carrier Safety Regulations (FMCSR)'' are the regulations of the Federal Motor Carrier Safety Administration (FMCSA) for commercial motor vehicles in interstate commerce, including buses with a gross vehicle weight rating (GVWR) or gross vehicle weight greater than 10,000 pounds; designed or used to transport more than 8 passengers (including the driver) for compensation; or designed or used to transport more than 15 passengers (including the driver), and not used to transport passengers for compensation. (The FMCSR are set forth in 49 CFR Parts 390–399.)

• A ''child safety restraint system'' is any device (except a passenger system lap seat belt or lap/shoulder seat belt), designed for use in a motor vehicle to restrain, seat, or position a child who weighs less than 65 pounds.

Ronald L. Medford,

Acting Deputy Administrator.

[FR Doc. E9–7241 Filed 3–31–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2009–0059]

Notice of Intent To Prepare an Environmental Impact Statement for New Corporate Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of intent; request for scoping comments.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), NHTSA plans to prepare an Environmental Impact Statement (EIS) to analyze the potential environmental impacts of the agency's Corporate Average Fuel Economy program for passenger automobiles (referred to herein as ''passenger cars'') and nonpassenger automobiles (referred to herein as ''light trucks''). The EIS will consider the potential environmental impacts of new fuel economy standards for model year 2012–2016 passenger cars and light trucks that NHTSA will be proposing pursuant to the Energy Independence and Security Act of 2007.

This notice initiates the NEPA scoping process by inviting comments from Federal, State, and local agencies, Indian Tribes, and the public to help identify the environmental issues and reasonable alternatives to be examined in the EIS. This notice also provides guidance for participating in the scoping process and additional information about the alternatives NHTSA expects to consider in its NEPA analysis.

DATES: The scoping process will culminate in the preparation and issuance of a Draft EIS, which will be made available for public comment. To ensure that NHTSA has an opportunity to fully consider scoping comments and to facilitate NHTSA's prompt preparation of the Draft EIS, scoping comments should be received on or before May 1, 2009. NHTSA will try to consider comments received after that date to the extent the rulemaking schedule allows.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *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.

• *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

• *Fax:* 202–493–2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202–366–9324.

Note that all comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For technical issues, contact Carol Hammel-Smith, Fuel Economy Division, Office of International Vehicle, Fuel Economy and Consumer Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–5206. For legal issues, contact Jessica Wilson, Legislation & General Law Division, Office of the Chief Counsel, National Highway Traffic

Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–1834.

SUPPLEMENTARY INFORMATION: In a forthcoming notice of proposed rulemaking (NPRM), NHTSA intends to propose Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2012–2016 passenger cars and light trucks pursuant to the amendments made by the Energy Independence and Security Act of 2007 (EISA) to the Energy Policy and Conservation Act (EPCA).[1] In connection with this action, NHTSA intends to prepare an Environmental Impact Statement (EIS) to analyze the potential environmental impacts of the proposed CAFE standards and reasonable alternative standards pursuant to the National Environmental Policy Act (NEPA) and implementing regulations issued by the Council on Environmental Quality (CEQ) and NHTSA.[2] NEPA instructs Federal agencies to consider the potential environmental impacts of their proposed actions and possible alternatives in their decisionmaking. To inform decisionmakers and the public, the EIS will compare the potential environmental impacts of the agency's preferred alternative and reasonable alternatives, including a ''no action'' alternative. As required by NEPA, the EIS will consider direct, indirect, and cumulative impacts and discuss impacts in proportion to their significance.

Background

EPCA, as amended by EISA, sets forth extensive requirements concerning the establishment of CAFE standards. It requires the Secretary of Transportation [3] to establish average fuel economy standards at least 18 months before the beginning of each model year and to set them at ''the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.'' When setting ''maximum feasible'' fuel economy standards, the Secretary is required to ''consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.'' [4] NHTSA construes the statutory factors as including environmental and safety considerations.[5] NHTSA considers the environmental NEPA analysis when setting CAFE standards.

As amended by EISA in December 2007, EPCA further directs the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency (EPA), to establish separate average fuel economy standards for passenger cars and for light trucks manufactured in each model year beginning with model year 2011 ''to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.'' [6] In doing so, the Secretary of Transportation is required to ''prescribe annual fuel economy increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.'' [7] Additionally, the standards for passenger cars and light trucks must be ''based on 1 or more vehicle attributes related to fuel economy'' and expressed ''in the form of a mathematical function.'' In any single final rule, standards may be established for not more than five model years.[8] EPCA also mandates a minimum standard for domestically manufactured passenger cars.[9]

Pursuant to EISA, on April 22, 2008, NHTSA proposed CAFE standards for MY 2011–2015 passenger cars and light trucks in a Notice of Proposed Rulemaking published on May 2, 2008. *See* 73 FR 24352. In March 2008, NHTSA issued a Notice of Intent to prepare an EIS for the MY 2011–2015 CAFE standards. *See* 73 FR 16615; 40 CFR 1501.7. On July 3, 2008, EPA issued its Notice of Availability for the DEIS, triggering the 45-day public comment period. The public was invited to submit written comments on the DEIS until August 18, 2008. NHTSA also held a public hearing on the DEIS in Washington, DC, on August 4, 2008. On October 10, 2008, NHTSA submitted to the EPA its *Final Environmental Impact Statement, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011—2015,* Docket No. NHTSA–2008–0060–0605 (FEIS). On October 17, 2008, the EPA published a Notice of Availability of the FEIS in the **Federal Register**. *See* 73 FR 61859. On January 7, 2009, the Department of Transportation announced that the Bush Administration would not issue the final rule. *See Statement from the U.S. Department of Transportation,* available at *http://www.dot.gov/affairs/dot0109.htm* (last accessed Feb. 9, 2009).

On January 26, 2009, President Barack Obama issued a memorandum to the Secretary of Transportation and the Administrator of NHTSA, requesting NHTSA ''to publish in the **Federal Register** by March 30, 2009, a final rule prescribing increased fuel economy for model year 2011.'' *See* 74 FR 4907. President Obama also requested that ''before promulgating a final rule concerning model years after model year 2011, [the agency] consider the appropriate legal factors under EISA, the comments filed in response to the [NPRM], the relevant technological and scientific considerations, and to the extent feasible, the forthcoming report by the National Academy of Sciences mandated under section 107 of EISA * * *.'' *Id.*

In accordance with President Obama's request, on March 30, 2009, NHTSA published a Final Rule promulgating the fuel economy standards for MY 2011 only. The Final Rule also constituted the Record of Decision (ROD) for NHTSA's MY 2011 CAFE standards, pursuant to NEPA and CEQ's implementing regulations. *See* 40 CFR 1505.2. The agency postponed a decision and the issuance of a final rule and ROD for MY 2012 and beyond, pursuant to the President's January 26th memorandum. The deferral of action on standards for the later model years provides the agency with an opportunity to review its approach to CAFE standard setting, including its methodologies, economic and technological inputs and decision-

[1] EISA is Public Law 110–140, 121 Stat. 1492 (December 19, 2007). EPCA is codified at 49 U.S.C. 32901 *et seq.*

[2] NEPA is codified at 42 U.S.C. 4321–4347. CEQ's NEPA implementing regulations are codified at 40 CFR Pts. 1500–1508, and NHTSA's NEPA implementing regulations are codified at 49 CFR Part 520.

[3] NHTSA is delegated responsibility for implementing the EPCA fuel economy requirements assigned to the Secretary of Transportation. 49 CFR 1.50, 501.2(a)(8).

[4] 49 U.S.C. 32902(a), 32902(f).

[5] For environmental considerations, see *Center for Auto Safety* v. *NHTSA*, 793 F.2d 1322, 1325 n. 12 (D.C. Cir. 1986); *Public Citizen* v. *NHTSA*, 848 F.2d 256, 262–3 n. 27 (D.C. Cir. 1988) (noting that ''NHTSA itself has interpreted the factors it must consider in setting CAFE standards as including environmental effects''); and *Center for Biological Diversity* v. *NHTSA,* 508 F.3d 508, 529 (9th Cir. 2007); for safety considerations, *see, e.g., Competitive Enterprise Inst.* v. *NHTSA,* 956 F.2d 321, 322 (D.C. Cir. 1992) (citing *Competitive Enterprise Inst.* v. *NHTSA,* 901 F.2d 107, 120 n. 11 (D.C. Cir. 1990)).

[6] 49 U.S.C.A. 32902(b)(1), 32902(b)(2)(A).

[7] 49 U.S.C.A. 32902(b)(2)(C).

[8] 49 U.S.C.A. 32902(b)(3)(A), 32902(b)(3)(B).

[9] 49 U.S.C.A. 32902(b)(4) (''each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of (A) 27.5 miles per gallon; or (B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year. * * *'').

making criteria, so as to ensure that it will produce standards that contribute, to the maximum extent feasible within the limits of EPCA/EISA, to meeting the energy and environmental challenges and goals outlined by the President.

NHTSA intends to propose CAFE standards for MY 2012–2016, a five-year period, for various important reasons. As a preliminary matter, a standard for MY 2012 must be issued by the end of March 2010.[10] Moreover, achieving an industry-wide combined fleet average of at least 35 miles per gallon for MY 2020 depends, in substantial part, upon setting standards well in advance so as to provide automobile manufacturers with as much lead time as possible to make the necessary changes to their automobiles. Setting fuel economy standards for the full five-year increment permitted by EISA, would provide manufacturers with the maximum lead time possible under EPCA and EISA and promote regulatory stability and the efficient use of government resources.

This Notice of Intent initiates the scoping process for the EIS under NEPA, 42 U.S.C. 4321–4347, and implementing regulations issued by CEQ, 40 CFR parts 1500–1508, and NHTSA, 49 CFR part 520. *See* 40 CFR 1501.7, 1508.22; 49 CFR 520.21(g). Specifically, this Notice of Intent requests public input on the scope of NHTSA's NEPA analysis relating to the CAFE standards for MY 2012–2016 automobiles. As part of the NEPA scoping process, this notice briefly describes the alternatives NHTSA is currently considering for setting MY 2012–2016 CAFE standards.

The Alternatives: NHTSA's upcoming NPRM will propose separate attribute-based standards for MY 2012–2016 passenger cars and for MY 2012–2016 light trucks. This notice briefly describes a variety of possible alternatives that are currently under consideration by the agency, and seeks input from the public about these alternatives and about whether other alternatives should be considered as we proceed with the rulemaking and the EIS.

As noted above, NHTSA is statutorily required to promulgate attribute-based fuel economy standards. *See* 49 U.S.C.A. 32902(b)(3)(A). Under the upcoming proposed standards, each individual vehicle model would have a specific fuel economy target based on the quantitative value of the attribute (for example, footprint) possessed by that vehicle model.[11] Fuel economy targets would reflect, in part, NHTSA's analysis of the technological and economic capabilities of the industry within the rulemaking time frame. A manufacturer's CAFE standard, in turn, would be based on the target levels set for its particular mix of vehicles in that model year. Compliance would be determined by comparing a manufacturer's harmonically averaged fleet fuel economy levels in a model year with a required fuel economy level calculated using the manufacturer's actual production levels and the targets for each vehicle it produces.[12]

In developing alternatives, NHTSA must consider EPCA's requirements for setting CAFE standards. 49 U.S.C. 32902(b)(2)(A) and (C) contain the following three requirements specific to CAFE standards for MYs 2011–2020: (1) The standards must be sufficiently high to result in a combined (passenger car and light truck) fleet fuel economy of at least 35 mpg by MY 2020; (2) the standards must increase annually; and (3) the standards must increase ratably. EPCA also requires the agency to determine what level of CAFE stringency would be the ''maximum feasible'' for each model year. In determining the maximum feasible levels, EPCA directs NHTSA to consider four factors: Technological feasibility, economic practicability, the effect of other standards of the Government on fuel economy, and the need of the nation to conserve energy. *See* 49 U.S.C. 32902(f). In balancing these four factors, NHTSA also accounts for relevant environmental and safety considerations, as discussed above.

The alternatives that NHTSA currently has under consideration, in order of increasing stringency, are:

(1) A ''no action'' alternative, which assumes, strictly for purposes of NEPA analysis, that NHTSA would not issue a rule regarding CAFE standards.[13] NEPA requires agencies to consider a ''no action'' alternative in their NEPA analyses and to compare the effects of not taking action with the effects of the reasonable action alternatives to demonstrate the different environmental effects of the action alternatives. The recent amendments to EPCA direct NHTSA to set new CAFE standards and do not permit the agency to take no action on fuel economy.[14] NHTSA refers to this as the ''No Action Alternative'' or as a ''no increase'' or ''baseline'' alternative.

NHTSA is also proposing to consider five action alternatives, each of which would cause the average fuel economy for the industry-wide combined passenger car and light truck fleet to increase, on average, by a specified percentage for each model year during the rulemaking period. Because the percentage increases in stringency are ''average'' increases, they may either be constant throughout the period or may vary from year to year, so long as the average yearly increase over that period equals the percentage increase specified in the alternative.

The alternatives below represent the percentage increases in fuel economy that the agency is considering:

(2) A 3% average annual increase, resulting in 31.7 mpg in MY 2016 (and 35.6 mpg in MY 2020, if the increase were continued through that model year). NHTSA refers to this as the ''3% Alternative.''

(3) A 4% average annual increase, resulting in 33.2 mpg in MY 2016 (38.9 mpg in MY 2020). NHTSA refers to this as the ''4% Alternative.''

(4) A 5% average annual increase, resulting in 34.8 mpg in MY 2016. (42.4 mpg in MY 2020). NHTSA refers to this as the ''5% Alternative.''

(5) A 6% average annual increase, resulting in 36.5 mpg in MY 2016 (46.1 mpg in MY 2020). NHTSA refers to this as the ''6% Alternative.''

(6) A 7% average annual increase, resulting in 38.3 mpg in MY 2016 (50.2 mpg in MY 2020). NHTSA refers to this as the ''7% Alternative.''

Each of the alternatives proposed by NHTSA represents, in part, a different way in which NHTSA conceivably could weigh EPCA's statutory requirements and account for NEPA's

[10] 49 U.S.C. 32902(a) requires standards to be prescribed at least 18 months before the beginning of each model year; for CAFE purposes, NHTSA and manufacturers have historically considered April 1 of the prior calendar year to mark 18 months before the beginning of a model year.

[11] Vehicle models made by different manufacturers would have the same fuel economy target if they both possessed the exact same quantity of the attribute upon which the standards are based.

[12] While manufacturers may use a variety of flexibility mechanisms to comply with CAFE, including credits earned for over-compliance and production of flexible-fuel vehicles, NHTSA is statutorily prohibited from considering manufacturers' ability to use flexibility mechanisms in determining what level of CAFE standards would be maximum feasible. *See* 49 U.S.C. 32902(h).

[13] *See* 40 CFR 1502.2(e), 1502.14(d).

[14] CEQ has explained that ''[T]he regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act. This analysis provides a benchmark, enabling decision makers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed. [*See* 40 CFR 1502.14(c).] * * * Inclusion of such an analysis in the EIS is necessary to inform Congress, the public, and the President as intended by NEPA. [*See* 40 CFR 1500.1(a).]'' *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations,* 46 FR 18026 (1981) (emphasis added).

policies. For example, the 7% Alternative, the most stringent alternative, weighs energy conservation and climate change considerations more heavily and technological feasibility and economic practicability less heavily. In contrast, the 3% Alternative, the least stringent alternative, places more weight on technological feasibility and economic practicability. The ''feasibility'' of the alternatives also may reflect differences and uncertainties in the way in which key economic (*e.g.,* the price of fuel and the social cost of carbon) and technological inputs could be assessed and estimated or valued. The agency may select one of the above-identified alternatives as its Preferred Alternative or it may select a level of stringency that falls between the levels of stringency reflected in the alternatives proposed in this Scoping Notice.

Under NEPA, the purpose of and need for an agency's action inform the range of reasonable alternatives to be considered in its NEPA analysis.[15] The above alternatives represent a broad range of approaches under consideration for setting proposed CAFE standards and whose environmental impacts we propose to evaluate under NEPA. These alternatives take into account the comments NHTSA received during the prior rulemaking and EIS process.

As detailed below, NHTSA invites comments to ensure that the agency considers a full range of reasonable alternatives in setting CAFE standards and that the agency identifies the environmental impacts and focuses its analyses on all the potentially significant impacts related to each alternative. Comments may go beyond the approaches and information that NHTSA used in developing the above alternatives and in identifying the potentially significant environmental effects. The agency may modify the proposed alternatives and environmental effects that will be analyzed in depth based upon the comments received during the scoping process and upon further agency analysis.

Scoping and Public Participation: The scoping process initiated by this notice seeks to determine ''the range of actions, alternatives, and impacts to be considered'' in the EIS and to identify the most important issues for analysis involving the potential environmental impacts of NHTSA's CAFE standards.[16] NHTSA's NEPA analysis for the MY 2012–2016 CAFE standards will consider the direct, indirect and cumulative environmental impacts of the proposed standards and those of reasonable alternatives.

While the main focus of NHTSA's prior EIS (*i.e.,* EIS for Model Years 2011–2015) was the quantification of impacts to energy, air quality, and climate, and qualitative analysis of cumulative impacts resulting from climate change, it also addressed other potentially affected resources. NHTSA conducted a qualitative review of the related direct, indirect, and cumulative impacts, positive or negative, of the alternatives on other potentially affected resources (water resources, biological resources, land use, hazardous materials, safety, noise, historic and cultural resources, and environmental justice).

For the current EIS, NHTSA intends to focus on the impacts in the same manner as it did in the prior EIS. NHTSA is currently considering analyzing environmental impacts related to fuel and energy use, emissions including GHGs and their effects on temperature and climate change, air quality, natural resources, and the human environment. NHTSA also will consider the cumulative impacts of the proposed standards for MY 2012–2016 automobiles together with estimated impacts of NHTSA's implementation of the CAFE program through MY 2011 and NHTSA's future CAFE rulemakings for MY 2017 and beyond. To that end, NHTSA will project the effects of CAFE standards for MY 2012–2016 and beyond on fuel use and emissions over the lifetimes of the vehicles produced during those model years (or ''the vehicles subject to those standards''), as well as on future fuel use and emissions by the entire U.S. automobile and light truck fleets.

NHTSA anticipates considerable uncertainty in estimating and comparing the potential environmental impacts related to climate change in particular. For instance, it may be difficult to predict with a reasonable degree of certainty or accuracy the range of potential global temperature changes that may result from changes in fuel and energy consumption and GHG emissions due to new CAFE standards. It also may be difficult to predict and compare the ways in which potential temperature changes attributable to new CAFE standards may affect many aspects of the environment. NHTSA will do its best to gather all relevant and credible information. If, however, the agency discovers incomplete or unavailable information, the agency will acknowledge the uncertainties in its NEPA analysis, and will apply the provisions in the CEQ regulations addressing ''[i]ncomplete or unavailable information.'' [17]

Currently, NHTSA intends to rely upon the Intergovernmental Panel on Climate Change (IPCC) 2007 Fourth Assessment Report, and subsequent updates, and Reports of the U.S. Climate Change Science Program (CCSP) as sources for recent ''summar[ies] of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment.'' [18] NHTSA believes that the IPCC Fourth Assessment Report and the CCSP Reports are the most recent, most comprehensive summaries available, but recognizes that subsequent research may provide additional relevant and credible evidence not accounted for in these Reports. NHTSA expects to rely on such subsequent information as well, to the extent that it provides relevant and credible evidence.

NHTSA also expects to rely on the FEIS it published on October 10, 2008,[19] incorporating material by reference ''when the effect will be to cut down on bulk without impeding agency and public review of the action.'' [20] Therefore, the NHTSA NEPA analysis and documentation will incorporate by reference relevant materials, including portions of the agency's prior FEIS, where applicable.

In preparing this notice of public scoping to identify the range of actions, alternatives, and impacts to be analyzed in depth in the EIS, NHTSA has consulted with agencies, including CEQ, DOE, EPA, the Office of Management and Budget, and the Office of Energy and Climate Change Policy. Through this notice, NHTSA invites all Federal agencies, Indian Tribes, State and local agencies with jurisdiction by law or special expertise with respect to potential environmental impacts of proposed CAFE standards, and the public to participate in the scoping process.[21]

[15] 40 CFR 1502.13.

[16] *See* 40 CFR 1500.5(d), 1501.7, 1508.25.

[17] *See* 40 CFR 1502.22.

[18] 40 CFR 1502.22(b)(3); *see* 40 CFR 1502.21. The report and the IPCC's earlier reports are available at *http://www.ipcc.ch/* (last visited March 11, 2008).

[19] *See Final Environmental Impact Statement, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2011–2015,* Docket No. NHTSA–2008–0060–0605.

[20] 40 CFR 1502.21.

[21] Consistent with NEPA and implementing regulations, NHTSA is sending this notice directly to: (1) Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts involved or authorized to develop and enforce environmental standards; (2) the Governors of every State, to share with the appropriate agencies and offices within their administrations and with the local jurisdictions

Specifically, NHTSA invites all stakeholders to participate in the scoping process by submitting written comments concerning the appropriate scope of NHTSA's NEPA analysis for the proposed CAFE standards to the docket number identified in the heading of this notice, using any of the methods described in the **ADDRESSES** section of this notice. NHTSA does not plan to hold a public scoping meeting, because written comments will be effective in identifying and narrowing the issues for analysis.

NHTSA is especially interested in comments concerning the evaluation of climate change impacts. Specifically, NHTSA requests:

• Peer-reviewed scientific studies that have been issued since the IPCC's Fourth Assessment Report (and are not reflected in the IPCC's work through November 17, 2007) and that address: (a) The impacts of CO_2 and other greenhouse gas emissions on temperature, and specifically, the temperature changes that may be associated with any of the alternatives under consideration; (b) the impacts of changes in temperature on the environment, including water resources and biological resources, and human health and welfare; or (c) the time periods over which such impacts may occur.

• Comments on how NHTSA should estimate the potential changes in temperature that may result from the changes in CO_2 emissions projected from setting MY 2012–2016 CAFE standards, and comments on how NHTSA should estimate the potential impacts of temperature changes on the environment.

• Comments on what time frame NHTSA should use to evaluate the environmental impacts that may result from setting MY 2012–2016 CAFE standards, both incrementally and cumulatively. For example, some commenters during the last CAFE rulemaking suggested using a 50-year time frame to evaluate environmental impacts, while others suggested using a time frame that spanned more than 100 years. *See* FEIS sections 10.2.1, 10.3.1.2.

• Reports analyzing the potential impacts of climate change within the United States or in particular geographic areas of the United States. Such reports could be prepared by or on behalf of States, local governments, Indian Tribes, regional organizations, academic researchers, or other interested parties.

• NHTSA understands that there are a variety of potential alternatives that could be considered that fit within the purpose and need for the proposed rulemaking, as set forth in EPCA, as amended by EISA. NHTSA, therefore, seeks comments on how best to structure a reasonable alternative for purposes of evaluating it under NEPA. Specifically, NHTSA seeks comments on what criteria should be used to structure such alternative, given the attribute-based system that EISA requires, while being consistent with NHTSA's statutory requirement of setting ''maximum feasible'' fuel economy standards that increase ratably. *See* 49 U.S.C. 32902(f). When suggesting a possible alternative, please explain how it would satisfy EPCA's factors (in particular, technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the nation to conserve energy) and requirements (such as achieving a combined fleet average fuel economy of at least 35 miles per gallon for MY 2020) and give effect to NEPA's policies.[22]

In addition, NHTSA requests comments on how the agency should assess cumulative impacts, including those from various emissions source categories and from a range of geographic locations. Also in regard to cumulative impacts, the agency requests comments on how to consider the incremental impacts from foreseeable future actions of other agencies or persons, especially those relating to greenhouse gas regulation or climate change initiatives and how they might interact with the CAFE program's incremental cumulative impacts.

Two important purposes of scoping are identifying the significant issues that merit in-depth analysis in the EIS and identifying and eliminating from detailed analysis the issues that are not significant and therefore require only a brief discussion in the EIS.[23] In light of these purposes, written comments should include an Internet citation (with a date last visited) to each study or report you cite in your comments if one is available. If a document you cite is not available to the public on-line, you should attach a copy to your comments. Your comments should indicate how each document you cite or attach to your comments is relevant to the NEPA analysis and indicate the specific pages and passages in the attachment that are most informative.

The more specific your comments are, and the more support you can provide by directing the agency to peer-reviewed scientific studies and reports as requested above, the more useful your comments will be to the agency. For example, if you identify an additional area of impact or environmental concern you believe NHTSA should analyze, or an analytical tool or model that you believe NHTSA should use to evaluate these environmental impacts, you should clearly describe it and support your comments with a reference to a specific peer-reviewed scientific study, report, tool or model. Specific, well-supported comments will help the agency prepare an EIS that is focused and relevant, and will serve NEPA's overarching aims of making high quality information available to decisionmakers and the public by ''concentrat[ing] on the issues that are truly significant to the action in question, rather than amassing needless detail.'' [24] By contrast, mere assertions that the agency should evaluate broad lists or categories of concerns, without support, will not assist the scoping process for the proposed standards.

Please be sure to reference the docket number identified in the heading of this notice in your comments. NHTSA intends to correspond directly to interested parties by e-mail. Thus, please also provide an e-mail address (or a mailing address if you decline e-mail communications).[25] These steps will help NHTSA to manage a large volume of material during the NEPA process. All comments and materials received, including the names and addresses of the commenters who submit them, will become part of the administrative record and will be posted on the Web at *http://www.nhtsa.dot.gov*.

Based on comments received during scoping, NHTSA expects to prepare a draft EIS for public comment later this summer and a final EIS to support a final rule early next year.[26] In regard to NHTSA's decisionmaking schedule, the agency expects to issue a final rule next year.

Separate **Federal Register** notices will announce the availability of the draft EIS, which will be available for public comment, and the final EIS, which will be available for public inspection.

within their States; (3) organizations representing state and local governments and Indian Tribes; and (4) other stakeholders that NHTSA reasonably expects to be interested in the NEPA analysis for the MY 2012–2016 CAFE standards. *See* 42 U.S.C. 4332(2)(C); 49 CFR 520.21(g); 40 CFR 1501.7, 1506.6.

[22] Again, NHTSA notes that it is statutorily prohibited from considering flexibility mechanisms in determining what standards would be maximum feasible. 49 U.S.C. 32902(h).

[23] 40 CFR 1500.4(g), 1501.7(a).

[24] 40 CFR 1500.1(b).

[25] If you prefer to receive NHTSA's NEPA correspondence by U.S. mail, NHTSA intends to provide its NEPA publications via a CD readable on a personal computer.

[26] 40 CFR 1506.10.

NHTSA also plans to continue to post information about the NEPA process and this CAFE rulemaking on its Web site (*http://www.nhtsa.dot.gov*).

Issued: March 27, 2009

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–7289 Filed 3–31–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–1022 (Sub-No. 1X)]

Arizona & California Railroad Company—Abandonment Exemption—in San Bernardino and Riverside Counties, CA

On March 12, 2009, Arizona & California Railroad Company (ARZC) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 49.40-mile rail line between milepost 0.0 at Rice and milepost 49.4 at Ripley, in San Bernardino and Riverside Counties, CA. The line traverses U.S. Postal Service Zip Codes 92225, 92226, and 92280, and includes the stations of Rice, Styx, Midland, Cox, Inca, Mesaville, Blythe, Miller Farms, and Ripley.

The line does contain Federally granted rights-of-way. Any documentation in ARZC's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 30, 2009.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,500 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 21, 2009. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–1022 (Sub-No. 1X), and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001; and (2) Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204, and Scott G. Williams, 7411 Fullerton St., Suite 300, Jackson, FL 32256. Replies to ARZC's petition are due on or before April 21, 2009.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov*.''

Decided: March 23, 2009.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–6846 Filed 3–31–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–308 (Sub-No. 4X)]

Central Michigan Railway Company—Abandonment Exemption—in Kent County, MI

Central Michigan Railway Company (CMRY) has filed a verified notice of exemption under 49 CFR 1152 Subpart F–*Exempt Abandonments* to abandon an approximately 1.75-mile line of railroad, consisting of the following three interconnected segments: (1) A line (segment A) extending from milepost 157.96 (at the switch connection with the east-west aligned tracks of the Mid-Michigan Railroad, Inc. (MMR) near the intersection of Taylor Avenue and Quimby Street) through valuation map marker 9+87.2 (the location of the south wye, or Press Track, switch adjacent to Monroe Avenue) and continuing to the end of the track at a point immediately north of Michigan Street/Bridge Street; (2) a line (segment B) extending from valuation map marker 3+00 (at a switch connection with a line of MMR immediately at the east end of the MMR bridge spanning the Grand River) to a connection with segment A at valuation map marker 9+87.2 (at the south wye switch); and (3) a line (segment C) extending from valuation map marker 0+00 (at a point of connection with the east-west aligned MMR line immediately to the east of the MMR line's bridge spanning the Grand River) due northward to valuation map marker 11+15.0 (approximately 250 feet south of Ann Street),[1] in Grand Rapids, Kent County, MI. The line traverses United States Postal Service Zip Codes 49503 and 49505.

CMRY has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic that would need to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

[1] CMRY states that, except for the northern connection of segment A to the rail line of MMR, the line does not possess milepost markers. For that reason CMRY has supplied valuation map markers where available, and other geographic points of reference to better identify the terminal points of each segment of the line.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 13, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 21, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CMRY's representative: William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CMRY has filed environmental and historic reports, which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 6, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CMRY shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CMRY's filing of a notice of consummation by April 1, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov*.''

Decided: March 25, 2009.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9–7195 Filed 3–31–09; 8:45 am]

BILLING CODE 4915–01–P

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,500. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 27, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the publication date of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before May 1, 2009 to be assured of consideration.

Bureau of Public Debt (BPD)

OMB Number: 1535–0036.

Type of Review: Extension.

Title: Application by Voluntary Guardian of Incapacitated Owner of United States Savings Bonds/Notes.

Forms: PDF–2513.

Description: Used by voluntary guardian of incapacitated bond owner(s) to establish right to act on behalf of owner.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 2,600 hours.

OMB Number: 1535–0013.

Type of Review: Extension.

Title: Claim For Lost, Stolen or Destroyed U.S. Savings Bonds and Supplemental Statement For U.S. Securities.

Forms: PD–F–1048, PD–F–2243.

Description: Used by owner or others having knowledge to request substitute securities or payment of lost, stolen or destroyed securities.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 26,400 hours.

Clearance Officer: Brian Lallemont (304) 480–8150, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26106.

OMB Reviewer: Shagufta Ahmed (202) 395–7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–7245 Filed 3–31–09; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Office of the Comptroller of the Currency

Office of Thrift Supervision

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Renewal of a Currently Approved Collection; Comment Request; Suspicious Activity Report by Depository Institutions

AGENCIES: Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), Financial Crimes Enforcement Network (FinCEN), National Credit Union Administration (NCUA), Office of the Comptroller of the Currency(OCC), Office of Thrift Supervision (OTS).

ACTION: Notice and request for comments.

SUMMARY: FinCEN and the Banking Supervisory Agencies,[1] as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). FinCEN and the Banking Supervisory Agencies are

[1] The term ''Banking Supervisory Agencies'' is the collective term for the following organizations: The Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, National Credit Union Administration, Office of the Comptroller of the Currency, and Office of Thrift Supervision.

soliciting comments concerning the currently approved Suspicious Activity Report by Depository Institutions, which is being renewed without change.

DATES: Written comments should be received on or before June 1, 2009.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the Office of Management and Budget (OMB) control numbers, will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Post Office Box 39, Vienna, VA 22183, *Attention:* 1506–0001, Suspicious Activity Report by Depository Institutions.

Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov* with the caption in the body of the text, ''Attention: 1506–0001, Suspicious Activity Report by Depository Institutions''.

Board: You may submit comments, identified by FR 2230, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal E–Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov.* Include docket number in the subject line of the message.
- *Fax:* 202/452–3819 or 202/452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.,) between 9 a.m. and 5 p.m. on weekdays. Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202–395–6974.

FDIC: Submit written comments by any of the following methods. All comments should refer to ''SAR 3064–0077'':

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include ''SAR 3064–0077'' in the subject line of the message.
- *Mail:* Gary A. Kuiper (202–898–3877), Counsel, Federal Deposit Insurance Corporation, F–1072, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

NCUA: Clearance Officer: Mr. Douglas Verner, (703) 518–6440, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. (703) 518–6684, *E-mail: dverner@ncua.gov.*

OCC: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 2–3, *Attention:* 1557–0180, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0180, by mail to U.S. Office of Management and Budget, 725, 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

OTS: Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* The Office of Thrift Supervision will post comments and the related index on its Internet site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

FinCEN: Regulatory Policy and Programs Division at (800) 949–2732 and selecting option 7.

Board: Michelle Shore, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FDIC: Gary A. Kuiper, Legal Division F–1072, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202–898–3877).

NCUA: Tracy Sumpter, Office of the Chief Information Officer, (703) 518–6444 or Dana Brewington, Office of General Counsel, (703) 518–6554.

OCC: You can request additional information or a copy of the collection from Mary Gottlieb, OCC Clearance Officer, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

OTS: Ira L. Mills, OTS Clearance Officer, Regulations and Legislation Division, Chief Counsel Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–6531.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report by Depository Institutions (SAR). The Office of the Comptroller of the Currency is renewing without change all information collections covered under the information collection titled: ''(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance—12 CFR 21.'' The FDIC is renewing all information collections covered under the information collected pursuant to Part 353–Suspicious Activity Reports, 12 CFR Part 353. FinCEN is also renewing without change the information collections in 31 CFR 103.18.

OMB Control Numbers:

Financial Crimes Enforcement Network: 1506–0001.

Board of Governors of the Federal Reserve System: 7100–0212.

Federal Deposit Insurance Corporation: 3064–0077.

National Credit Union Administration: 3133–0094.

Office of the Comptroller of the Currency: 1557–0180.

Office of Thrift Supervision: 1550–0003.

Form Numbers:

Financial Crimes Enforcement Network: Form 111.

Board of Governors of the Federal Reserve System: FR 2230.

Federal Deposit Insurance Corporation: 6710/06.

National Credit Union Administration: 2362.

Office of the Comptroller of the Currency: 8010–1/8010–9.

Office of Thrift Supervision: 1601.

Abstract: In 1985, the Banking Supervisory Agencies issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and Banking Supervisory Agencies. Beginning in 1994, the Banking Supervisory Agencies and the FinCEN redesigned the reporting process resulting in the Suspicious Activity Report, which became effective in April 1996. The report is authorized by the following regulations: 31 CFR 103.18 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.62(c), 211.5(k), 211.24(f), and 225.4(f) (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The regulations were issued under the authority contained in the following statutes: 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881–84, 3401–22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 248(a)(1), 625, 1818, 1844(c), 3105(c)(2) and 3106(a) (Board); 12 U.S.C1818–1820 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

Current Action: The Banking Supervisory Agencies and the FinCEN propose to renew, without revision, the currently approved form.[2]

Type of Review: Renewal of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

Financial Crimes Enforcement Network: 22,387.[3]

Board of Governors of the Federal Reserve System: 7,000.

Federal Deposit Insurance Corporation: 5,148.

National Credit Union Administration: 7,834.

Office of the Comptroller of the Currency: 1,601.

Office of Thrift Supervision: 804.

Estimated Total Annual Responses:

FinCEN: 672,297.

Board: 86,404.

FDIC: 133,151.

NCUA: 56,500.

OCC: 337,421.

OTS: 58,821.

Estimated Total Annual Burden: Estimated 60 minutes per form:

FinCEN: 889,839 hours.[4]

Board: 86,404 hours.

FDIC: 133,151 hours.

NCUA: 56,500 hours.

OCC: 449,086 hours.

OTS: 164,698 hours.

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 Office of Management and Budget control number. Records required to be retained under the Bank Secrecy Act and these regulations issued by the Banking Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget 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.

Dated: March 9, 2009.

James H. Freis, Jr.

Director, Financial Crimes Enforcement Network.

Dated: March 5, 2009.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated: March 10, 2009.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division, Office of Thrift Supervision.

By the Board of Governors of the Federal Reserve System on March 12, 2009.

Jennifer J. Johnson,

Secretary of the Board.

By Order of the Board of Directors.

Dated at Washington, DC, this 27th day of February, 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By the National Credit Union Administration Board on March 23, 2009.

Mary Rupp,

Secretary of the Board.

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BILLING CODE 4810–02–P

[2] The form being renewed was approved by OMB effective June 30, 2007. On May 1, 2007, FinCEN published a **Federal Register** notice (72 FR 23891) (*http://www.fincen.gov/statutes_regs/frn/pdf/sar_fr_notice.pdf*) announcing the delayed implementation of the revised Suspicious Activity Report (SAR) forms. The revised SAR forms that support joint filings were originally scheduled to become effective on June 30, 2007 and mandatory on December 31, 2007. The delay in implementation does not impact ongoing suspicious activity reporting. Filers should continue to use the July 2003 form until further notice (*http://www.fincen.gov/forms/files/f9022–47_sar-di.pdf*). FinCEN will establish new dates for using the revised SAR forms in a future notice. Depository institutions will be provided ample lead time to incorporate the approved version.

[3] Respondents comprise many of the same institutions responding to the Supervisory Agencies.

[4] Only one form is filed in satisfaction of the rules of both FinCEN and the banking supervisory agencies. The estimated burden per form is 60 minutes; the hourly burden does not attempt to allocate that time between agencies when the form is filed in satisfaction of the rules of more than one agency.

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Amendment of System of Records ''Compensation, Pension, Education, and Rehabilitation Records—VA (58VA21/22/28)''—VA.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), notice is hereby given that the Department of Veterans Affairs (VA) proposes to modify, alter, amend, rename and republish in its entirety existing system of records ''Compensation, Pension, Education, and Rehabilitation Records—VA (58VA21/22/28)''.

DATES: Comments on this amended system must be received no later than May 1, 2009. If no public comment is received during the period allowed for comments, the amended system will become effective May 1, 2009.

ADDRESSES: Written comments concerning the proposed System of

Records may be submitted through *http://www.Regulations.gov*; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of 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. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Michael F. Palmer, Procedures Analyst, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 461–9732.

SUPPLEMENTARY INFORMATION: This system of records contains information regarding applicants for and beneficiaries of benefits chiefly administered by the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs (VA). This system is a core system for VBA programs. This system of records does not directly address health or memorial benefits administered respectively by the Veterans Health Administration or the National Cemetery Administration, the other two of the three Administrations within VA. This system was first published on March 3, 1976, and last amended on September 2, 2008, by the addition of routine use number 72, that was erroneously printed as number 70. Our comprehensive review of this system found that many routine uses could be modified, altered, amended or deleted. The Department proposes to reduce the existing 72 routine uses to 64 routine uses to reflect the present state of disclosure authority. Accordingly, the Department proposes to delete existing routine uses 30 and 31, which authorized disclosure on the basis of a valid subpoena issued by a competent Federal, State, or municipal court. Subsequent case law has invalidated the legality of disclosures solely on the basis of a subpoena. The Department has made minor, non-substantive changes to the remaining existing routine uses for grammar and clarity purposes, and those changes are not further discussed. Several routine uses were merged as they contained unnecessary duplication. Overall, these changes resulted in the elimination of eight of the existing routine uses. In addition to the changes in the routine uses identified above, the Department also proposes to add Veterans Services Network (VETSNET) and the Virtual VA Suite of Applications to this existing system of records in the storage category, as these applications reflect state of the art trends in information processing and storage.

The Veterans Service Network (VETSNET) is a suite of five applications to improve the processing of claims within the Compensation and Pension (C&P) Service business line: Share, MAP—D (Modern Award Processing—Development), RBA2000 (Rating Board Automation), Awards and FAS (Finance and Accounting System). VETSNET will transition VBA's legacy system (Benefits Delivery Network, or BDN) to a more contemporary computing infrastructure. The Virtual VA Suite of Applications is an enterprise content management (ECM) system. It is comprised of 15 different technologies that capture, manage, preserve, and deliver content and documents related to C&P Service's business processes in an electronic form through the use of the electronic folder. The electronic folder (eFolder) is an application within the Virtual VA Suite of Applications that replaces manual paper transfer, and eliminates the need for storage of paper claims folders by providing secure and efficient electronic storage of data.

Finally, the Department is renaming the system ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA'' with the corresponding number of 58VA 21/22/28 to signify that this is the 58th VA system of records. The numbers 21, 22, and 28 reflect VBA's internal office routing numbers: Compensation and Pension Programs (21), Education (22) and Vocational Rehabilitation and Employment Service (28). The Report of Intent to Amend a System of Records Notice For Veterans Benefits Administration (VBA) and an advance copy of the proposed changes 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: March 12, 2009.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

58VA21/22/28

SYSTEM NAME:

Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA.

SYSTEM LOCATION:

Records are maintained at the Department of Veterans Affairs (VA) regional offices, VA centers, the VA Records Management Center, St. Louis, Missouri, the Data Processing Center at Hines, Illinois, the Corporate Franchise Data Center in Austin, Texas, and the Information Technology Center at Philadelphia, PA. Active records are generally maintained by the regional offices having jurisdiction over the domicile of the claimant. Active educational assistance records are generally maintained at the regional processing office having jurisdiction over the educational institution, training establishment, or other entity where the claimant pursues or intends to pursue training. Address locations of VA facilities are listed in the VA Appendix I and are also listed at *http://www2.va.gov/directory/guide/home.asp?isFlash=1*. The automated individual employee productivity records are temporarily maintained at the VA data processing facility serving the office in which the employee is located. The paper record is maintained at the VA regional office having jurisdiction over the employee who processed the claim. Records provided to the Department of Housing and Urban Development (HUD) for inclusion on its Credit Alert Interactive Voice Response System (CAIVRS) are located at a data processing center under contract to HUD at Lanham, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by this system.

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. chapter 11.

2. Veterans who have applied for nonservice-connected disability under 38 U.S.C. chapter 15.

3. Veterans entitled to burial benefits under 38 U.S.C. chapter 23.

4. Surviving spouses and children who have claimed pension based on nonservice-connected death of a veteran under 38 U.S.C. chapter 15.

5. Surviving spouses and children who have claimed death compensation

based on service-connected death of a veteran under 38 U.S.C. chapter 11.

6. Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. chapter 13.

7. Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. chapter 11.

8. Parents who have applied for dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. chapter 13.

9. Individuals who applied for educational assistance benefits administered by VA under title 38 U.S.C.

10. Individuals who applied for educational assistance benefits maintained by the Department of Defense under 10 U.S.C. that are administered by VA.

11. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Emergency Veterans' Job Training Act of 1983, Public Law 98–77.

12. Any VA employee who generates or finalizes adjudicative actions using the Benefits Delivery Network (BDN) or the Veterans Service Network (VETSNET) computer processing systems.

13. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Service Members Occupational Conversion and Training Act of 1992, Public Law 102–484.

14. Representatives of individuals covered by the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record, may include identifying information (*e.g.*, name, address, social security number); military service and active duty separation information (*e.g.*, name, service number, date of birth, rank, sex, total amount of active service, branch of service, character of service, pay grade, assigned separation reason, service period, whether veteran was discharged with a disability, reenlisted, received a Purple Heart or other military decoration); payment information (*e.g.*, veteran payee name, address, dollar amount of readjustment service pay, amount of disability or pension payments, number of nonpay days, any amount of indebtedness (accounts receivable) arising from title 38 U.S.C. benefits and which are owed to the VA); medical information (*e.g.*, medical and dental treatment in the Armed Forces including type of service-connected disability, medical facilities, or medical or dental treatment by VA health care personnel or received from private hospitals and health care personnel relating to a claim for VA disability benefits or medical or dental treatment); personal information (*e.g.*, marital status, name and address of dependents, occupation, amount of education of a veteran or a dependent, dependent's relationship to veteran); education benefit information (*e.g.*, information arising from utilization of training benefits such as a veteran trainee's induction, reentrance or dismissal from a program or progress and attendance in an education or training program); applications for compensation, pension, education and vocational rehabilitation benefits and training which may contain identifying information, military service and active duty separation information, payment information, medical and dental information, personal and education benefit information relating to a veteran or beneficiary's incarceration in a penal institution (*e.g.*, name of incarcerated veteran or beneficiary, claims file number, name and address of penal institution, date of commitment, type of offense, scheduled release date, veteran's date of birth, beneficiary relationship to veteran and whether veteran or beneficiary is in a work release or half-way house program, on parole or has been released from incarceration).

The VA employee's BDN or VETSNET identification numbers, the number and kind of actions generated and/or finalized by each such employee, the compilation of cases returned for each employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 United States Code (U.S.C.) chapters 106a, 510, 1606 and 1607 and Title 38, U.S.C., section 501(a) and Chapters 11, 13, 15, 18, 23, 30, 31, 32, 33, 34, 35, 36, 39, 51, 53, and 55.

PURPOSE(S):

VA gathers or creates these records in order to enable it to administer statutory benefits programs to veterans, service members, reservists, and their spouses, surviving spouses, and dependents, who file claims for a wide variety of Federal veteran's benefits administered by VA. See the statutory provisions cited in ''Authority for maintenance of the system''.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system or records may be disclosed to a Member of Congress, or staff person acting for the member when, the member or staff person requests the record on behalf of and at the written request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: The hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon official request, to the extent that it is relevant and necessary to that agency's decision on: The hiring, retention or transfer of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency including eligibility for unemployment compensation; provided, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. VA may disclose on its own initiative any information in this system, except the names and home addresses of individuals, that are relevant to a suspected violation 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, rule, regulation or order.

5. VA may disclose on its own initiative the names and addresses of individuals, that are relevant to a suspected violation 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 agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order.

6. The name and address of an individual, which is relevant to a

suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

7. The name, address, entitlement code (*e.g.*, compensation or pension), period(s) of service, sex, and date(s) of discharge may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 U.S.C. Disclosures may be in the form of a computerized list.

8. Any information in this system, except for the name and address of an individual, may be disclosed to a Federal agency in order for VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of an individual may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

9. Any information in this system may be disclosed in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Department of Veterans Affairs when in the judgment of the Secretary, or official generally delegated such authority under standard agency delegation of authority rules (38 CFR 2.6), such disclosure is deemed necessary and proper, in accordance with 38 U.S.C. 5701(b)(6).

10. The name and address of an individual, and other information as is reasonably necessary to identify such individual, may be disclosed to a consumer reporting agency for the purpose of locating the individual, or obtaining a consumer report to determine the ability of the individual to repay an indebtedness to the United States arising by virtue of the individual's participation in a benefits program administered by the VA, provided that the requirements of 38 U.S.C. 5701(g)(2) have been met.

11. The name and address of an individual, and other information as is reasonably necessary to identify such individual, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the individual's indebtedness to the United States by virtue of the person's participation in a benefits program administered by VA, may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 5701(g)(4) have been met.

12. Any information in this system, including available identifying information regarding the debtor, such as name of debtor, last known address of debtor, VA insurance number, VA loan number, VA claim number, place of birth, date of birth of debtor, name and address of debtor's employer or firm and dates of employment may be disclosed, under this routine use, except to consumer reporting agencies, to a third party in order to obtain current name, address, locator, and credit report in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any VA benefit program when in the judgment of the Secretary such disclosure is deemed necessary and proper. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89–508, 31 U.S.C. 951–953 and 4 CFR parts 101–105 and 38 U.S.C. 5701(b)(6)).

13. Any information in this system, including the nature and amount of a financial obligation, may be disclosed to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer and to assist in the collection of unpaid financial obligations owed VA.

14. Payment information may be disclosed to the Department of the Treasury, in accordance with its official request, to permit delivery of benefit payments to veterans or other beneficiaries.

15. Medical information may be disclosed in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or a head of a State, county or city health department or any fee basis physician or sharing institution in direct connection with authorized treatment for a veteran, provided the name of the individual to whom the record pertains is given and the information will be treated as confidential, as is customary in civilian professional medical practice.

16. The name, address, VA file number, effective date of compensation or pension, current and historical benefit pay amounts for compensation or pension, service information, date of birth, competency payment status, incarceration status, and social security number of veterans and their surviving spouses may be disclosed to the following agencies upon their official request: Department of Defense; Defense Manpower Data Center; Marine Corps; Department of Homeland Security; Coast Guard; Public Health Service (PHS); National Oceanic and Atmospheric Administration (NOAA) and Commissioned Officer Corps in order for these departments and agencies and VA to reconcile the amount and/or waiver of service, department and retired pay. These records may also be disclosed as a part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with 10 U.S.C. 12316, 38 U.S.C. 5304 and 38 U.S.C. 5701.

17. The amount of pension, compensation, dependency and indemnity compensation, educational assistance allowance, retirement pay and subsistence allowance of any individual identified to VA may be disclosed to any person who applies for such information.

18. Identifying, personal, payment and medical information may be disclosed to a Federal, State, or local government agency at the request of a veteran in order to assist the veteran and ensure that all of the title 38 U.S.C. or other benefits to which the veteran is entitled are received. This information may also be disclosed upon the request from a Federal agency, or to a State or local agency, provided the name and address of the veteran is given beforehand by the requesting agency, in order to assist the veteran in obtaining a non-title 38 U.S.C. benefit to which the veteran is entitled. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

19. Any information in this system, which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits, may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

20. Any information in this system, such as identifying information, nature of a claim, amount of benefit payments, percentage of disability, income and medical expense information maintained by VA which is used to determine the amount payable to recipients of VA income-dependent

benefits and personal information, may be disclosed to the Social Security Administration, upon its official request, in order for that agency to determine eligibility regarding amounts of social security benefits, or to verify other information with respect thereto. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

21. VA may disclose an individual's identifying information to an educational institution, training establishment, or other entity which administers programs approved for VA educational assistance in order to assist the individual in completing claims forms, to obtain information necessary to adjudicate the individual's claim, or to monitor the progress of the individual who is pursuing or intends to pursue training at the request of the appropriate institution, training establishment, or other entity administrating approved VA educational programs or at the request of the veteran.

22. Medical data (excluding the name and address of a veteran unless the name and address are furnished by the requestor) may be disclosed to epidemiological and other research facilities approved by the Under Secretary for Health to obtain data from those facilities necessary to assist in medical studies on veterans for the Department of Veterans Affairs or for any research purposes determined to be necessary and proper by the Under Secretary for Health.

23. The name(s) and address(es) of a veteran may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

24. Any information in this system relevant to a veteran's claim such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information and military service and active duty separation information may be disclosed at the request of the veteran to accredited service organizations, VA-approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid veterans in the preparation, presentation and prosecution of claims under the laws administered by VA.

25. Identifying and payment information may be disclosed, upon the request of a Federal agency, to a State or local government agency, to determine a beneficiary's eligibility under programs provided for under Federal legislation and for which the requesting Federal agency has responsibility. These records may also be disclosed as a part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with 38 U.S.C. 5701.

26. Any information in this system such as the amount of benefit or disability payments and medical information may be disclosed in the course of presenting evidence to a court, magistrate, or administrative authority, in matters of guardianship, inquests, and commitments, to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency, and to probation and parole officers in connection with court-required duties.

27. Any information in this system including medical information, the basis and nature of claim, the amount of benefits and personal information may be disclosed to a VA Federal fiduciary or a guardian ad litem in relation to his or her representation of a veteran only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian ad litem.

28. Any relevant information (including changes in disability ratings) may be disclosed to the Department of Justice and United States Attorneys in the defense or prosecution of litigation involving the United States, and to Federal agencies upon their request in connection with review of administrative tort claims and potential tort claims filed under the Federal Tort Claims Act, 28 U.S.C. 2672, the Military Claims Act, 10 U.S.C. 2733, and other similar claims statutes.

29. Any information in this system including the name, social security number, date of birth, delimiting date and remaining entitlement of VA educational benefits, may be disclosed to the Department of Education (ED) upon its official request, or contractor thereof, for specific use by the ED to validate information regarding entitlement to VA benefits which is submitted by applicants who request educational assistance grants from the ED. The ED or contractor thereof will not use such information for any other purpose. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

30. VA may, at the request of the individual, disclose identifying information of an individual who is pursuing or intends to pursue training at an educational institution, training establishment, or other entity which administers programs approved for VA educational assistance in order for the VA to obtain sufficient information necessary to pay that individual or the educational or training establishment the correct monetary amounts in an expeditious manner. However, information will not be provided under this routine use to an educational institution, training establishment, or other entity when the request is clearly an attempt by that establishment to seek assistance in collection attempts against the individual.

31. Identifying information and information regarding the induction, reentrance and dismissal of a disabled veteran from a vocational rehabilitation program may be disclosed at the request of the veteran to a VA-approved vocational rehabilitation training establishment to ensure that the trainee receives the maximum benefit from training.

32. Identifying information and information regarding the extent and nature of a veteran's disabilities with respect to any limitations to be imposed on the veteran's vocational programs may be disclosed at the request of the veteran to a VA-approved vocational rehabilitation-training establishment to ensure that the trainee receives the maximum benefit from training.

33. Information regarding the type and amount of training/education received, and the name and address of a veteran, may be disclosed at the request of a veteran to local and State agencies and to prospective employers in order to assist the veteran in obtaining employment or further training.

34. The name, claims file number and any other information relating to a veteran's or beneficiary's incarceration in a penal institution and information regarding a dependent's right to a special apportionment of the incarcerated individual's VA benefit payment may be disclosed to those dependents who may be eligible for entitlement to such apportionment in accordance with 38 U.S.C. 5313, 5307.

35. The name, claims file number and any other information relating to an individual who may be incarcerated in a penal institution may, pursuant to an arrangement, be disclosed to penal institutions or to correctional authorities in order to verify information concerning the individual's incarceration status. The disclosure of this information is necessary to determine that individual's continuing eligibility as authorized under 38 U.S.C. 5313, 5307. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

36. Identifying information, except for the name and address of a veteran, may be disclosed to a State agency for the purpose of conducting a computer match to determine if income and employment data are being properly reported to VA and to detect the unwarranted payment of benefits under title 38 U.S.C.

37. Identifying, disability, and award (type, amount and reasons for award) information may be released to the DOL (Department of Labor) in order for the DOL to conduct a computer matching program against the 'Office of Workers' Compensation Programs Federal Employees Compensation File, DOL/ESA–13, published in 46 FR 12357 on February 13, 1981. This match will permit the DOL to verify a person's eligibility for DOL payments as well as to detect situations where recipients may be erroneously receiving concurrent multiple payments from the DOL and VA, to identify areas where legislative and regulatory amendments directed toward preventing overpayments are needed, and to collect debts owed to the United States Government. This matching program is performed pursuant to the DOL Inspector General's authority under Public Law 95–452, section 4(a) to detect and prevent fraud and abuse. This disclosure is consistent with 38 U.S.C. 5701(b)(3).

38. The beneficiary's name, address, social security number and the amount (excluding interest) of any indebtedness waived under 38 U.S.C. 5302, or compromised under 4 CFR part 103 may be disclosed to the Treasury Department, Internal Revenue Service, as a report of income under 26 U.S.C. 61(a)(12).

39. Identifying information, including social security number, except for the name and address, may be disclosed to a Federal, State, County or Municipal agency for the purpose of conducting computer matches to obtain information to validate the entitlement of an individual, who is receiving or has received veterans' benefits under Title 10 or Title 38, United States Code. The name and address of individuals may also be disclosed to a Federal agency under this routine use if required by the Federal agency in order to provide information.

40. Identifying information, including the initials and abbreviated surname, the social security number, the date of birth and coding indicating the category of the individual's records, the degree of disability, the benefit program under which benefits are being paid and the computed amount of VA benefits for a calendar year may be released to the Department of the Treasury, Internal Revenue Service (IRS) in order for IRS to conduct a computer matching program against the Internal Revenue Service's Forms 1040, Schedule R, Credit for the Elderly and the Permanently and Totally Disabled. This match will permit IRS to determine the eligibility for and the proper amount of Elderly and Disabled Credits claimed on IRS Form 1040, Schedule R. This matching program is performed pursuant to the provisions of Internal Revenue Code Section 7602. This disclosure is consistent with 38 U.S.C. 5701(b)(3).

41. Identifying information, such as name, social security number, VA claim number, date and place of birth, etc., in this system may be disclosed to an employer or school having information relevant to a claim in order to obtain information from the employer or school to the extent necessary to determine that eligibility for VA compensation or pension benefits continues to exist or to verify that there has been an overpayment of VA compensation or pension benefits. Any information in this system also may be disclosed to any of the above-entitled individuals or entities as part of ongoing computer matching programs to accomplish these purposes.

42. The name of a veteran, or other beneficiary, other information as is reasonably necessary to identify such individual, and any other information concerning the individual's indebtedness by virtue of a person's participation in a benefits program administered by VA, may be disclosed to the Treasury Department, Internal Revenue Service, for the collection of Title 38, U.S.C. benefit overpayments, overdue indebtedness, and/or costs of services provided to an individual not entitled to such services, by the withholding of all or a portion of the person's Federal income tax refund.

43. Veterans' addresses which are contained in this system of records may be disclosed to the Defense Manpower Data Center, upon its official request, for military recruiting command needs, Department of Defense civilian personnel offices' mobilization studies and mobilization information, debt collection, and Individual Ready Reserve (IRR) Units' locator services.

44. The name, address, VA file number, date of birth, date of death, social security number, and service information may be disclosed to the Defense Manpower Data Center. The Department of Defense will use this information to identify retired veterans and dependent members of their families who have entitlement to Department of Defense benefits but who are not identified in the Defense Enrollment Eligibility Reporting System (DEERS) program and to assist in determining eligibility for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits. This purpose is consistent with 38 U.S.C. 5701. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

45. The name, address, VA file number, social security number, sex of veteran, date(s) of birth of the veteran and dependents, current benefit pay amounts for compensation or pension, pay status, check amount, aid and attendance status, veteran and spouse annual income amounts and type and combined degree of disability will be disclosed to the Department of Health and Human Services. The Social Security Administration will use the data in the administration of the Supplemental Security Income (SSI) payment system as prescribed by Public Law 92–603. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with 38 U.S.C. 5701.

46. The names and current addresses of VA beneficiaries who are identified by finance centers of individual uniformed services of the Department of Defense and the Department of Homeland Security (Coast Guard) as responsible for the payment of Survivor Benefit Plan (SBP) premium payments to be released from this system of records to them upon their official written request for such information for their use in attempting to recover amounts owed for SBP premium payments.

47. This routine use authorizes VA to compile lists of the social security numbers and loan account numbers of all persons with VA-guaranteed and portfolio loans in default, or VA loans on which there has been a foreclosure and the Department paid a claim, and provide these records to the Department of Housing and Urban Development for inclusion in its Credit Alert Interactive Voice Response System (CAIVRS). Information included in this system may be disclosed to all participating agencies and lenders who participate in the agencies' programs to enable them to verify information provided by new loan applicants and evaluate the creditworthiness of applicants. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes.

48. Identifying information including social security number, abbreviated surname, first and middle initial, date of birth, sex and claim number, and excluding the full name and address, may be disclosed to the Social Security Administration for the purpose of conducting a computer match to obtain information to validate the social security number maintained in VA records.

49. Any information contained in the files of veterans whose claims were referred to VA Central Office for an advisory opinion concerning their claims that their disabilities were incurred secondary to occupational radiation exposure may be disclosed to the Department of the Navy. The information to be furnished to the Navy would include the medical opinions, dose estimates, advisory opinions, and rating decisions including veterans' names, addresses, VA claim numbers, social security numbers and medical information. The requested information may be disclosed to the Department of the Navy upon receipt of its official written request for such information for its use in the review and assessment of its occupational radiation exposure controls and training.

50. A veteran's claims file number and folder location may be disclosed to a court of proper jurisdiction that has issued a garnishment order for that veteran under 42 U.S.C. 659 through 660.

51. An individual's identifying and payment information may be disclosed to the educational institution, training establishment, or other entity the individual attends (or attended) if that individual received educational assistance from VA based on training at that educational institution, training establishment, or entity. VA will disclose this information to assist the educational institution, training establishment, or other entity in verifying the individual's receipt of VA educational assistance and to assist the individual in applying for additional financial aid (*e.g.* student loans).

52. The name and address of a prospective, present, or former accredited representative, claims agent or attorney and any information concerning such individual which is relevant to a refusal to grant access privileges to automated veterans' claims records, or a potential or past suspension or termination of such access privileges may be disclosed to the entity employing the individual to represent veterans on claims for veterans benefits.

53. The name and address of a former accredited representative, claim agent or attorney, and any information concerning such individual, except a veteran's name and home address, which is relevant to a revocation of such access privileges may be disclosed to an appropriate governmental licensing organization where VA determines that the individual's conduct that resulted in revocation merits reporting.

54. A record from this system (other than the address of the beneficiary) may be disclosed to a former representative of a beneficiary to the extent necessary to develop and adjudicate a claim for payment of attorney fees to such representative from past-due benefits under 38 U.S.C. 5904(d) and Public Law 109–461 or to review a fee agreement between such representative and the beneficiary for reasonableness under 38 U.S.C. 5904(c)(2) and Public Law 109–461.

55. Disclosure of tax returns and return information received from the Internal Revenue Service (IRS) may be made only as provided by 26 U.S.C. 6103 (an IRS confidentiality statute) also covering any IRS tax return information provided as part of an ongoing computer matching program.

56. Where VA determines that there is good cause to question the legality or ethical propriety of the conduct of a person or organization representing a person in a matter before VA, a record from this system may be disclosed, on VA's initiative, to any or all of the following: (1) Applicable civil or criminal law enforcement authorities and (2) a person or entity responsible for the licensing, supervision, or professional discipline of the person or organization acting as a representative. Name and home addresses of veterans and their dependents will be released on VA's initiative under this routine use only to Federal entities.

57. The name and address of a VA beneficiary, and other information as is reasonably necessary to identify such a beneficiary, who has been adjudicated as incompetent under 38 CFR 3.353, may be provided to the Attorney General of the United States or his/her designee, for use by the Department of Justice in the National Instant Criminal Background Check System (NICS) mandated by the Brady Handgun Violence Prevention Act, Public Law 103–159.

58. Disclosure may be made to the National Archives and Records Administration and General Services Administration in record management inspections and such other activities conducted under Authority of Title 44 U.S.C.

59. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its on initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

60. Disclosure of relevant information may be made to individuals, organizations, public or private agencies, or other entities with whom 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.

61. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud, waste, overpayment, or abuse by individuals in their operations and programs as well as identifying areas where legislative and regulatory amendments directed toward preventing overpayments. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

62. VA may on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to the economic or property interests, identity theft or fraud, or harm to the programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or

remedy such harm. This routine use permits disclosures by VA to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

63. VA may disclose information to other Federal Agencies including, but not limited to, identifying information, payment information, and vocational objectives about a veteran or service member who is receiving or has received benefits under the Vocational Rehabilitation program to be used in data analysis and development of performance measures.

64. Any information contained in this system may be disclosed by VA, as deemed necessary, to DoD for use for determinations required by DoD. VA will routinely use the information to conduct medical evaluations needed to produce VA disability ratings and to promulgate subsequent claims for benefits under Title 38 U.S.C.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Benefits Delivery Network (BDN), Virtual VA, Corporate WINRS, and Veterans' Service Network (VETSNET) are data telecommunication terminal systems. Records (or information contained in records) are maintained on paper documents in claims folders (C-folders), vocational rehabilitation folders, electronic file folders (*e.g.,* Virtual VA, and TIMS Files), and on automated storage media (*e.g.,* microfilm, microfiche, magnetic tape and disks). Such information may be accessed through BDN, Virtual VA, Corporate WINRS, and VETSNET terminals. BDN, Virtual VA, Corporate WINRS, and VETSNET terminal locations include VA Central Office, regional offices, VA health care facilities, Veterans Integrated Service Network (VISN) offices, Department of Defense Finance and Accounting Service Centers and the U.S. Coast Guard Pay and Personnel Center. Remote on-line access is also made available to authorized remote sites, representatives of claimants and to attorneys of record for claimants. A VA claimant must execute a prior written consent or a power of attorney authorizing access to his or her claims records before VA will allow the representative or attorney to have access to the claimant's automated claims records. Access by representatives and attorneys of record is to be used solely for the purpose of assisting an individual claimant whose records are accessed in a claim for benefits administered by VA. Information relating to receivable accounts owed to VA, designated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape, microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

RETRIEVABILITY:

File folders, whether paper or electronic, are indexed by name of the individual and VA file number. Automated records are indexed by name, VA file number, payee name and type of benefit. Automated Records of employee productivity cannot be accessed. At the conclusion of a monthly reporting period, the generated listing is indexed by employee BDN identification number. Records in CAIVRS may only be retrieved by social security number.

SAFEGUARDS:

1. Physical Security:

(a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis.

(b) Access to BDN, Virtual VA, Corporate WINRS, and VETSNET data telecommunication networks are by authorization controlled by the site security officer who is responsible for authorizing access to the BDN, Virtual VA and VETSNET by a claimant's representative or attorney approved for access in accordance with VA regulations. The site security officer is responsible for ensuring that the hardware, software and security practices of a representative or attorney satisfy VA security requirements before granting access. The security requirements applicable to the access of automated claims files by VA employees also apply to the access of automated claims files by claimants' representatives or attorneys. The security officer is assigned responsibility for privacy-security measures, especially for review of violation logs, information logs and control of password distribution, including password distribution for claimants' representatives.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons provided access to computer rooms are escorted.

(d) Employee production records are identified by the confidential BDN and VETSNET employee identification number, and are protected by management/supervisory personnel from unauthorized disclosure in the same manner as other confidential records maintained by supervisors.

2. BDN, Virtual VA and VETSNET System Security:

(a) Usage of the BDN, Virtual VA, Corporate WINRS and VETSNET systems is protected by the usage of ''login'' identification passwords and authorized function passwords. The passwords are changed periodically. These same protections apply to remote access users.

(b) At the data processing centers, identification of magnetic tapes and disks containing data is rigidly enforced using labeling techniques. Automated storage media, which are not in use, are stored in tape libraries, which are secured in locked rooms. Access to programs is controlled at three levels: Programming, auditing and operations. Access to the data processing centers where HUD maintains CAIVRS is generally restricted to center employees and authorized subcontractors. Access to computer rooms is restricted to center employees and authorized operational personnel through electronic locking devices. All other persons granted access to computer rooms are escorted. Files in CAIVRS use social security numbers as identifiers. Access to information files is restricted to authorized employees of participating agencies and authorized employees of lenders who participate in the agencies' programs. Access is controlled by agency distribution of passwords. Information in the system may be accessed by use of a touch-tone telephone by authorized agency and lender employees on a ''need-to-know'' basis.

RETENTION AND DISPOSAL:

Compensation, pension, and vocational rehabilitation claims file folders are retained at the servicing regional office until they are inactive for three years, after which they are transferred to the Records Management

Center (RMC) for the life of the veteran. At the death of the veteran, these records are sent to the Federal Records Center (FRC), and maintained by the FRC for 75 years, and thereafter, destroyed. Some claims files folders are electronically imaged, in which case, the electronic file folder is maintained in the same manner as the claims file folder. Once a file is electronically imaged and accepted by VA, its paper contents (with the exception of service treatment records and official legal documents), are destroyed in accordance with Records Control Schedule VB–1 Part 1 Section XIII, as authorized by the National Archives and Records Administration (NARA) of the United States.

Vocational Rehabilitation counseling records are maintained until the exhaustion of a veteran's maximum entitlement or upon the exceeding of a veteran's delimiting date of eligibility (generally, ten or twelve years from discharge or release from active duty), whichever occurs first, and then destroyed. Automated storage media containing temporary working information are retained until a claim is decided, and then destroyed. All other automated storage media are retained and disposed of in accordance with disposition authorization approved by NARA.

Education electronic file folders are retained at the servicing Regional Processing Office. Education folders may be destroyed in accordance with the times set forth in the Veterans Benefits Administration Records Management, Records Control Schedule VB–1, Part 1, Section VII, as authorized by NARA.

Employee productivity records are maintained for two years after which they are destroyed by shredding or burning. File information for CAIVRS is provided to HUD by VA on magnetic tape. After information from the tapes has been read into the computer the tapes are returned to VA for updating. HUD does not keep separate copies of the tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Compensation and Pension Service (21), 810 Vermont Avenue, NW., VA Central Office, Washington, DC 20420.

Director, Education Service (22), 810 Vermont Avenue, NW., VA Central Office, Washington, DC 20420.

Director, Vocational Rehabilitation and Employment Service (28), 810 Vermont Avenue, NW., VA Central Office, Washington, DC 20420.

NOTIFICATION PROCEDURE:

An individual, who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the nearest VA regional office or center. Address locations are listed in VA Appendix 1 at the end of this document. VA employees wishing to inquire whether the system of records contains employee productivity information about themselves should contact their supervisor at the regional office or center of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office. Address locations are listed in VA Appendix 1.

CONTESTING RECORD PROCEDURES:

(*See* Record access procedures above.)

RECORD SOURCE CATEGORIES:

Veterans, service members, reservists, spouses, surviving spouses, dependents and other beneficiaries of the veteran, accredited service organizations, VA-supervised fiduciaries (*i.e.,* VA Federal fiduciaries, court-appointed fiduciaries), military service departments, VA medical facilities and physicians, private medical facilities and physicians, education and rehabilitation training establishments, State and local agencies, other Federal agencies, State, local, and county courts and clerks, Federal, State, and local penal institutions and correctional facilities, other third parties and other VA records.

VA Appendix 1

VA Facilities

Patients should call the telephone numbers listed to obtain clinic hours of operation and services.

For more information or to search for a facility near you by zip code, visit *http://www1.va.gov/directory/guide/home.asp?isFlash=1.*

Please send address and telephone number corrections to: Department of Veterans Affairs, Federal Benefits for Veterans and Dependents (80D), 810 Vermont Ave., NW., Washington, DC 20420.

ALABAMA

VA Medical Centers

Birmingham 35233 (700 S. 19th St., 205–933–8101 or 800–872–0328)
Montgomery 36109–3798 (215 Perry Hill Rd., 334–272–4670 or 800–214–8387)
Tuscaloosa 35404 (3701 Loop Rd., East, 205–554–2000 or 888–269–3045)
Tuskegee 36083–5001 (2400 Hospital Rd., 334–727–0550 or 800–214–8387)

Clinics

Bessemer 32055 (975 9th Ave., SW–Suite 400 at UAB West Medical Center West Bessemer, 205–428–3495)
Dothan 36301 (2020 Alexander Dr., 334–673–4166)
Dothan Mental Health Center 36301 (3753 Ross Clark Cir. Ste. 4, 334–678–1903)
Gadsden 35906 (206 Rescia Ave., 256–413–7154)
Huntsville 35801 (301 Governor's Dr., 256–535–3100)
Jasper 35501 (3400 Highway 78 East—Suite #215, 205–221–7384)
Madison 35758 (8075 Madison Blvd., Suite 101, 256–772–6220)
Mobile 36604 (1504 Springhill Ave., 251–219–3900)
Oxford 36203 (96 Ali Way Creekside South, 256–832–4141)
Sheffield 35660 (Florence Shoals Area Clinic: 422 DD Cox Blvd., 256–381–9055)

Regional Office

Montgomery 36109 (345 Perry Hill Rd., statewide 1–800–827–1000)

Vet Centers

Birmingham 35233 (1500 5th Ave. S., 205–731–0550)
Mobile 36606 (2577 Government Blvd., 251–478–5906)

National Cemeteries

Birmingham-Montevallo 35115 (731 Middle St., 205–665–9039)
Fort Mitchell 36856 (553 Hwy. 165, Fort Mitchell, 334–855–2184)
Mobile 36604 (1202 Virginia St., 850–453–4846)

ALASKA

VA Medical Center

Anchorage 99508–2989 (2925 DeBarr Rd., 888–353–7574/907–257–4700)

Clinics

Fort Wainwright 99703 (Bldg. 4076, Neeley Rd., Room 1J–101, Mailing Address: P.O. Box 74570, Fairbanks, AK 99707, 907–361–6370)
Kenai 99669 (11312 Kenai Spur Highway, #39, 907–283–2231)

Regional Office

Anchorage 99508–2989 (2925 De Barr Rd., statewide 1–800–827–1000)

Benefits Office

Juneau 99802 (P.O. Box 20069, 907–586–7472)

Vet Centers

Anchorage 99508 (4201 Tudor Centre Dr., Suite 115, 907–563–6966)
Fairbanks 99701 (540 4th Ave., Suite 100, 907–456–4238)
Kenai 99669 (Red Diamond Ctr., Bldg. F, #4, 43335 Kalifornsky Beach Rd., 907–260–7640)
Wasilla 99654 (851 E. West Point Dr., Suite 111, 907–376–4318)

National Cemeteries

Fort Richardson 99505–5498 (Building 997, Davis Hwy., 907–384–7075)
Sitka 99835 (803 Sawmill Creek Rd., 907–384–7075)

AMERICAN SAMOA

Clinic

Pago Pago 96799 (Fiatele Teo Army Reserve Bldg., Mailing Address: P.O. Box 1005, Pago Pago, AS 96799, 684–699–3730)

Benefits Office

Pago Pago 96799 (P.O. Box 1005, 684–633–5073)

ARIZONA

VA Medical Centers

Prescott 86313 (500 N. Hwy 89, 928–445–4860 or 800–949–1005)
Tucson 85723 (3601 South 6th Avenue, 520–792–1450 or 800–470 –8262)
Phoenix 85012 (650 E. Indian School Rd., 602–277–5551 or 800–554 –7174)

Clinics

Anthem 85086 (Anthem Medical Plaza, 3618 W. Anthem Way, Building D, #120, 623–551–6092)
Bellemont 86015–6196 (P.O. Box 16196, Camp Navajo Army Depot, 928–226–1056)
Buckeye 85326 (306 E. Monroe, 623–386–4814)
Casa Grande 85222 (900 E. Florence Blvd, Suites H & I, 520–629–4900)
Cottonwood 86326 (203 Candy Lane Building 5B, 928–649–1523 or 1532)
Globe 85501 (5860 S. Hospital Dr., Suite 11, 928–425–0027)
Green Valley 85614 (380 W. Hermosa Drive #140, 520–629–4900 or 800–470–8262)
Kingman 86401 (1726 Beverly Ave., 928–692–0080 or 928–445–4860 x6830)
Lake Havasu City 86403 (2035 Mesquite, Suite E, 928–680–0090)
Mesa 85212–6033 (6950 E. Williams Field Road, Bldg. 23, 602–222–6568/3315)
Payson 85541 (1106 N. Beeline Highway, 928–472–3148)
Safford 85546 (711 South 14th Ave., 520–629–4900)
Show Low 85901 (2450 Show Low Lake Rd., Suite 1, 928–532–1069)
Sierra Vista 85635 (101 Coronado Dr., Suite A, 520–792–1450)
Sun City 85351 (10147 Grand Ave., Suite C1, 602–222–2630)
Tuscon 85741 (2945 W. Ina Rd., 520–629–4900)
Yuma 85365 (2555 E. Gila Ridge Rd., 520–629–4900)

Regional Office

Phoenix 85012 (3333 N. Central Ave., statewide 1–800–827–1000)

Vet Centers

Phoenix 85012 (77 E. Weldon Ave., Suite 100, 602–640–2981)
Phoenix-East Valley 85202 (1303 S. Longmore, Suite 5, Mesa, 480–610–6727)
Prescott 86303 (161 S. Granite St., Suite B, 928–778–3469)
Tucson 85719 (3055 N. 1st Ave., 520–882–0333)

National Cemeteries

Nat. Mem. Cem. of AZ 85024 (23029 N. Cave Creek Rd., Phoenix, 480–513–3600)
Prescott 86301 (500 Hwy. 89 N., 480–513–3600)

ARKANSAS

VA Medical Centers

Fayetteville 72703 (1100 N. College Ave., 479–443–4301 or 800–691–8387)
Little Rock 72205–5484 (4300 West 7th St., 501–257–1000)
North Little Rock 72114–1706 (2200 Fort Roots Dr., 501–257–1000)

Clinics

El Dorado 71730 (460 W Oak St, 870–862–2489)
Ft Smith 72917 (1500 Dodson Ave., Sparks Med., 479–709–6850 or 1–877–604–0798)
Harrison 72601 (707 N Main St., 870–741–3592)
Hot Springs 71913 (1661 Airport Rd, Suite E, 501–881–4112)
Jonesboro 72401 (223 E Jackson, 870–972–0063)
Mena 71953 (1706 Hwy. 71 N, 479–394–4800)
Mountain Home 72653 (#10 Medical Plaza, 870–424–4109)
Paragould 72450 (1101 Morgan St., 870–236–9756)
Pine Bluff 71603 (4010 Old Warren Road, 870–541–9300)
Texarkana 71854 (910 Realtor Ave., 870–216–2242)

Regional Office

North Little Rock 72114 (2200 Fort Roots Dr., Bldg. 65, statewide 1–800–827–1000)

Vet Center

North Little Rock 72114 (201 W. Broadway, Suite A, 501–324–6395)

National Cemeteries

Fayetteville 72701 (700 Government Ave., 479–444–5051)
Fort Smith 72901 (522 Garland Ave., 479–783–5345)
Little Rock 72206 (2523 Confederate Blvd., 501–324–6401)

CALIFORNIA

VA Medical Centers

Fresno 93703 (2615 E. Clinton Ave., 559–225–6100 or 888–826–2838)
Livermore 94550 (4951 Arroyo Rd., 925–373–4700)
Loma Linda 92357 (11201 Benton St., 909–825–7084 or 800–741–8387)
Long Beach 90822 (5901 E. 7th St., 562–826–8000 or 888–769–8387)
Los Angeles 90073 (11301 Wilshire Blvd., 310–478–3711 or 800–952–4852)
Sacramento 95655 (10535 Hospital Way, Mather, 800–382–8387 or 916–366–5366)
Menlo Park 94025 (795 Willow Rd., 650–416–9997)
Palo Alto 94304–1290 (3801 Miranda Avenue, 650–493–5000 or 800–455–0057)
San Diego 92161 (3350 La Jolla Village Drive, 858–552–8585 or 800–331–8387)
San Francisco 94121–1598 (4150 Clement Street, 415–221–4810 or 800–733–0502)

Clinics

Anaheim 92801 (Professional Center, 3rd Floor, #303, 1801 W. Romneya Dr., 714–780–5400)
Atwater 95301–5140 (3605 Hospital Road, Suite D, 209–381–0105)
Auburn 95603 (11985 Heritage Oaks Place, 530–889–0872 or 888–227–5404)
Bakersfield 93301 (1801 Westwind Dr., 661–632–1800)
Brawley 92227 (Imperial Valley, 528 G St., 760–344–9085)
Capitola 95010–3906 (1350 N. 41st St., Suite 102, 831–464–5519)
Chico 95926 (280 Cohasset Rd., 800–382–8387 or 530–879–5000)
Chula Vista 91910 (South Bay, 835 3rd Ave., 619–409–1600)
City of Commerce 90040 (East Los Angeles, 5426 E. Olympic Blvd., 323–725–7557)
Corona 92879 (800 Magnolia Ave., #101, 951–817–8820)
Escondido 92025 (815 E. Pennsylvania Ave., 760–466–7020)
Eureka 95501 (714 F St., 707–442–5335)
Fairfield 94535 (103 Bodin Cir., Travis Air Force Base, 800–382–8387 or 707–437–1800)
French Camp 95231 (Stockton Clinic, 7777 South Freedom Dr., 209–946–3400)
Gardena 90247 (1251 Redondo Beach Blvd., 3rd Floor, 310–851–4705)
Lancaster 93536 (Antelope Valley, 547 West Lancaster Blvd., 661–729–8655 or 800–515–0031)
Long Beach 90806 (Villages at Cabrillo: 2001 River Ave., Bldg. 28, 562–388–8000)
Los Angeles 90012 (351 East Temple St., 213–253–2677)
Los Angeles 90073 (West LA Ambulatory Care, 11301 Wilshire Blvd., 310–268–3526)
Lynwood 90262 (3737 Martin Luther King Blvd., Suite 515, 310–537–6825)
Martinez 94553 (Clinic and Center for Rehabilitation & Extended Care, 150 Muir Rd., 800–382–8387 or 925–372–2000)
Modesto 95350 (1524 McHenry Ave., 209–557–6200)
Monterey 93955 (3401 Engineer Lane, Seaside, 831–883–3800)
North Hills 91343 (Sepulveda Clinic and Nursing Home, 16111 Plummer St., 818–891–7711 or 800–516–4567)
Oakland 94626 (Mental Health Clinic: 2505 West 14th St., Oakland Army Base, 800–382–8387 or 510–587–3400)
Oakland 94612 (2221 Martin Luther King Jr. Way, 800–382–8387 or 510–267–7800)
Oxnard 93030 (250 W. Citrus Grove Ave., Ste. 150, 805–983–6384)
Palm Desert 92211 (41–865 Boardwalk, Suite 103, 760–341–5570)
Redding 96002 (351 Hartnell Ave., 800–382–8387 or 530–226–7555)
Sacramento 95655 (Mental Health Clinic at Mather, 10633 Grissom Rd., 800–382–8387 or 916–366–5420)
Sacramento 95652 (McClellan Dental Clinic, 5401 Arnold Ave., 800–382–8387 or 916–561–7800)
Sacramento 95652 (McClellan Outpatient Clinic, 5342 Dudley Blvd., 800–382–8387 or 916–561–7400)
San Bruno 94066 (1001 Sneath Lane, Suite 300, Third Floor, 650–615–6000)
San Diego 92108 (Mission Valley, 8810 Rio San Diego Dr., 619–400–5000)

San Francisco 94107 (Downtown Clinic, 401 3rd St., 415–551–7300)
San Gabriel 91776 (Pasadera, 420 W. Las Tunas Drive, 626–289–5973)
San Jose 95119 (80 Great Oaks Boulevard, 408–363–3011)
San Luis Obispo 93401 (Pacific Med. Plaza, 1288 Morro St., Ste. #200, 805–543–1233)
Santa Ana 92704 (Bristol Medical, 2740 S. Bristol St., 1st Floor, #101, 714–825–3500)
Santa Barbara 93110 (4440 Calle Real, 805–683–1491)
Santa Fe Springs 90670 (10210 Orr & Day Rd., 562–864–5565)
Santa Maria 93454 (1550 East Main St., 805–354–6000)
Santa Rosa 95404 (3315 Chanate Rd., 707–570–3855 or 570–3800)
Seaside 93955 (Monterey Clinic, 3401 Engineering Lane, 831–883–3800)
Sonora 95370 (19747 Greenley Rd., 209–588–2600)
Stockton 95231 (500 West Hospital Rd., 209–946–3400)
Sun City 92586 (28125 Bradley Road, Suite 130, 951–672–1931)
Tulare 93274 (VA South Valley Clinic, 1050 N. Cherry St., 559–684–8703)
Ukiah 95482 (630 Kings Court, 707–468–7700)
Upland 91786 (1238 E. Arrow Highway, No. 100, 909–946–5348)
Vallejo 94592 (Mare Island Clinic, 201 Walnut Ave., 800–382–8387 or 707–562–8200)
Victorville 92392 (12138 Industrial Boulevard, Suite 120, 760–951–2599)
Vista 92083 (1840 West Drive, 760–643–2000)

Regional Offices

Los Angeles 90024 (Fed. Bldg., 11000 Wilshire Blvd., serving counties of Inyo, Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara and Ventura, statewide 1–800–827–1000)
Oakland 94612 (1301 Clay St., Rm. 1300 North, serving all CA counties not served by the Los Angeles, San Diego, or Reno VA Regional Offices, 1–800–827–1000)
San Diego 92108 (8810 Rio San Diego Dr., serving Imperial, Orange, Riverside and San Diego, statewide 1–800–827–1000). The counties of Alpine, Lassen, Modoc, and Mono are served by the Reno, NV, Regional Office.

Benefits Office

Sacramento 95827 (10365 Old Placerville Rd., 916–364–6500)

Vet Centers

Anaheim 92805 (859 S. Harbor Blvd., 714–776–0161)
Chico 95926 (280 Cohasset Rd., Suite 100, 530–899–8549)
Concord 94520 (1899 Clayton Rd., Suite 140, 925–680–4526)
Corona 92879 (800 Magnolia Ave., 110, 951–734–0525)
East Los Angeles 90022 (5400 E. Olympic Blvd., 140, 323–728–9966)
Eureka 95501 (2830 G St., Suite A, 707–444–8271)
Fresno 93726 (3636 N. 1st St., Suite 112, 559–487–5660)
Gardena 90247 (1045 W. Redondo Beach Blvd., 150, Gardena, 310–767–1221)
West Los Angeles 90230 (5730 Uplander Way, Suite 100, Culver City, 310–641–0326)
Modesto 95351 (1219 N. Carpenter Rd., #11 & 12, 209–527–1359 or 209–527–5961)
Oakland 94612 (1504 Franklin St., 200, 510–763–3904)
Redwood City 94062 (2946 Broadway St., 650–299–0672)
Rohnert Park 94928 (6225 State Farm Dr., Suite 101, 707–586–3295)
Sacramento 95825 (1111 Howe Ave., Suite 390, 916–566–7430)
San Bernardino 92408 (155 West Hospitality Lane, Suite 140, 909–890–0797)
San Diego 92103 (2900 6th Ave., 619–294–2040)
San Francisco 94102 (505 Polk St., 415–441–5051)
San Jose 95112 (278 N. 2nd St., 408–993–0729)
San Marcos 92069 (1 Civic Center Dr., Suite 140, 760–744–6914)
Santa Cruz 95010 (1350 41st Ave., Suite 102, 831–464–4575)
Sepulveda 91343 (9737 Haskell Ave., 818–892–9227)
Ventura 93001 (790 E. Santa Clara, Suite 100, 805–585–1860)

National Cemeteries

Fort Rosecrans 92106 (P.O. Box 6237, Point Loma, San Diego, 619–553–2084)
Golden Gate 94066 (1300 Sneath Ln., San Bruno, 650–589–7737)
Los Angeles 90049 (950 South Sepulveda Blvd., 310–268–4675)
Riverside 92518 (22495 Van Buren Blvd., 951–653–8417)
Sacramento Valley VA 95620 (5810 Midway Rd., Dixon, 707–693–2460)
San Francisco 94129 (1 Lincoln Blvd., Presidio of San Francisco, 650–589–7737)
San Joaquin Valley 95322 (32053 West McCabe Rd., Santa Nella, 209–854–1040)

COLORADO

Medical Centers

Denver 80220 (1055 Clermont Street, 303–399–8020 or toll free: 888–336–8262)
Grand Junction 81501 (2121 North Avenue, 970–242–0731 or toll free 866–206–6415)

Health Administration Center

Denver 80209 (3773 Cherry Creek North Dr., 303–331–7500)

Clinics

Alamosa 81101 (San Luis Valley Clinic/ Sierra Blanca Med. Ctr.: 622 Del Sol Drive, 719–587–6800 or toll free 1–866–659–0930)
Aurora 80045 (13001 East 17th Place, Bld. 500, 2nd Floor, West Wing, 303–724–0190)
Burlington 80807 (1177 Rose Avenue, 719–346–5239)
Colorado Springs 80905 (25 North Spruce St., 719–327–5660 or 800–278–3883)
Craig 81625 (551 Tucker Street, 970–824–9721 or 970–242–0731)
Durango 81301 (400 S. Camino Del Rio, 970–247–2214)
Ft. Collins 80524 (1100 Poudre River Drive, 970–224–1550)
Greeley 80631 (2020 16th St., 970–313–0027)
La Junta 81050 (1100 Carson Ave., Suite 104, 719–383–5195)
Lakewood 80225 (155 Van Gordon St., Suite 395, 303–914–2680)
Lamar 81052 (High Plains Community Health Center, 201 Kendall Dr., 719–336–5972)
Montrose 81401 (4 Hillcrest Plaza Way, 970–249–7791 or 970–242–0731)
Pueblo 81008 (4112 Outlook Boulevard, 719–553–1000 or 800–369–6748)

Regional Office

Denver 80225 (Mailing Address: P.O. Box 25126. Physical Address: 155 Van Gordon St., Lakewood, 80228, statewide 1–800–827–1000)

Vet Centers

Boulder 80302 (2336 Canyon Blvd., Suite 103, 303–440–7306)
Colorado Springs 80903 (416 E. Colorado Ave., 719–471–9992)
Denver 80230 (7465 E. First Ave., Ste. B, 303–326–0645)
Grand Junction 81505 (2472 F. Rd. Unit 16, 970–245–4156)

National Cemeteries

Fort Logan 80236 (4400 W. Kenyon Ave., Denver, 303–761–0117)
Fort Lyon 81504 (15700 County Road HH, Las Animas, 303–761–0117)

CONNECTICUT

VA Medical Centers

Newington 06111 (555 Willard Ave., 860–666–6951)
West Haven 06516 (950 Campbell Avenue, 203–932–5711)

Clinics

Danbury 06810 (7 Germantown Rd., Suite 2B, 203–798–8422)
New London 06320 (Shaw's Cove Four, 860–437–3611)
Stamford 06905 (1275 Summer St., Suite 102, 203–325–0649)
Waterbury 06706 (95 Scovill St., 203–465–5292)
Windham 06226 (Windham Hospital, 96 Mansfield St., 860–450–7583)
Winsted 06908 (Winsted Health Center, 115 Spencer St., 860–738–6985)

Regional Office

Hartford (Bldg. 2E—RM 5137, 555 Willard Ave.; Newington, 06111–2693, statewide 1–800–827–1000)

Vet Centers

Wethersfield 06109 (30 Jordan Lane, 860–563–2320)
Norwich 06360 (2 Cliff St., 860–887–1755)
West Haven 06516 (141 Captain Thomas Blvd., 203–932–9899)

DELAWARE

VA Medical Center

Wilmington 19805 (1601 Kirkwood Highway, 302–994–2511 or 800–461–8262)

Clinics

Millsboro 19966 (214 W. DuPont Highway, 302–934–0195)
Seaford 19973 (121 S. Front St., 302–628–8324)

Regional Office

Wilmington 19805 (1601 Kirkwood Hwy., local, 302–994–2511)

Vet Center

Wilmington 19805 (1601 Kirkwood Hwy., Bldg. 3, 302–994–1660)

DISTRICT OF COLUMBIA

VA Medical Center

Washington 20422 (50 Irving Street, NW., 202–745–8000 or 888–553–0242)

Clinic

Washington 20032 (820 Chesapeake Street, S.E., 202–745–8685)

Regional Office

Washington, D.C., 20421 (1722 I St., N.W., local, 1–800–827–1000)

Vet Center

Washington, D.C. 20011 (1250 Taylor St., N.W., 202–726–5212)

FLORIDA

VA Medical Centers

Bay Pines 33744 (10000 Bay Pines Blvd., Mailing Address: P.O. Box 5005, Bay Pines, FL 33744, 727–398–6661/888–820–0230)
Gainesville 32608–1197 (1601 S.W. Archer Rd., 352–376–1611 or 800–324–8387)
Lake City 32025–5808 (619 S. Marion Avenue, 386–755–3016 or 800–308–8387)
Miami 33125 (1201 N.W. 16th St., 305–575–7000 or 888–276–1785)
Orlando 32803 (5201 Raymond St., 407–629–1599 or 800–922–7521)
Tampa 33612 (13000 Bruce B. Downs Blvd., 813–972–2000 or 888–716–7787)
West Palm Beach 33410–6400 (7305 N. Military Trail, 561–422–8262 or 800–972–8262)

Clinics

Boca Raton 33433 (901 Meadows Rd., 561–416–8995)
Brooksville 34613 (14540 Cortez Blvd., Suite 200, 352–597–8287)
Coral Springs 33065 (9900 West Sample Road, Suite 100, 954–575–4940)
Daytona Beach 32114 (551 National Health Care Dr., 386–323–7500)
Deerfield Beach 33442 (2100 S.W. 10th St., 954–570–5572)
Delray Beach 33445 (4800 Linton Blvd., Building E, Suite 300, 561–495–1973)
Dunedin 34698 (1721 Main St., 727–734–5276)
Ellenton 34222 (4333 U.S. Highway 301 North, 941–721–0649)
Fort Myers 33916 (3033 Winkler Extension, 239–939–3939)
Ft. Pierce 34950 (727 North U.S. 1, 772–595–5150)
Hollywood 33021 (3702 Washington St., Suite 201, 954–986–1811)
Hollywood 33024 (Pembroke Pines, 7369 W. Sheridan St., Suite 102, 954–894–1668)
Homestead 33030 (950 Krome Avenue, Suite 401, 305–248–0874)
Jacksonville 32206 (1833 Boulevard, 904–232–2751)
Key Largo 33037 (105662 Overseas Highway, 305–451–0164)
Key West 33040 (1300 Douglas Circle, Building L–15, 305–293–4609)
Kissimmee 34741 (2285 North Central Avenue, 407–518–5004)
Lakeland 33803 (3240 S. Florida Avenue, 863–701–2470)
Lecanto 34461 (2804 W. Marc Knighton Ct., Suite A, 352–746–8000)
Leesburg 34748 (711 W. Main St., 352–435–4000)
Miami 33135 (Healthcare for Homeless Vets, 1492 West Flagler St., 305–541–5864)
Miami 33135 (Substance Abuse Clinic, 1492 West Flagler St., #101, 305–541–8435)
Naples 34104 (2685 Horseshoe Drive—Suite 101, 239–659–9188)
New Port Richey 34654 (9912 Little Road, 727–869–4100)
Oakland Park 33334–3496 (Ft. Lauderdale, 5599 North Dixie Highway, 954–771–2101)
Ocala 34470 (1515 Silver Springs Blvd., 352–369–3320)
Okeechobee 34972 (1201 N. Parrot Avenue, 863–824–3232)
Panama City Beach 32407 (6703 West Highway 98, 850–636–7000)
Panama City Beach 32407–7018 (Naval Support Activity—Panama City, 101 Vernon Ave. #387, 850–636–7000)
Pembroke Pines (Pembroke Pines, 7369 W. Sheridan St., Suite 102, 954–894–1668)
Pensacola 32503 (312 Kenmore Road, 850–476–1100)
Port Charlotte 33952 (4161 Tamiami Trail Unit 4, 941–235–2710)
Sanford 32771 (1403 Medical Plaza Drive, Suite 109, 407–323–5999)
Sarasota 34233 (5682 Bee Ridge Rd., Suite 100, 941–371–3349)
Sebring 33870 (3760 U.S. Highway 27 South, 863–471–6227, Mental Health Phone 863–314–0325)
St. Augustine 32086 (1955 U.S. 1 South, Suite 200, 904–829–0814 or 866–401–8387)
St. Petersburg 33711 (3420 8th Avenue South, 727–322–1304)
Stuart 34997 (3501 S E Willoughby Boulevard, 772–288–0304)
Tallahassee 32308 (1607 St. James Ct., 850–878–0191)
The Villages 32162 (Laurel Lake Prof. Park, 1950 Laurel Manor Dr., Bldg. 240, 352–205–8900)
Vero Beach 32960 (372 17th Street, 772–299–4623)
Viera 32940 (2900 Veterans Way 321–637–3788)
Zephyrhills 33541 (6937 Medical View Ln., 813–780–2550)

Regional Office

St. Petersburg 33708 (mailing address: P.O. Box 1437, 33731; physical address: 9500 Bay Pines Blvd., statewide 1–800–827–1000)

Benefits Offices

Fort Lauderdale 33301 (VR&E, 299 East Broward Blvd., Room 324, 1–800–827–1000)
Jacksonville 32256 (VR&E, 7825 Baymeadows Way, Suite 120–B, 1–800–827–1000)
Orlando 32801 (1000 Legion Pl., VRE—Suite 1500, C&P—Suite 1550, 1–800–827–1000)
Pensacola 32503–7492 (C&P, 312 Kenmore Rd., Rm. 1G250, 1–800–827–1000)
West Palm Beach 33410 (C&P, 7305 North Military Tr., Suite 1A–167, 1–800–827–1000)

Vet Centers

Ft. Lauderdale 33304 (713 N.E. 3rd Ave., 954–356–7926)
Gainesville 32607 (105 NW 75th St., Suite 2, 352–331–1408)
Jacksonville 32202 (300 East State St., 904–232–3621)
Melbourne 32935 (2098 Sarno Rd., 321–254–3410)
Miami 33122 (8280 NW 27th St., Suite 511, 305–859–8387)
Orlando 32822 (5575 S. Semoran Blvd., Suite 36, 407–857–2800)
Palm Beach 33461 (2311 10th Ave., North 13, 561–585–0441)
Pensacola 32501 (4501 Twin Oaks Dr., 850–456–5886)
Sarasota 34231 (4801 Swift Rd., 941–927–8285)
St. Petersburg 33713 (2880 1st Ave., N., 727–893–3791)
Tallahassee 32303 (548 Bradford Rd., 850–942–8810)
Tampa 33604 (8900 N. Armenia Ave., Ste. 312, 813–228–2621)

National Cemeteries

Barrancas 32508–1054 (80 Hovey Rd., Naval Air Station, Pensacola, 850–453–4846)
Bay Pines 33504–0477 (10000 Bay Pines Blvd., North Bay Pines, 727–398–9426)
Florida 33513 (6502 SW 102nd Ave., Bushnell, 352–793–7740)
Jacksonville 32202 (300 N. Hogan St.)
St. Augustine 32084 (104 Marine St., 352–793–7740)
South Florida 33467 (6501 South State Road 7, Lake Worth, 561–649–6489)

GEORGIA

VA Medical Centers

Augusta 30904–6285 (1 Freedom Way, 706–733–0188 or 800–836–5561)
Decatur 30033 (1670 Clairmont Road, 404–321–6111 or 800–944–9726)
Dublin 31021 (1826 Veterans Blvd., 478–272–1210 or 800–595–5229)

Clinics

Aiken 29803 (951 Millbrook Rd., 803–643–9016)
Albany 31701 (417 4th Avenue, 229–446–9000)
Athens 30601 (9249 Highway 29, 706–227–4534)
Columbus 31906 (1310 13th St., 706–257–7200)
Decatur 30030 (755 Commerce Dr., 2nd Floor, 404–417–5200)
East Point 30344 (1513 Cleveland Ave., 404–321–6111 x2600)
Lawrenceville 30043 (1970 Riverside Pkwy., 404–417–1750)
Macon 31220 (5398 Thomaston Road, Suite B, 478–476–8868)
Oakwood 30566 (3931 Munday Mill Rd., 404–728–8212)
Rome 30161 (30 Chateau Dr., SE, 706–235–6581)
Savannah 31406 (325 West Montgomery Crossroads, 912–920–0214)
Smyrna 30082 (562 Concord Road, 404–417–1760)

Valdosta 31602 (2841 N. Patterson Street, 229–293–0132)

Regional Office

Decatur 30033 (1700 Clairmont Rd., statewide 1–800–827–1000)

Vet Centers

Atlanta 30324 (1440 Dutch Valley Place, Suite G, 404–347–7264)
Macon 31201 (750 Riverside Dr., 478–272–1210 ext. 3883/4)
Savannah 31406 (8110A White Bluff Rd., 912–652–4097)

National Cemeteries

Georgia 30114 (2025 Mt. Carmel Church Lane, Canton, 866–236–8159)
Marietta 30060 (500 Washington Ave., 866–236–8159)

GUAM

Clinic

Agana Heights 96919 (U.S. Naval Hospital, Bldg.-1, E–200, Box 7608, 671–344–9200)

Benefits Office/Vet Center

Hagatna 96910 (Reflection Center, #201, 222 Chalan Santo Papa St., 671–472–7161)

HAWAII

Medical Center

Honolulu 96819–1522 (459 Patterson Rd., E Wing) (toll-free from Hawaii, Guam, Saipan, Rota and Tinian at 1–800–827–1000; toll-free from American Samoa at 1–877–899–4400)

Clinics

Hilo 96720 (1285 Wainuenue Ave., Suite 211, 808–935–3781)
Honolulu PTSD 96819 (3375 Koapaka St., 808–566–1546)
Kauai; Lihue 96766 (3–3367 Kuhio Hwy., Suite 200, 808–246–0497)
Kona; Kailua-Kona 96740 (75–377 Hualalai Rd., 808–329–0774)
Maui; Kahului 96732 (203 Ho'ohana St., Suite 303, 808–871–2454)

Regional Office

Honolulu 96819–1522 (459 Patterson Rd., E Wing. Mailing address: P.O. Box 29020, Honolulu, HI 96820) (toll-free from Hawaii, Guam, Saipan, Rota and Tinian, 1–800–827–1000; toll-free from American Samoa, 1–877–899–4400)

VR&E Benefits Offices

Hilo 96720 (1285 Waianuenue, 2nd Floor, 808–935–6691)
Kahului 96732 (203 Ho'ohana St., 808–873–9426)

Vet Centers

Hilo 96720 (120 Pu'uhonu St., Suite 2, 808–969–3833)
Honolulu 96814 (1680 Kapiolani Blvd., Suite F.3, 808–973–8387)
Kailua-Kona 96740 (Hale Kui Plaza, Suite 207, 73–4976 Kamanu St., 808–329–0574)
Lihue 96766 (3–3367 Kuhio Hwy., Suite 101, 808–246–1163)
Wailuku 96793 (35 Lunalilo, Suite 101, 808–242–8557)

National Cemetery

Nat. Cem. of the Pacific 96813–1729 (2177 Puowaina Dr., Honolulu, 808–532–3720)

IDAHO

Medical Center

Boise 83702 (500 West Fort St., 208–422–1000)

Clinics

Caldwell 83605 (120 E. Pine St., 208–454–4820)
Pocatello 83201 (444 Hospital Way, Suite 801, 208–232–6214)
Salmon 83467 (111 Lillian St., #203, 208–756–8515)
Twin Falls 83301 (260 2nd Ave, E., 208–732–0947)

Regional Office

Boise 83702 (805 W. Franklin St., statewide, 1–800–827–1000)

Vet Centers

Boise 83705 (5440 Franklin Rd., Suite 100, 208–342–3612)
Pocatello 83201 (1800 Garrett Way, 208–232–0316)

ILLINOIS

VA Medical Centers

Chicago 60612 (820 South Damen Ave., 312–569–8387)
Danville 61832–5198 (1900 East Main Street, 217–554–3000 or 800–320–8387)
Hines 60141 (5th & Roosevelt Rd. P.O. Box 5000, 708–202–8387)
Marion 62959 (2401 West Main, 618–997–5311)
North Chicago 60064 (3001 Green Bay Road, 847–688–1900 or 800–393–0865)

Clinics

Aurora 60506 (1700 N. Landmark Road, 630–859–2504)
Belleville 62223 (6500 W Main St., 314–286–6988)
Chicago 60620 (7731 S Halsted St., 773–962–3700)
Chicago 60611 (Lakeside, 333 E. Huron, 312–569–8387)
Chicago Heights 60411 (30 E. 15th Street, Suite 207, 708–756–5454)
Decatur 62526–9381 (3035 East Mound Road, 217–875–2670)
Effingham 62401 (1901 S. 4th St., Suite 21, 217–347–7600)
Elgin 60123 (450 W. Dundee Rd., 847–742–5920)
Evanston 60202 (107—109 Clyde St., 847–869–6315)
Freeport 61032 (1301 Kiwanis Dr., 815–235–4881)
Galesburg 61401 (387 East Grove, 309–343–0311)
Joliet 60435 (2000 Glenwood Ave., 815–744–0492)
LaSalle 61301 (2970 Chartres, 815–223–9678)
Manteno 60950 (Illinois Veterans Home, One Veterans Dr., 815–468–1027)
McHenry 60050 (620 South Route 31, 815–759–2306)
Mt. Vernon 62864 (1 Doctors Park Rd., 618–246–2910)
Oak Lawn 60453 (4700 W. 95th St., 708–499–3675)
Oak Park 60302 (149 S. Oak Park Ave., 708–386–3008)
Peoria 61605–2400 (411 Dr. Martin Luther King Jr. Dr., 309–497–0790)
Quincy 62301 (721 Broadway, 217–224–3366)
Rockford 61108 (4940 East State St., 815–227–0081)
Springfield 62702 (700 North 7th Street, Suite C, 217–522–9730)

Regional Office

Chicago 60612 (2122 W. Taylor St., statewide 1–800–827–1000)

Vet Centers

Chicago 60620 (7731 S. Halsted St., Suite 200, 773–962–3740)
Chicago Heights 60411 (1600 S. Halsted St., 708–754–0340)
East St. Louis 62203 (1265 N. 89th St., Suite 5, 618–397–6602)
Evanston 60202 (565 Howard St., 847–332–1019)
Moline 61265 (1529 46th Ave., 6, 309–762–6954)
Oak Park 60302 (155 S. Oak Park Blvd., 708–383–3225)
Peoria 61603 (3310 N. Prospect Rd., 309–671–7300)
Springfield 62702 (624 S. 4th St., 217–492–4955)

National Cemeteries

Abraham Lincoln 60421 (27034 South Diagonal Rd., Elwood, 815–423–9958)
Alton 62003 (600 Pearl St., 314–260–8720)
Camp Butler 62707 (5063 Camp Butler Rd., Springfield, 217–492–4070)
Danville 61832 (1900 East Main St., 217–554–4550)
Mound City 62963 (Junction Highways 37 & 51, 314–260–8720)
Quincy 62301 (36th and Maine St., 309–782–2094)
Rock Island 61299–7090 (Rock Island Arsenal, Bldg. 118, 309–782–2094)

INDIANA

VA Medical Centers

Fort Wayne 46805 (2121 Lake Ave., 260–426–5431 or 800–360–8387)
Indianapolis 46202 (1481 W. 10th St., 317–554–0000 or 888–878–6889)
Marion 46953–4589 (1700 East 38th St., 765–674–3321 or 800–360–8387)

Clinics

Bloomington 47403 (455 South Landmark Avenue, 812–336–5723, or toll free 877–683–0865)
Crown Point 46307 (9330 S. Broadway, 219–662–5000)
Evansville 47713 (500 E. Walnut St., 812–465–6202)
Greendale 47025 (1600 Flossie Dr., 812–539–2313)
Muncie 47304–6357 (3500 W. Purdue Ave., 765–284–6822)
New Albany 47150 (811 Northgate Blvd., 502–287–4100)
Richmond 47374 (4351 South A St., 765–973–6915)
South Bend 46614–9668 (5735 S. Ironwood Road, 574–299–4847)
Terre Haute 47802 (110 W. Honeycreek Pkwy., 812–232–2890)

West Lafayette 47906 (3851 N. River Road, 765–464–2280)

Regional Office

Indianapolis 46204 (575 N. Pennsylvania St., statewide 1–800–827–1000)

Vet Centers

Evansville 47711 (311 N. Weinbach Ave., 812–473–5993 or 473–6084)
Fort Wayne 46802 (528 West Berry St., 260–460–1456)
Merrillville 46410 (6505 Broadway Ave., 219–736–5633)
Indianapolis 46208 (3833 N. Meridian St., Suite 120, 317–927–6440)

National Cemeteries

Crown Hill 46208 (700 W. 38th St., Indianapolis, 765–674–0284)
Marion 46952 (1700 E. 38th St., 765–674–0284)
New Albany 47150 (1943 Ekin Ave., 502–893–3852)

IOWA

VA Medical Centers

Des Moines 50310–5774 (3600 30th St., 515–699–5999 or 800–294–8387)
Iowa City 52246–2208 (601 Highway 6 West, 319–338–0581 or 800–637–0128)
Knoxville 50138 (1515 W. Pleasant Street, 641–842–3101 or 800–816–8878)

Clinics

Bettendorf 52722 (2979 Victoria St., 563–332–8528)
Dubuque 52001 (Mercy Health Center, 250 Mercy Dr., 563–589–8899)
Fort Dodge 50501 (2419 2nd Avenue N., 515–576–2235)
Mason City 50401 (520 S. Pierce, Suite 150, 641–421–8077)
Sioux City 51104 (1551 Indian Hills Drive, Suite 206, 712–258–4700)
Spirit Lake 51360 (1310 Lake St., 712–336–6400)
Waterloo 50701 (1015 S Hackett Rd., 319–235–1230)

Regional Office

Des Moines 50309 (210 Walnut St., Rm. 1063, statewide 1–800–827–1000)

Vet Centers

Cedar Rapids 52402 (1642 42nd St. N.E., 319–378–0016)
Des Moines 50310 (2600 Martin Luther King Jr. Pkwy., 515–284–4929)
Sioux City 51104 (1551 Indian Hills Dr., Suite 214, 712–255–3808)

National Cemetery

Keokuk 52632 (1701 J St., 309–782–2094)

KANSAS

VA Medical Centers

Leavenworth 66048–5055 (4101 S. 4th St., 913–682–2000 or 800–952–8387)
Topeka 66622 (2200 SW, Gage Boulevard, 785–350–3111 or 800–574–8387)
Wichita 67218 (5500 E. Kellogg, 316–685–2221 or 888–878–6881)

Clinics

Abilene 67410 (510 NE 10th St., 785–263–2100 ext. 161)
Chanute 66720 (Neosho Memorial Medical Center, 629 South Plummer, 620–431–4000 ext. 1553)
Emporia 66801 (Newman Hospital, 919 W. 12th Avenue, Suite D, 620–342–7432)
Ft. Dodge 67801 (300 Custer, 1–888–878–6881 x41040)
Ft. Scott 66701 (Newman Young Clinic: 902 Horton St., 620–223–8400, ext 8655)
Garnett 66032 (Anderson County Hospital: 421 South Maple, 785–448–3131 ext. 309)
Hays 67601 (Hays Clinic: 207–B East Seventh, 1–888–878–6881 x41000)
Holton 66436 (Holton Comm. Hosp. 1110 Columbine Dr., 785–364–2116 x115 or 154)
Junction City 66441 (715 Southwind Dr., 800–574–8387 ext. 54670)
Kansas City 66102 (21 N. 12th St., Bethany Med. Blg., #110, 1–800–952–8387 x56990)
Lawrence 66049 (2200 Harvard Road, 800–574–8387 ext. 54650)
Liberal 67901 (Liberal Clinic: 2 Rock Island Road, Suite 200, 620–626–5574)
Paola 66071 (510 South Hospital Drive, 816–922–2160)
Parsons 67357 (1401 North Main Street, 1–888–878–6881 x41060)
Russell 67665 (Regional Hosp. Medical Arts Blg., 200 S. Main St., 785–483–3131 x155)
Salina 67401 (1410 E. Iron, Suite 1, 1–888–878–6881 x41020)
Seneca 66538 (Nemaha Valley Hosp., 1600 Community Dr., 785–336–6181 x162)

Regional Office

Wichita 67218 (Robert J. Dole Regional Office, 5500 E. Kellogg Ave., 1–800–827–1000)

Vet Center

Wichita 67211 (413 S. Pattie, 316–265–3260)

National Cemeteries

Fort Leavenworth 66027 (395 Biddle Blvd., 913–758–4105)
Fort Scott 66701 (900 East National Ave., 620–223–2840)
Leavenworth 66048 (4101 South 4th St., Traffic Way, 913–758–4105)

KENTUCKY

VA Medical Centers

Lexington-Cooper Dr. Div. 40502 (1101 Veterans Dr., 859–233–4511 or 888–824–3577)
Lexington-Leestown Div. 40511 (2250 Leestown Rd., 859–233–4511 or 888–824–3577)
Louisville 40206 (800 Zorn Avenue, 502–287–4000 or 800–376–8387)

Clinics

Bellevue 41073 (103 Landmark Dr., 859–392–3840)
Bowling Green 42103 (Hartland Medical Plaza, 1110 Wilkinson Trace Cir., 270–796–3590)
Florence 41042 (7711 Ewing, 859–282–4480)
Ft. Campbell 42223 (Desert Storm Ave., Building 39, 270–798–4118)
Ft. Knox 40121 (851 Ireland Loop, 502–624–9396)
Hanson 42413 (926 Veterans Drive, 270–322–8019)
Louisville 40207 (4010 Dupont Circle, 502–287–6986)
Louisville-Newburg 40218 (3430 Newburg Rd., 502–287–6223)
Louisville-Shively 40216 (3934 North Dixie Highway, Suite 210, 502–287–6000)
Louisville-Standiford Field 40213 (1101 Grade Ln., 502–413–4635)
Paducah 42001 (2620 Perkins Creek Dr., 270–444–8465)
Prestonsburg 41653 (Highlands Reg., Med., 5000 KY RT 321, Box 668, 606–886–1970)
Somerset 42503 (104 Hardin Ln., 606–676–0786)

Regional Office

Louisville 40202 (321 W. Main St., Ste. 390, statewide 1–800–827–1000)

Vet Centers

Lexington 40507 (301 E. Vine St., Suite C, 859–253–0717)
Louisville 40208 (1347 S. 3rd St., 502–634–1916)

National Cemeteries

Camp Nelson 40356 (6980 Danville Rd., Nicholasville, 859–885–5727)
Cave Hill 40204 (701 Baxter Ave., Louisville, 502–893–3852)
Danville 40442 (277 N. First St., 859–885–5727)
Lebanon 40033 (20 Highway 208, 502–893–3852)
Lexington 40508 (833 W. Main St., 859–885–5727)
Mill Springs 42544 (9044 West Highway 80, Nancy, 859–885–5727)
Zachary Taylor 40207 (4701 Brownsboro Rd., Louisville, 502–893–3852)

LOUISIANA

VA Medical Centers

Alexandria 71306 (P.O. Box 69004, 318–473–0010 or 800–375–8387)
Shreveport 71101–4295 (510 E. Stoner Ave., 318–221–8411 or 800–863–7441)

Clinics

Baton Rouge 70809 (7968 Essen Park Ave., 225–761–3400)
Hammond 70403 (1131 South Morrison Ave., 985–902–5026)
Houma 70360 (1750 Martin Luther King Jr. Blvd., Ste. 107, 985–851–0188)
Jennings 70546 (1907 Johnson St., 337–824–1000)
Lafayette 70501 (2100 Jefferson St., 337–261–0734)
LaPlace 70068 (501 Rue De Sante, Suite 10, 504–565–4705)
Monroe 71203 (250 De Siard Plaza Dr., 318–343–6100)
New Orleans 70161–1011 (1601 Perdido St., Mailing Address: P.O. Box 61011, 800–935–8387/504–412–3700)
Slidell 70461 (340 Gateway Dr., 1–800–935–8387)

Regional Office

Gretna 70056 (671A Whitney Ave., statewide 1–800–827–1000)

Vet Centers

Baton Rouge 70809 (5207 Essen Lane, Suite 2, 225–757–0045)
Kenner 70062 (2200 Veterans Blvd., Suite 114, 504–464–4743)

Shreveport 71104 (2800 Youree Dr., Bldg. 1, Suite 1, 318–861–1776)

National Cemeteries

Alexandria 71360 (209 E. Shamrock St., Pineville, 601–445–4981)
Baton Rouge 70806 (220 N. 19th St., 225–654–3767)
Port Hudson 70791 (20978 Port Hickey Rd., Zachary, 225–654–3767)

MAINE

VA Medical Center

Augusta 04330 (1 VA Center, 207–623–8411 or 877–421–8263)

Clinics

Bangor 04401 (304 Hancock St., Suite 3B, 207–561–3600)
Calais 04619 (50 Union St., 207–904–3700)
Caribou 04736 (163 Van Buren Drive, Suite 6, 207–493–3800)
Lincoln 04457 (99 River Road, 207–403–2000)
Rumford 04726 (431 Franklin St., 207–369–3200)
Saco 04072 (655 Main St., 207–294–3100)

Vet Centers

Bangor 04401 (368 Harlow St., 207–947–3391)
Caribou 04619 (456 York St., York Street Complex, 207–496–3900)
Lewiston 04240 (Pkwy. Complex, 29 Westminster St., 207–783–0068)
Portland 04103 (475 Stevens Ave., 207–780–3584)
Springvale 04083 (628 Main St., 207–490–1513)

National Cemetery

Togus 04330 (1 VA Center, 508–563–7113)

MARYLAND

VA Medical Centers

Baltimore 21201 (10 North Greene St., 410–605–7000 or 800–463–6295)
Baltimore-Rehabilitation and Extended Care Center 21218 (3900 Loch Raven Boulevard, 410–605–7000)
Perry Point 21902 (410–642–2411 or 800–949–1003)

Clinics

Baltimore-Loch Raven 21218 (3901 the Alameda, 410–605–7651)
Cambridge 21613 (830 Chesapeake Dr., 410–228–6243 or 877–864–9611)
Charlotte Hall 20622 (State Veterans Home, 29431 Charlotte Hall Rd., 301–884–7102)
Cumberland 21502 (200 Glenn St., 301–724–0061)
Fort Howard 21052 (9600 North Point Rd., 410–477–1800 or 800–351–8387)
Glen Burnie 21061 (808 Landmark Dr., Suite 128, 410–590–4140)
Greenbelt 20770 (7525 Greenway Center Dr., Professional Cntr., #T–4, 301–345–2463)
Hagerstown 21742 (Hub Plaza Bldg, 1101 Opal Ct., 301–665–1462)
Pocomoke 21851 (101B Market St., 410–957–6718)

Regional Office

Baltimore 21201 (31 Hopkins Plaza Federal Bldg., 1–800–827–1000)

Vet Centers

Baltimore 21207 (6666 Security Blvd., Suite 2, 410–277–3600)
Cambridge 21613 (5510 West Shore Dr., 410–228–6305 ext. 4123)
Elkton 21921 (103 Chesapeake Blvd., Suite A, 410–392–4485)
Silver Spring 20910 (1015 Spring St., Suite 101, 301–589–1073)

National Cemeteries

Annapolis 21401 (800 West St., 410–644–9696)
Baltimore 21228 (5501 Frederick Ave., 410–644–9696)
Loudon Park 21228 (3445 Frederick Ave., Baltimore, 410–644–9696)

MASSACHUSETTS

VA Medical Centers

Bedford 01730 (200 Springs Rd., 781–687–2000 or 800–422–1617)
Brockton 02301 (940 Belmont St., 508–583–4500)
Jamaica Plain 02130 (150 South Huntington Ave., 617–232–9500)
Leeds 01053–9764 (Northampton VA, 421 N Main St., 413–584–4040 or 800–893–1522)
West Roxbury 02132 (1400 VFW Parkway, 617–323–7700)

Clinics

Boston 02114 (251 Causeway St., 617–248–1000)
Dorchester 02121 (895 Blue Hill Ave, 617–822–7146)
Fitchburg 01420 (Burbank Hospital, 275 Nichols Rd., 978–342–9781)
Framingham 01702 (61 Lincoln St., Suite 112, 508–628–0205)
Gloucester 01930 (Addison Gilbert Hosp., 298 Washington St., 978–282–0676 x1782)
Greenfield 01301 (143 Munson St., 413–773–8428)
Haverhill 01830 (108 Merrimack St., 978–372–5207)
Hyannis 02601 (145 Falmouth Rd., 508–771–3190)
Lowell 01852 (130 Marshall Rd., 978–671–9000)
Lynn 01904 (225 Boston Rd., Suite 107, 781–595–9818)
Martha's Vineyard 02557 (Hospital Rd., 508–693–0410)
Nantucket 02554 (Nantucket Cottage Hospital, 57 Prospect St., 508–825–VETS)
New Bedford 02740 (174 Elm St., 508–994–0217)
Pittsfield 01201 (73 Eagle St., 413–443–4857)
Quincy 02169 (Quincy Medical Center, 2nd floor, 114 Whitwell St., 617–376–2010)
Springfield 01104 (25 Bond St., 413–731–6000)
Worcester 01605 (605 Lincoln St., 508–856–0104)

Regional Office

Boston 02203–0393 (JFK Federal Building, Room 1265, Government Center, statewide 1–800–827–1000) (Towns of Fall River & New Bedford, counties of Barnstable, Dukes, Nantucket, Bristol, part of Plymouth served by Providence, R.I., VA Regional Office)

Vet Centers

Boston 02215 (665 Beacon St., 617–424–0665)
Brockton 02401 (1041–L Pearl St., 508–580–2730)
Hyannis 02601 (474 West Main St., 508–778–0124)
Lowell 01852 (73 East Merrimack St., 978–453–1151)
New Bedford 02740 (468 North St., 508–999–6920)
Springfield 01103 (1985 Main St., Northgate Plaza, 413–737–5167)
Worcester 01605 (691 Grafton St., 508–753–7902)

National Cemetery

Massachusetts 02532 (Connery Ave., Bourne, 508–563–7113)

MICHIGAN

VA Medical Centers

Ann Arbor 48105 (2215 Fuller Rd., 734–769–7100 or 800–361–8387)
Battle Creek 49015 (5500 Armstrong Rd., 269–966–5600 or 888–214–1247)
Detroit 48201 (4646 John R. St., 313–576–1000 or 800–511–8056)
Iron Mountain 49801 (325 East H St., 906–774–3300 or 800–215–8262)
Saginaw 48602 (1500 Weiss St., 989–497–2500 or 800–406–5143)

Clinics

Benton Harbor 49022 (115 Main St., 269–934–9123)
Flint 48532 (G–3267 Beecher Rd., 810–720–2913)
Gaylord 49735 (806 S. Otsego, 989–732–7525)
Grand Rapids 49505 (3019 Coit St., NE, 616–365–9575)
Hancock 49930–1495 (787 Market St., Quincy Center, Suite 9, 906–482–7762)
Ironwood 49938 (629 W. Cloverland Dr., Suite 1, 906–932–0032)
Jackson 49203 (Townsend Family Med., 400 Hinckley Blvd., Suite 300, 517–782–7436)
Kincheloe 49788 (Sault Ste. Marie Clinic: 16523 S. Watertower Dr., #1, 906–495–3030)
Lansing 48910 (2025 S. Washington Ave., 517–267–3925)
Marquette 49855 (425 Fisher St., 906–226–4618)
Menominee 49858 (1101 10th Ave., Suite 101, 906–863–1286)
Muskegon 49442 (165 E. Apple Ave., Suite 201, 231–725–4105)
Oscoda 48750 (5671 Skeel Ave., Suite 4, 989–747–0026)
Pontiac 48340 (1701 Baldwin Ave., Suite 101, 248–409–0585)
Traverse City 49684 (3271 Racquet Club Dr., 231–932–9720)
Yale 48097 (7470 Brockway Dr., 810–387–3211)

Regional Office

Detroit 48226 (Patrick V. McNamara Federal Bldg., 477 Michigan Ave., Rm. 1400, 1–800–827–1000)

Vet Centers

Dearborn 48124–3438 (2881 Monroe St., Suite 100, 313–277–1428)

Detroit 48201 (4161 Cass Ave., 313–831–6509)
Escanaba 49829 (Willow Creek Professional Bldg., 3500 Ludington St.)
Grand Rapids 49507 (1940 Eastern SE, 616–243–0385)
Saginaw 48603 (4048 Bay Rd., 989–321–4650)

National Cemeteries

Fort Custer 49012 (15501 Dickman Rd., Augusta, 269–731–4164)
Great Lakes 48442 (4200 Belford Rd., Holly, 866–348–8603)

MINNESOTA

VA Medical Centers

Minneapolis 55417 (One Veterans Dr., 612–725–2000 or 866–414–5058)
St. Cloud 56303 (4801 Veterans Dr., 320–252–1670 or 800–247–1739)

Clinics

Bemidji 56601 (705 5th St., 218–755–6360)
Brainerd 56401 (11800 State Hwy 18, 218–855–1115)
Fergus Falls 56537 (Veterans Home, 1821 North Park St., 218–739–1400)
Hibbing 55746 (1101 East 37th St., Suite 220, 218–263–9698)
Maplewood 55109 (2785 White Bear Ave., Suite 210, 651–290–3040)
Montevideo 56265 (1025 North 13th St., 320–269–2222)
Rochester 55902 (1617 Skyline Dr., 507–252–0885)
St. James 56081 (1101 Moultin and Parsons Dr., 507–375–3391)

Regional Office

St. Paul 55111 (Bishop Henry Whipple Federal Bldg., 1 Federal Dr., 1–800–827–1000) (Counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Wilkin served by Fargo, N.D., VA Regional Office)

Vet Centers

Duluth 55802 (405 E. Superior St., 218–722–8654)
St. Paul 55114 (2480 University Ave., 651–644–4022)

National Cemetery

Fort Snelling 55450–1199 (7601 34th Ave. So., Minneapolis, 612–726–1127)

MISSISSIPPI

Medical Centers

Biloxi 39531 (400 Veterans Ave., 228–523–5000 or 800–296–8872)
Jackson 39216 (1500 E. Woodrow Wilson Dr., 601–362–4471 or 800–949–1009, instate)

Clinics

Byhalia 38611 (12 East Brunswick St., 662–838–2163)
Columbus 39702 (824 Alabama St., 662–244–0391)
Greenville 38703 (1502 S Colorado St., 662–332–9872)
Hattiesburg 39401 (231 Methodist Blvd., 601–296–3530)
Houlka 38850 (106 Walker St., 662–568–3316)
Kosciusko 39090 (332 Hwy 12W, 662–289–1800)
Meadville 39653 (595 Main Street East, 601–384–3650)
Meridian 39301 (13th St., 601–482–7154)
Natchez 39120 (46 Sgt Prentiss Dr., Ste 16, 601–442–7141)

Regional Office

Jackson 39216 (1600 E. Woodrow Wilson Ave., statewide 1–800–827–1000)

Vet Centers

Biloxi 39531 (288 Veterans Ave., 228–388–9938)
Jackson 39216 (1755 Lelia Dr., Suite 104, 601–965–5727)

National Cemeteries

Biloxi 39535–4968 (P.O. Box 4968, 400 Veterans Ave., 228–388–6668)
Corinth 38834 (1551 Horton St., 901–386–8311)
Natchez 39120 (41 Cemetery Rd., 601–445–4981)

MISSOURI

VA Medical Centers

Columbia 65201–5297 (800 Hospital Dr., 573–814–6000 or 800–349–8262)
Kansas City 64128 (4801 Linwood Blvd., 816–861–4700 or 800–525–1483)
Poplar Bluff 63901 (1500 N. Westwood Blvd., 573–686–4151)
Saint Louis-Jefferson Barracks 63125–4101 (1 Jefferson Barracks Dr., 314–652–4100 or 800–228–5459)
Saint Louis-John Cochran Div. 63106 (915 N. Grand Blvd., 314–652–4100 or 800–228–5459)

Clinics

Belton 64012 (17140 Bel-Ray Pl., 816–922–2161)
Camdenton 65020 (Lake of the Ozarks Clinic, 246 E Highway 54, 573–317–1150)
Cameron 64429 (1111 Euclid Dr., 816–922–2500 ext. 54251)
Cape Girardeau 63701 (2420 Veterans Memorial Dr., 573–339–0909)
Farmington 63640 (1580 W. Columbia St., 573–760–1365)
Ft. Leonard Wood 65473 (126 Missouri Ave., Box 1239, 573–329–8305)
Kirksville 63501 (1108 East Patterson, Suite 9, 660–627–8387)
Mexico 65265 (Missouri Veterans Home, One Veterans Dr., 573–581–9630)
Mt Vernon 65712 (600 N Main, 417–466–0118)
Nevada 64772 (322 South Prewitt, 417–448–8905)
Salem 65560 (Hwy 72 North, 573–729–6626 or 1–888–557–8262)
St. Charles 63304 (7 Jason Ct., 314–286–6988)
St. James 65559–1999 (Missouri Veterans Home, 620 N. Jefferson, St., 573–265–0448)
St. Joseph 64506 (1314 North 36th St., Suite A, 1–800–952–8387 ext 56925)
St. Louis 63136 (10600 Lewis and Clark Blvd, 314–286–6988)
Warrensburg 64093 (1300 Veterans Dr., 816 922–2500 ext. 54281)
West Plains 65775 (1211 Missouri Ave, 417–257–2454)

Regional Office

St. Louis 63103 (400 South 18th St., statewide 1–800–827–1000)

Benefits Office

Kansas City 64128 (4801 Linwood Blvd., 816–922–2660 or 1–800–525–1483, x52660)

Vet Centers

Kansas City 64111 (301 E. Armour Rd., 816–753–1866)
St. Louis 63103 (2345 Pine St., 314–231–1260)

National Cemeteries

Jefferson Barracks 63125 (2900 Sheridan Rd., St. Louis, 314–260–8720)
Jefferson City 65101 (1024 E. McCarty St., 314–260–8720)
Springfield 65804 (1702 E. Seminole St., 417–881–9499)

MONTANA

VA Medical Center

Fort Harrison 59636–1500 (3687 Veterans Drive, P.O. Box 1500, 406–442–6410)

Clinics

Anaconda 59711 (118 East 7th St., 406–563–6090)
Billings 59102 (2345 King Avenue West, 406–651–5670)
Cut Bank 59427 (Glacier Community Health, 519 East Main St., 406–873–5670)
Bozeman 59715 (300 N. Wilson, Suite 703G, 406–522–8923)
Glasgow 59230 (621 3rd St., South, Suite 107, 406–228–3554)
Glendive 59330 (2000 Montana Ave., 406–488–2307)
Great Falls 59405 (1417–9th St., South, Suite 200, 877–468–8387 opt 3)
Kalispell 59901 (31 Three Mile Dr., Ste 102, 406–751–5980)
Miles City 59301 (Clinic/Nursing Home, 210 S. Winchester, 406–874–5600)
Missoula 59808 (2687 Palmer St., Suite C, 877–468–8387 (temp))

Regional Office

Fort Harrison 59636 (3633 Veterans Dr., P.O. Box 1500, 1–800–827–1000)

Vet Centers

Billings 59102 (1234 Ave., C, 406–657–6071)
Missoula 59802 (500 N. Higgins Ave., 406–721–4918)

NEBRASKA

VA Medical Centers

Grand Island 68803–2196 (2201, No. Broadwell Ave., 308–382–3660/866–580–1810)
Lincoln 68510 (600 South 70th St., 402–489–3802/866–851–6052)
Omaha 68105 (4101 Woolworth Ave., 402–346–8800/800–451–5796)

Clinics

Alliance 69301 (524 Box Butte Ave., 605–745–2000 ext. 2474)
Norfolk 68701 (301 N 27th St, Suite #1, 402–844–8000)
North Platte 69101 (600 East Francis, Suite 3, 308–532–6906)

Rushville/Gordon 69343 (300 E. 8th St., 605–745–2000 ext. 2474)
Scottsbluff 69361 (1720 E Portal Place, 308–220–3930)
Sidney 69162 (1116 10th Ave., 308–254–5575)

Regional Office

Lincoln 68516 (5631 S. 48th St., statewide 1–800–827–1000)

Vet Centers

Lincoln 68508 (920 L St., 402–476–9736)
Omaha 68131 (2428 Cuming St., 402–346–6735)

National Cemetery

Fort McPherson 69151–1031 (12004 S. Spur 56A, Maxwell, 888–737–2800)

NEVADA

VA Medical Centers

Las Vegas 89106 (901 Rancho Lane, Mailing Address: P.O. Box 360001, North Las Vegas, NV 89036, 702–636–3000/888–633–7554)
Reno 89502 (1000 Locust Street, 775–786–7200 or 888–838–6256)

Clinics

Ely 89301 (William B. Ririe Hospital, 6 Steptoe Circle, 775–289–3612)
Fallon 89406 (Lahontan Valley Outpatient Clinic: 345 West A St., 775–428–6161)
Henderson 89014 (2920 N. Greenvalley Pkwy., Suite 215, 702–636–6363)
Las Vegas 89106 (Center for Homeless Veterans, 916 West Owens Ave., 702–636–6380)
Minden 89423 (Carson Valley Clinic, 925 Ironwood Dr., #2102, 888–838–6256 x4000)
Pahrump 89048 (2100 E. Calvada Blvd., 775–727–7535)

Regional Office

Reno 89520 (5460 Reno Corporate Dr., statewide 1–800–827–1000)

Benefits Office

Las Vegas 89107 (4800 Alpine Pl., Suite 12, 1–800–827–1000)

Vet Centers

Las Vegas 89146 (1919 So. Jones Blvd., Suite A., 702–251–7873)
Reno 89503 (1155 W. 4th St., Suite 101, 775–323–1294)

NEW HAMPSHIRE

VA Medical Centers

Manchester 03104 (718 Smyth Road, 603–624–4366 or 800–892–8384)
Conway 03818 (7 Greenwood Ave., 603–447–3500 ext. 11)
Littleton 03561 (Littleton Regional Hospital, 600 St. Johnsbury Rd., 603–444–9328)
Portsmouth 03803 (Pease Intl., Tradeport 302 Newmarket St., 603–624–4366 x5500)
Somersworth 03878 (200 Route 108, 603–624–4366, Ext. 5700)
Tilton 03276 (NH Veterans Home, 139 Winter St., 603–624–4366 ext. 5600)

Regional Office

Manchester 03101 (Norris Cotton Federal Bldg., 275 Chestnut St., 1–800–827–1000)

Vet Center

Manchester 03104 (103 Liberty St., 603–668–7060/61)

NEW JERSEY

VA Medical Centers

East Orange 07018 (385 Tremont Avenue, 973–676–1000)
Lyons 07939 (151 Knollcroft Road, 908–647–0180)

Clinics

Brick 08724 (970 Rt. 70, 732–206–8900)
Cape May 08204 (1 Monroe Ave., 609–898–8700)
Elizabeth 07206 (654 East Jersey Street, Suite 2A, 908–994–0120)
Fort Monmouth 07703 (Paterson Army Health Clinic, Building 1075, Stephenson Ave., 732–532–4500)
Ft. Dix 08640 (Marshall Hall, 8th and Alabama, 609–562–2999)
Hackensack 07601 (385 Prospect Avenue, 201–487–1390)
Jersey City 07302 (115 Christopher Columbus Dr., 201–435–3055/3305)
Morristown 07960 (340 West Hanover Ave., 973–539–9791/9794)
New Brunswick 08901 (317 George Street, 732–729–0646/9555)
Newark 07102 (20 Washington Place, 973–645–1441)
Paterson 07503 (275 Getty Ave., St. Joseph's Hospital & Med. Center, 973–247–1666)
Sewell 08080–2525 (211 County House Road, 856–401–7665)
Trenton 08611–2425 (171 Jersey Street, Bldg., 36, 609–989–2355)
Ventnor 08406 (6601 Ventnor Avenue, Suite 406, 609–823–3122)
Vineland 08360 (Veterans Memorial Home, Northwest Boulevard, 856–692–1588)
Vineland 08360 (1051 West Sherman Ave., 856–692–2881)

Regional Office

Newark 07102 (20 Washington Pl., statewide 1–800–827–1000) (Philadelphia, PA Regional Office serves counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Salem)

Vet Centers

Bloomfield 07003 (2 Broad St., Suite 703, 973–748–0980)
Jersey City 07302 (115 Christopher Columbus Dr., Suite 200, 201–748–4467)
Ewing 08618 (934 Parkway Ave., 2nd Fl., 609–882–5744)
Ventnor 08406 (6601 Ventnor Ave., Suite 105, 609–487–8387)

National Cemeteries

Beverly 08010 (916 Bridgeboro Rd., 609–880–0827)
Finn's Point 08079 (Box 542, R.F.D. 3, Fort Mott Rd., Salem, 609–880–0827)

NEW MEXICO

VA Medical Center

Albuquerque 87108–5153 (1501 San Pedro Dr., SE., 505–265–1711 or 800–465–8262)

Clinics

Alamogordo 88310 (1410 Aspen, 505–437–7000)
Artesia 88210–3712 (1700 W. Main St., 505–746–3531)
Clovis 88101 (921 East Llano Estacado, 505–763–4335)
Espanola 87532 (620 Coronado St., Suite B, 505–753–7395)
Farmington 87401–5638 (1001 W. Broadway, Suite B, 505–326–4383)
Gallup 87301 (320 Hwy 564, 505–722–7234)
Hobbs 88340 (1601 N Turner (4th Floor), 505–391–0354)
Las Cruces 88001 (1635 Don Roser, 505–522–1241)
Las Vegas 87701 (1235 8th St., Las Vegas, 505–425–6788)
Raton 87440–2234 (1275 S. 2nd St., 505–445–2391)
Santa Fe 87505 (2213 Brothers Road, Suite 600, 505–986–8645)
Silver City 88601 (1302 32nd St., 505–538–2921)
Truth or Consequences 87901 (1960 North Date St., 505–894–7662)

Regional Office

Albuquerque 87102 (Dennis Chavez Federal Bldg., 500 Gold Ave., S.W., statewide 1–800–827–1000)

Vet Centers

Albuquerque 87104 (1600 Mountain Rd. N.W., 505–346–6562)
Farmington 87402 (4251 E. Main, Suite C, 505–327–9684)
Las Cruces 88001 (230 S. Water St., 575–523–9826)
Santa Fe 87505 (2209 Brothers Rd., Suite 110, 505–988–6562)

National Cemeteries

Fort Bayard 88036 (P.O. Box 189, 915–564–0201)
Santa Fe 87501 (501 N. Guadalupe St., 505–988–6400 or toll-free 877–353–6295)

NEW YORK

VA Medical Centers

Albany 12208 (113 Holland Ave., 518–626–5000)
Batavia 14020 (222 Richmond Ave., 585–297–1000 or 888–798–2302)
Bath 14810 (76 Veterans Ave., 607–664–4000 or 877–845–3247)
Bronx 10468 (130 West Kingsbridge Rd., 718–584–9000 or 800–877–6976)
Brooklyn 11209 (800 Poly Place, 718–836–6600)
Buffalo 14215 (3495 Bailey Ave., 716–834–9200 or 800–532–8387)
Canandaigua 14424 (400 Fort Hill Ave., 585–394–2000)
Castle Point 12511 (Route 9D, 845–831–2000 or 800–269–8749)
Montrose 10548 (2094 Albany Post Rd., Route 9A, P.O. Box 100, 914–737–4400 ext. 2400 or 800–269–8749)
New York 10010 (423 East 23rd Street, 212–686–7500)
Northport 11768 (79 Middleville Road, 631–261–4400 or 800–551–3996)
Syracuse 13210 (800 Irving Ave., 315–425–4400 or 800–792–4334)

Domicialiaries

Jamaica 11425 (St. Albans Primary & Extended Care Center, 179–00 Linden Blvd., & 179 St., 718–526–1000)

Montrose 10548 (2094 Albany Post Rd., Route 9A, P.O. Box 100, 914–737–4400)

Clinics

Auburn 13021 (17 Lansing St., 315–255–7002)
Bainbridge 13733 (109 North Main St., 607–967–8590)
Binghamton 13901 (Garvin Building, 425 Robinson St., 607–772–9100)
Bronx 10459 (953 Southern Blvd., 718–741–4900)
Brooklyn 11201 (40 Flatbush Ave., Extension, 8th Fl., 718–439–4300)
Carmel 10512 (Warwick Savings Bank, 2nd Fl., 1875 Rt 6, 845–228–
Carthage 13619 (3 Bridge St., 315–493–4180)
Catskill 12414 (Columbia Greene Medical Arts Building, Suite A102, 159, Jefferson Hgts., 518–943–7515
Clifton Park 12065 (1673 Route 9, 518–383–8506)
Cortland 13045 (1104 Commons Avenue, 607–662–1517)
Dunkirk 14048 (166 East 4th St., 800–310–5001)
Elizabethtown 12932 (PO Box 277 Park St., 518–873–3295)
Elmira 14901 (200 Madison Avenue, Suite 2E, 877–845–3247
Fonda 12068 (2623 State Highway 30A, 518–853–1247)
Glens Falls 12801 (84 Broad St., 518–798–6066)
Goshen 10924 (30 Hatfield Lane, Suite 204, 845–294–6927)
Ithaca 14850 (10 Arrowwood Drive, 607–274–4680)
Jamestown 14701 (The Resource, Center, 896 East Second St., 716–661–1447)
Kingston 12401 (63 Hurley Ave., 845–331–8322)
Lackawanna 14218 (OLV Family Care Center, 227 Ridge Rd., 716–822–5944)
Lockport 14094 (Ambulatory Care Center, 5875 S. Transit Rd., 716–433–2025)
Malone 12953 (183 Park St., 518–481–2545)
Massena 13662 (Memorial Hospital, 1 Hospital Dr., 315–769–4253)
Monticello 12701 (60 Jefferson Street, Unit 3, Lower Parking Lot, 845 791–4936)
New City 10970 (20 Squadron Blvd., 845–634–8942)
New York 10027 (55 West 125th St., 212–828–5265)
New York 10011 (Opiate Substitution Program, 437 W 16 St., 212–462–4461)
Niagara Falls 14301–2300 (2201 Pine Avenue, 1–800–223–4810 ext. 65295)
Olean 14760–2658 (465 North Union St., 716–373–7709)
Oswego: 13126 (105 County Route 45A Suite 400, 315–343–0925)
Patchogue 11772 (4 Phyllis Drive, 631–475–6610/PC 631–758–4419)
Pine Plains 12567 (2881 Church St., Rt. 199, 518–398–9240)
Plainview 11803 (1425 Old Country Rd., 516–572–8567/PC 516–694–6008)
Plattsburgh 12901 (80 Sharron Ave. 518–561–6247)
Port Jervis 12771 (150 Pike St., 845–856–5396)
Poughkeepsie 12603 (Rt. 55, 488 Freedom Plains Rd., Suite 120, 845–452–5151)
Rochester 14620 (465 Westfall Rd., 585–463–2600)
Rome 13441 (125 Brookley Road, Building 510, 315–334–7100)
Schenectady 12308 (1322 Gerling Street, Sheridan Plaza, 518–346–3334)
Staten Island 10314 (1150 South Ave, 3rd Floor—Suite 301, 718–761–2973)
Sunnyside 11104 (41–03 Queens Blvd., 718–741–4800)
Troy 12180 (295 River St., 518–274–7707)
Warsaw 14569 (Wyoming Co. Community Hospital, 400 N. Main St., 585–786–2233)
Wellsville 14895 (3458 Riverside Dr., Route 19, 1–877–845–3247)
Westhampton 11978 (Community Air Base: 150 Old Riverhead Rd., 631–898–0599)
White Plains 10601 (23 South Broadway, 914–421–1951)
Yonkers 10705 (124 New Main St., 914–375–8055)

Regional Offices

Buffalo 14202 (Niagara Center, 130 S. Elmwood Ave., 1–800–827–1000. Serves counties not served by New York City VA Regional Office.)
New York City 10014 (245 W. Houston St., statewide 1–800–827–1000. Serves counties of Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester.)

Benefits Offices

Albany 12208 (113 Holland Ave., 1–800–827–1000) Rochester 14620 (465 Westfall Rd., 1–800–827–1000)
Syracuse 13202 (344 W. Genesee St., 1–800–827–1000)

Vet Centers

Albany 12205 (17 Computer Drive West., 518–626–5130)
Babylon 11702 (116 West Main St., 631–661–3930)
Bronx 10458 (130 West Kingsbridge Rd., Rm. 7A–13, 718–367–3500)
Brooklyn 11201 (25 Chapel St., Suite 604, 718–624–2765)
Buffalo 14202 (564 Franklin St., 716–882–0505)
New York 10004 (32 Broadway, Suite 200, 212–742–9591)
New York 10027 (55 West 125th St., 11th Fl., 212–426–2200)
Rochester 14620 (1867 Mt. Hope Ave., 585–232–5040)
Staten Island 10301 (150 Richmond Terrace, 718–816–4499)
Syracuse 13210 (716 E. Washington St., 315–478–7127)
White Plains 10601 (300 Hamilton Ave., 1st Fl., 914–682–6250)
Watertown 02601 (210 Court St., 315–782–0217
Woodhaven 11421 (75–10B 91st Ave., 718–296–2871)

National Cemeteries

Bath 14810 (76 Veterans Ave., San Juan Ave., 607–664–4853)
Calverton 11933–1031 (210 Princeton Blvd., 631–727–5410/5770)
Cypress Hills 11208 (625 Jamaica Ave., Brooklyn, 631–454–4949)
Long Island 11735–1211 (2040 Wellwood Ave., Farmingdale, 631–454–4949)
Saratoga 12871–1721 (200 Duell Rd., Schuylerville, 518–581–9128)
Woodlawn 14901 (1825 Davis St., Elmira, 607–732–5411)

NORTH CAROLINA

VA Medical Centers

Asheville 28805 (1100 Tunnel Road, 828–298–7911 or 800–932–6408)
Durham 27705 (508 Fulton St., 919–286–0411)
Fayetteville 28301 (2300 Ramsey St., 910–488–2120 or 800–771–6106)
Salisbury 28144 (1601 Brenner Avenue, 704–638–9000 or 800–469–8262)

Clinics

Charlotte 28262 (Presbyterian Plaza 8401 Medical Ctr. Dr. #350, 704–547–0020)
Durham 27705 (1824 Hillandale Road, 919–383–6107)
Greenville 27858 (800 Moye Blvd., 252–830–2149)
Jacksonville 28540 (1021 Hargett St., 910–219–1339)
Morehead City 28557 (5420 Highway 70, 252–240–2349)
Raleigh 27610 (3305 Sungate Blvd., 919–212–0129)
Wilmington 28401 (1606 Physicians Dr., Suite 104, 910–362–8811)
Winston-Salem 27103 (190 Kimel Park Drive, 336–768–3296)

Regional Office

Winston-Salem 27155 (Federal Bldg., 251 N. Main St., statewide 1–800–827–1000, Nationwide Loan Guaranty Certificate of Eligibility Center 1–888–244–6711)

Vet Centers

Charlotte 28202 (223 S. Brevard St., Suite 103, 704–333–6107)
Fayetteville 28311 (4140 Ramsey St., Suite 110, 910–488–6252)
Greensboro 27406 (2009 S. Elm-Eugene St., 336–333–5366)
Greenville 27858 (150 Arlington Blvd., Suite B, 252–355–7920)
Raleigh 27604 (1649 Old Louisburg Rd., 919–856–4616)

National Cemeteries

New Bern 28560 (1711 National Ave., 252–637–2912)
Raleigh 27610–3335 (501 Rock Quarry Rd., 252–637–2912) Salisbury 28144 (202 Government Rd., 704–636–2661/4621)
Wilmington 28403 (2011 Market St., 252–637–2912)

NORTH DAKOTA

VA Medical Center

Fargo 58102 (2101 Elm Street, 701–232–3241 or 800–410–9723)

Clinics

Bismarck 58503 (2700 State Street, 701–221–9152)
Dickinson 58601 (33 9th Street, 701–483–6017)

Grafton 58237 (Developmental Center Health Bldg., West Sixth St., 701–352–4059)
Jamestown 58401 (419 Fifth Street NE, 701–952–4787)
Minot 58705 (10 Missile Avenue, 701–727–9800)
Williston 58801 (3 Fourth Street East, Suite 104, 701–577–9838)

Regional Office

Fargo 58102 (2101 Elm St., statewide 1–800–827–1000)

Vet Centers

Bismarck 58501 (1684 Capital Way, 701–224–9751)
Fargo 58103 (3310 Fiechtner Dr., Suite 100, 701–237–0942)
Minot 58701 (2041 3rd St. N.W., 701–852–0177)

OHIO

VA Medical Centers

Brecksville 44141 (10000 Brecksville Rd., 440–526–3030)
Chillicothe 45601 (17273 State Route 104, 740–773–1141 or 800–358–8262)
Cincinnati 45220 (3200 Vine Street, 513–861–3100 or 888–267–78730)
Cleveland 44106 (10701 East Blvd., 216–791–3800)
Columbus 43203 (543 Taylor Avenue, 614–257–5200 or 888–615–9448)
Dayton 45428 (4100 W. 3rd Street, 937–268–6511 or 800–368–8262)

Clinics

Akron 44319 (55 W. Waterloo 330–724–7715)
Ashtabula 44004 (1230 Lake Avenue, 440–964–6454)
Athens 45701 (510 West Union Street 740–593–7314)
Cambridge 43727 (2146 Southgate Pkwy., 740–432–1963)
Canton 44702 (733 Market Avenue South, 330–489–4600)
Cincinnati 45245 (4355 Ferguson Drive, Suite 270, 513–943–3680)
Cleveland 44113 (4242 Loraine Ave., 216–939–0699)
East Liverpool 43920 (15655 St Rt. 170, 330–386–4303)
Grove City 43123 (1955 Ohio Avenue, 614–257–5800)
Hamilton 45011 (1755–C South Erie Highway, 937–378–3413)
Lancaster 43130 (1550, Sheridan Drive Ste. 100, 740–653–6145)
Lima 45804 (1303 Bellefontaine Ave., 419–222–5788)
Lorain 44052 (205 West 20th Street, 440–244–3833
Mansfield 44906 (1456 Park Avenue West, 419–529–4602)
Marietta 45750 (418 Colegate Drive, 740–568–0412)
Marion 43302 (1203 Delaware Avenue, Corporate Center #2, 740–223–8089)
Middletown: 45042 (675 North University Boulevard, 513–423–8387)
New Philadelphia 44663 (1260 Monroe Ave., Suite 1A, New 330) 602–5339)
Newark 43055 (Tamarck Rd., 740–788–8328)
Painesville 44077 (7 West Jackson Street, 440–357–6740)
Portsmouth 45622 (621 Broadway Street, 740–353–3236)
Ravenna 44266 (6751 N. Chestnut St., 330–296–3641) Sandusky 44870 (3416 Columbus Avenue, 419–625–7350)
Springfield 45505 (512 South Burnett Road, 937–328–3385)
St. Clairsville 43950 (107 Plaza Dr., 740–695–9321)
Toledo 43614 (3333 Glendale Avenue, 419–259–2000)
Warren 44485 (1400 Tod Ave. (NW), 330–392–0311)
Youngstown 44505 (2031 Belmont Avenue, 330–740–9200)
Zanesville 43701 (840 Bethesda Dr., Bldg., 3A, 740–453–7725)

Regional Office

Cleveland 44199 (Anthony J. Celebrezze Fed., Bldg., 1240 E. 9th St., 1–800–827–1000)

Benefits Offices

Cincinnati 45202 (36 E. Seventh St., Suite 210, 1–800–827–1000)
Columbus 43215 (Federal Bldg., Rm., 309, 200 N. High St., 1–800–827–1000)

Vet Centers

Cincinnati 45203 (801–B W. 8th St., 513–763–3500)
Cleveland Heights 44118 (2022 Lee Rd., 216–932–8471)
Columbus 43215 (30 Spruce St., 614–257–5550)
Dayton 45402 (111 W 1st St., Suite 101, 937–461–9150)
Parma 44129 (5700 Pearl Rd., Suite 102, 440–845–5023)

National Cemeteries

Dayton 45428–1088 (4100 W. Third St., 937–262–2115)
Ohio Western Reserve 44270 (10175 Rawiga Rd., Rittman, 330–335–3069)

OKLAHOMA

VA Medical Centers

Muskogee 74401 (1011 Honor Heights Drive, 918–577–3000 or 888–397–8387)
Oklahoma City 73104 (921 N.E. 13th Street, 405–270–0501 or 866–835–5273)

Clinics

Ardmore: 73401 (1015 S. Commerce, 580–223–2266)
Fort Sill 73503 (4303 Pittman and Thomas Bldg. 580–353–1131)
Konawa 74849 (527 W 3rd St., P.O. Box 358, 580–925–3286)
Tulsa 74145 (9322 East 41st St., 918–628–2500)
Ponca City 74601 (215 N. 3rd, 580–762–1777)

Regional Office

Muskogee 74401 (Federal Bldg., 125 S. Main St., Compensation & Pension: 1–800–827–1000, Education National Call Center: 1–888–442–4551, National Direct Deposit: 1–877–838–2778)

Benefits Office

Oklahoma City 73102 (Federal Campus, 301 NW 6th St., Suite 113, 1–800–827–1000)

Vet Centers

Oklahoma City 73118 (1024 N.W. 47th, 405–270–5184)
Tulsa 74112 (1408 S. Harvard, 918–748–5105)

National Cemeteries

Fort Gibson 74434 (1423 Cemetery Rd., 918–478–2334)
Fort Sill 73538 (2648 NE Jake Dunn Rd., 580–492–3200)

OREGON

VA Medical Centers

Portland 97239 (3710 SW U.S. Veterans Hospital Rd., 503–220–8262 or outside Portland area 800–949–1004)
Roseburg 97470 (913 NW Garden Valley Blvd., 541–440–1000 or 800–549–8387

Domiciliary

White City 97503 (8495 Crater Lake Hwy., 541–826–2111)

Clinics

Bandon 97411 (1010 1st Street, SE., Suite 100, 541–347–4736)
Bend 97701 (2115 NE Wyatt Ct., Suite 201, 503–220–8262 or outside Portland area 800–949–1004 x 51494)
Brookings 97415 (555 Fifth Street, 541–412–1152)
Eugene 97404 (100 River Ave., 541–607–0897)
Klamath Falls 97601 (2819 Dahlia St., 541–273–6206)
Ontario 97914 (20 SW 3rd, 208–422–1303)
Portland 97220 (10535 NE Glisan St., Gateway Medical Bldg., 2nd Fl., 503–220–8262 or outside Portland area 800–949–1004)
Salem 97301 (1660 Oak Street SE., 503–220–8262 or outside Portland 800–949–1004)
Warrenton 97146 (91400 Rilea Neacoxie St., Building 7315, 503–220–8262 or outside Portland area 800–949–1004)

Regional Office

Portland 97204 (Edith Green/Wendell Wyatt Federal Building, 1220 S.W. Third Ave., 1–800–827–1000)

Vet Centers

Eugene 97403 (1255 Pearl St., 541–465–6918)
Grants Pass 97526 (211 S.E. 10th St., 541–479–6912)
Portland 97220 (8383 N.E. Sandy Blvd., Suite 110, 503–273–5370)
Salem 97301 (617 Chemeketa St., N.E., 503–362–9911)

National Cemeteries

Eagle Point 97524 (2763 Riley Rd., 541–826–2511)
Roseburg 97470 (1770 Harvard Blvd., 541–826–2511)
Willamette 97266–6937 (11800 S.E. Mt. Scott Blvd., Portland, 503–273–5250)

PENNSYLVANIA

VA Medical Centers

Latona 16602 (2907 Pleasant Valley Boulevard, 814–943–8164)
Butler 16001 (325 New Castle Road, 724–287–4781 or 800–362–8262)
Coatesville 19320 (1400 Black Horse Hill Road, 610–384–7711)
Erie 16504 (135 East 38 Street, 814–868–8661 or 800–274–8387)

Lebanon 17042 (1700 South Lincoln Avenue, 717–272–6621 or 800–409–8771)
Philadelphia 19104 (University and Woodland Aves., 800–949–1001 or 215–823–5800)
Pittsburgh 15260 (Delafield Road, 866–482–7488 or 412–688–6000)
Pittsburgh 15206 (Highland Drive Division: 7180 Highland Drive, 412–365–4900 or 1–866–4VAPITT)
Pittsburgh 15240 (University Drive Division: University Drive, 1–866–482–7488)
Wilkes-Barre 18711 (1111 East End Blvd., 570–824–3521 or 877–928–2621)

Clinics

Allentown 18103 (3110 Hamilton Boulevard, 610–776–4304)
Bangor 18013 (701 Slate Belt Boulevard, 610–599–0127)
Berwick 18603 (301 W. Third Street, 570–759–0351)
Camp Hill 17011 (25 N. 32nd Street, 717–730–9782)
DuBois 15801 (190 West Park Avenue, Suite 8, 814–375–6817)
Ellwood City 16117 (Ellwood City Hospital, Medical Arts Building, #201, 304 Evans Drive, 724–285–2203)
Foxburg 16036 (ACV Medical Center, 855 Route 58, Suite 1, 724–659–5601)
Frackville 17931 (10 East Spruce St., 570–621–4904)
Greensburg 15601 (Hempfield Plaza, Route 30, 724–837–5200)
Hermitage 16148 (295 N. Kerrwood Dr., Suite 110, 724–346–1569)
Horsham 19044 (433 Caredean Dr., 215–823–6050)
Johnstown 15904 (1425 Scalp Ave., Suite 29, 814–266–8696)
Kittanning 16201 (Armstrong Memorial Hospital 1 Nolte Dr., 724–543–8711)
Lancaster 17605 (1861 Charter Lane, Green Field Corp. Center, #118, 717–290–6900)
Meadville 16335 (18955 Park Ave., Plaza, 814–337–0170)
Monaca 15061 (90 Wagner Rd., 724–216–0326)
New Castle 16101 (Jameson Hospital, 1000 S. Mercer Street, 724–285–2203)
Oil City 16301 (174 Bissell Avenue, 814–678–2631)
Oil City 16301 (Venango County Clinic, UPMC Northwest, 174 E Bissell Ave., 814–677–7591 or 800–274–8387)
Philadelphia 19106 (214 North 4th Street, 215–923–2600)
Pottsville 17901 (Good Sama. Med. Mall, 700 Schuylkill Manor Rd., #6, 570–621–4115)
Reading 19601 (St. Joseph's Community Center, 145 N. 6th St., 610–208–4717)
Sayre 18840 (1537 Elmira St., 570–888–6803)
Schuylkill 17972 (6 South Greenview Rd., 570–621–4115)
Smethport 16749 (406 Franklin Street, 814–887–5655)
Spring City 19475 (11 Independence Drive, 610–948–0981)
Springfield 19064 (Crozer Keystone Healthplex, 194 W. Sproul Rd., #105, 610–543–3246)
State College 16801 (3048 Enterprise Drive, 814–867–5415)
Tobyhanna 18466 (Tobyhanna Army Depot Building 220, 570–895–8341)
Uniontown 15401 (404 W. Main St., 724–439–4990)
Warren 16365 (3 Farm Colony Dr., 814–723–9763)
Washington 15301 (100 Ridge Avenue, 724–250–7790)
Wilkes-Barre 18711 (1111 East End Boulevard, 570–924–3521)
Williamsport 17701 (1705 Warren Ave., Werner Blg.–3rd Fl., #304, 570–322–4791)
York 17402 (1797 Third Avenue, 717–854–2481 or 717–854–2322)

Regional Offices

Philadelphia 19101 (Regional Office and Insurance Center, P.O. Box 8079, 5000 Wissahickon Ave., 1–800–827–1000; Serves counties of Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York.)
Pittsburgh 15222 (1000 Liberty Ave., statewide 1–800–827–1000. Serves remaining counties of Pennsylvania.)

Benefits Office

Wilkes-Barre 18702 (1123 East End Blvd., Bldg., 35, Suite 11, 1–800–827–1000)

Vet Centers

Erie 16501 (1000 State St., Suite 1&2, 814–453–7955)
Harrisburg 17102 (1500 N. 2nd St., Suite 2, 717–782–3954)
McKeesport 15131 (2001 Lincoln Way, 412–678–7704)
Philadelphia 19107 (801 Arch St., Suite 102, 215–627–0238)
Philadelphia 19120 (101 E. Olney Ave., 215–924–4670)
Pittsburgh 15205 (2500 Baldwick Rd., Suite 15, 412–920–1765)
Scranton 18505 (1002 Pittston Ave., 570–344–2676)
Williamsport 17701 (805 Penn St., 570–327–5281)

National Cemeteries

Indiantown Gap 17003–9618 (R.R. 2, P.O. Box 484, Indiantown Gap Rd., Annville, 717–865–5254)
Cemetery of the Alleghenies 15017 (1158 Morgan Rd., Bridgeville, 724–746–4363)
Philadelphia 19138 (Haines St. & Limekiln Pike, 609–877–5460)

PHILIPPINES

Clinic

Pasay City 1300 (2201 Roxas Blvd., 011–632–833–4566)

Regional Office

Manila 0930 (1131 Roxas Blvd., 011–632–528–6300, International Mailing Address: PSC 501, FPO AP 96515–1100)

PUERTO RICO

Medical Center

San Juan 00921–3201 (10 Casia Street, 787–641–7582 or 800–449–8729)

Clinics

Arecibo 00612 (Victor Rojas II/Zona Industrial Carr. 129, 787–816–1818)
Guayama 00784 (FISA Bldg 1st Floor, Paseo Del Pueblo, km 0.3, lote no 6, 787–866–8766)
Mayagüez 00680–1507 (Avenida Hostos #345, 787–265–8805)
Ponce 00716–2001 (Paseo Del Veterano #1010, 787–812–3030)

Regional Office

San Juan 00918–1703 (150 Carlos Chardon Ave., Suite 300. Send mail to Suite 232. Serving all Puerto Rico and the Virgin Islands, 1–800–827–1000)

Benefits Offices

Mayaguez 00680–1507 (Ave. Hostos 345, Carretera 2, Frente al Centro Medico, 1–800–827–1000)
Ponce 00731 (10 Paseo del Veterano, 1–800–827–1000)
Arecibo 00612 (Gonzalo Marin 50, 1–800–827–1000)

Vet Centers

Arecibo 00612–4702 (52 Gonzalo Marin St., 787–879–4510/4581)
Ponce 00731 (35 Mayo St., 787–841–3260)
San Juan 00921 (Condominio Med. Ctr. Plaza, Suite LC8A11, La Riviera, 787–749–4409)

National Cemetery

Puerto Rico 00961 (Ave., Cementerio Nacional 50, Barrio Hato Tejas, Bayamon, 787–798–8400)

RHODE ISLAND

VA Medical Center

Providence 02908 (830 Chalkstone Avenue, 401–273–7100 or 866–590–2976)

Clinic

Middletown 02842 (One Corporate Place, 401–847–6239)

Regional Office

Providence 02903 (380 Westminster St.; statewide, 1–800–827–1000)

Vet Center

Warwick 02889 (2038 Warwick Ave., 401–739–0167)

SOUTH CAROLINA

VA Medical Centers

Charleston 29401 (109 Bee Street, 843–577–5011 or 888–878–6884)
Columbia 29209 (6439 Garners Ferry Road, 803–776–4000)

Clinics

Anderson 29621 (1702 E. Greenville Street, 864–224–5450)
Beaufort 29902 (Pickney Road, 843–770–0444)
Florence 29505 (514–H Dargan St., 843–292–8383)
Greenville 29605 (3510 Augusta Rd., 864–299–1600)
Myrtle Beach 29577 (3381 Phillis Blvd., 843–477–0177)
North Charleston 29406 (9237 University Blvd., 843–789–6400)

Orangeburg 29118 (1767 Villagepark Drive, 803–533–1335)
Rock Hill 29730 (205 Piedmont Blvd., 803–366–4848)
Sumter 29150 (407 North Salem Avenue, 803–938–9901)

Nursing Home

Walterboro 29488 (2461 Sidneys Road, Veterans Victory House, 843–538–3000)

Regional Office

Columbia 29201 (1801 Assembly St., statewide 1–800–827–1000)

Vet Centers

Columbia 29201 (1513 Pickens St., 803–765–9944)
Greenville 29601 (14 Lavinia Ave., 864–271–2711)
North Charleston 29406 (5603–A Rivers Ave., 843–747–8387)

National Cemeteries

Beaufort 29902–3947 (1601 Boundary St., 843–524–3925)
Florence 29501 (803 E. National Cemetery Rd., 843–669–8783)

SOUTH DAKOTA

VA Medical Centers

Fort Meade 57741 (113 Comanche Road, 605–347–2511 or 800–743–1070)
Hot Springs 57747 (500 North 5th Street, 605–745–2000 or 800–764–5370)
Sioux Falls 57117 (2501 W. 22nd St., PO Box 5046, 605–336–3230 or 800–316–8387)

Clinics

Aberdeen 57401 (1440 15th Avenue NW, 605–622–2640)
Eagle Butte: 57625 (15 Main Street, 605–964–8000)
Mission 57555 (153 Main Street, 605–856–2295)
Pierre 57501 (1601 North Harrison, Suite 6, 605–945–1710)
Pine Ridge (605–867–2393)
Rapid City 57701 (3525 5th Street, 605–718–1095)
Winner 57580 (1436 E. 10th St., 605–842–2443)

Regional Office

Sioux Falls 57117 (P.O. Box 5046, 2501 W. 22nd St., statewide 1–800–827–1000)

Vet Centers

Martin 57551 (East Hwy. 18, 605–685–1300)
Rapid City 57701 (621 6th St., Suite 101, Kansas City St., 605–348–0077)
Sioux Falls 57104 (601 S. Cliff Ave., Suite C, 605–330–4552)

National Cemeteries

Black Hills 57785 (20901 Pleasant Valley Dr., Sturgis, 605–347–3830)
Fort Meade 57785 (P.O. Box 640, Old Stone Rd., Sturgis, 605–347–3830)
Hot Springs 57747 (500 N. 5th St., 605–347–3830)

TENNESSEE

VA Medical Centers

Memphis 38104 (1030 Jefferson Avenue, 901–523–8990 or 800–636–8262)
Mountain Home 37684 (Corner of Lamont and Sydney Streets, P.O. Box 4000, 423–926–1171 or 877–573–3529)
Murfreesboro 37129 (3400 Lebanon Pike, 615–867–6000 or 800–876–7093)
Nashville 37212 (1310 24th Avenue South, 615–327–4751 or 800–228–4973)

Clinics

Arnold Air Force Base 37389 (225 First Street, 931–454–6134)
Chattanooga 37411 (150 Debra Rd., Suite 5200, Bldg. 6200, 423–893–6500)
Clarksville 37043 (1731 Memorial St., Suite 110, 931–221–2171)
Cookeville 38501 (851 S. Willow Avenue, Suite 108, 931–284–4060)
Dover 37204 (1021 Spring Street, 931–232–5329)
Nashville 37204 (601 Benton Ave., Nashville, 615–292–9770)
Knoxville 37923 (9031 Cross Park Drive, 865–545–4592)
Savannah 38372 (765–A Florence Rd., 731–925–2300)

Regional Office

Nashville 37203 (110 9th Ave., South, statewide 1–800–827–1000)

Vet Centers

Chattanooga 37411 (951 Eastgate Loop Rd., Bldg. 5700, Suite 300, 423–855–6570)
Johnson City 37604 (1615A W. Market St., 423–928–8387)
Knoxville 37914 (2817 E. Magnolia Ave., 865–545–4680)
Memphis 38104 (1835 Union, Suite 100, 901–544–0173)
Nashville 37217 (Airpark Bus. Cen. 1, Suite A–5, 1420 Donelson Pike, 615–366–1220)

National Cemeteries

Chattanooga 37404 (1200 Bailey Ave., 423–855–6590)
Knoxville 37917 (939 Tyson St., N.W., 423–855–6590)
Memphis 38122 (3568 Townes Ave., 901–386–8311)
Mountain Home 37684 (P.O. Box 8, VAMC, Bldg. 117, 423–979–3535)
Nashville 37115–4619 (1420 Gallatin Rd. S., Madison, 615–860–0086)

TEXAS

VA Medical Centers

Amarillo 79106 (6010 Amarillo Boulevard West, 806–355–9703 or 800–687–8262)
Big Spring 79720 (300 Veterans Blvd., 432–263–7361 or 800–472–1365)
Bonham 75418 (1201 E. 9th Street, 903–583–2111 or 800–924–8387)
Dallas 75216 (4500 South Lancaster Road, 214–742–8387 or 800–849–3597)
El Paso 79930 (5001 North Piedras Street, 915–564–6100 or 800–672–3782)
Harlingen 78550 (South Texas VA Health Care Center, 2106 Treasure Hills Blvd., 956–366–4500)
Houston 77030 (2002 Holcombe Blvd., 713–791–1414 or 800–553–2278)
Kerrville 78028 (3600 Memorial Blvd., 830–896–2020)
San Antonio 78229 (7400 Merton Minter Blvd., 210–617–5300 or 888–686–6350)
Temple 76504 (1901 Veterans Memorial Drive, 254–778–4811 or 800–423–2111)
Waco 76711 (4800 Memorial Drive, 254–752–6581 or 800–423–2111)

Clinics

Abilene 79602 (4225 Woods Place, 325–695–3252)
Austin 78741 (2901 Montopolis Drive, 512–389–1010)
Beaumont 77707 (3420 Veterans Circle, 409–981–8550 or 1–800–833–7734)
Beeville 78102 (302 S. Hillside Dr., 361–358–9912)
Bridgeport 76426 (808 Woodrow Wilson Ray Cir., 940–683–2297)
Brownwood 76801 (2600 Memorial Park Drive, 325–641–0568)
Cedar Park 78613 (701 Whitestone Boulevard, 512–260–1368)
Childress 79201 (1001 Hwy. 83 North, 940–937–3636)
College Station 77845 (1605 Rock Prairie Rd., Ste. 212, 979–680–0361)
Conroe 77304 (800 Riverwood Ct., Ste. 100, 936–522–4000)
Corpus Christi 78405 (5283 Old Brownsville Road, 361–806–5600)
Denton 76205 (2223 Colorado Blvd., 940–213–4100)
Fort Worth 76104 (300 W. Rosedale Street, 817–335–2202 or 800–443–9672)
Fort Worth 76107 (855 Montgomery Street, 817–735–2228)
Fort Stockton 79735 (501 N. Main, 432–336–0700)
Galveston 77551 (6115 Avenue L, 409–741–0256 or 800–310–5001)
Granbury 76049 (2006 Fall Creek Hwy., 817–326–3440)
Greenville 75407 (4311 Wesley St., 903–455–5958)
Harlingen 78550 (1629 Treasure Hills Blvd., Suite 5–B, 956–366–4500)
Laredo 78041 (6551 Star Court, 956–523–7850, refills: 1–800–209–7377)
Longview 75601 (1205 E. Marshal Ave., 903–247–8262 or 800–957–8262)
Lubbock 79412 (6104 Avenue Q South Drive, 806–472–3400)
Lufkin 75901 (1301 Frank Avenue, 936–637–1342 or 1–800–209–3120)
McAllen 78501 (2101 S. Colonel Rowe Blvd., 956–618–7100 or 866–622–5536)
New Braunfels 78130 (189 E. Austin, Suite 106, 830–629–3614)
Odessa 79762 (4241 N. Tanglewood, Suite 201, 432–550–0149)
Palestine 75801 (2000 So. Loop 256, Suite 124, 903–723–9006)
Paris 75462 (635 Stone Ave., 903–785–9900)
San Antonio 78240 (Frank M. Tejeda OPC, 5788 Eckhert Road, 210–699–2100)
San Antonio Dental Clinic 78299 (8410 Data Point, 210–949–8900)
San Angelo 76905 (2018 Pulliam, 325–658–6138)
San Antonio 78226 (1831 S. General McMullen, 210–434–1400)
San Antonio Greenway 78217 (2455 NE Loop 410, Ste. 100, 210–599–6000)
San Antonio Northern Hills 78217 (14100 Nacogdoches, Ste. 116, 210–653–8989)
San Antonio Pecan Valley 78222 (4243 E. Southcross, Ste. 205, 210–304–3500)
Sherman 75090 (2612 N. Loy Lake, Ste. 300, 903–891–8317)
Stamford 79553 (Box 911, Hwy. 6 East, 325–773–2710)

Stratford 79084 (1220 Purnell, P.O. Box 1107, 806–396–2852)
Texas City 77591 (9300 Emmett F. Lowry Expressway, Suite 206, 409–986–1129 or 800–310–5001)
Tyler 75701 (3414 Golden Rd., 903–593–6064)
Victoria 77901 (1502 E. Airline Dr., Suite 40, 361–582–7700 or 800–209–7377)
Wichita Falls 76301 (1800 7th St., 940–723–2373)

Regional Offices

Houston 77030 (6900 Almeda Rd., statewide, 1–800–827–1000. Serves counties of Angelina, Aransas, Atacosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadeloupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kennedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverlck, Medina, Menard, Montgomery, Nacogdoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, Zavala)
Waco 76799 (One Veterans Plaza, 701 Clay; statewide, 1–800–827–1000; serves the rest of the state. In Bowie County, the City of Texarkana is served by Little Rock, AR, VA Regional Office, 1–800–827–1000.)

Benefits Offices

Abilene 79602 (Taylor County Plaza Bldg., Suite 103, 400 Oak St., 1–800–827–1000)
Amarillo 79106 (6010 Amarillo Blvd. W., 1–800–827–1000)
Austin 78741 (2901 Montopolis Dr., Room 108, 1–800–827–1000)
Corpus Christi 78405 (4646 Corona Dr., Suite 150, 1–800–827–1000)
Dallas 75216 (4500 S. Lancaster Rd., 1–800–827–1000)
El Paso 79930 (5001 Piedras Dr., 1–800–827–1000)
Ft. Worth 76104–4856 (300 W. Rosedale St., 1–800–827–1000)
Lubbock 79410 (6104 Ave. Q S Drive, Rm. 132, 1–800–827–1000)
McAllen 78503 (109 Toronto Ave., 1–800–827–1000)
San Antonio 78240 (5788 Eckert Rd., 1–800–827–1000)
Temple 76504 (1901 Veterans Memorial Dr., Room 5G38 [BRB], 1–800–827–1000)
Tyler 75701 (1700 SSE Loop 323, Suite 310, 1–800–827–1000)

Vet Centers

Amarillo 79109 (3414 Olsen Blvd., Suite E., 806–354–9779)
Austin 78745 (1110 W. Will Cannon Dr., Suite 301, 512–416–1314)
Corpus Christi 78411 (4646 Corona, Suite 250, 361–854–9961)
Dallas 75231 (10501 N. Central Expressway, Suite 213, 214–361–5896)
El Paso 79925 (1155 Westmoreland, Suite 121, 915–772–0013)
Fort Worth 76104 (1305 W. Magnolia, Suite B, 817–921–9095)
Harker Heights 76548 (302 Millers Crossing, Suite #4, 254–953–7100)
Houston 77006 (2990 Richmond Ave., Suite 325, 713–523–0884)
Houston 77024 (701 N. Post Oak Rd., Suite 102, 713–682–2288)
Laredo 78041 (6020 McPherson Rd., 1A, 956–723–4680)
Lubbock 79410 (3208 34th St., 806–792–9782)
McAllen 78504 (801 Nolana, Suite 140, 956–631–2147)
Midland 79703 (3404 W. Illinois, Suite 1, 432–697–8222)
San Antonio 78212 (231 W. Cypress St., Suite 100, 210–472–4025)

National Cemeteries

Dallas-Fort Worth 75211 (2000 Mountain Creek Parkway, 214–467–3374)
Fort Bliss 79906 (Box 6342, 5200 Fred Wilson Rd., 915–564–0201)
Fort Sam Houston 78209 (1520 Harry Wurzbach Rd., San Antonio, 210–820–3891/3894)
Houston 77038 (10410 Veterans Memorial Dr., 281–447–8686)
Kerrville 78028 (VAMC, 3600 Memorial Blvd., 210–820–3891/3894)
San Antonio 78202 (517 Paso Hondo St., 210–820–3891/3894)

UTAH

VA Medical Center

Salt Lake City 84148 (500 Foothill Drive, 801–582–1565 or 800–613–4012)

Clinics

Fountain Green 84632 (300 W. 300 S., 435–623–3129)
Nephi 84648 (48 W. 1500 N., 435–623–3129)
Ogden 84403 (982 Chambers Street, 801–479–4105)
Orem 84057 (740 W. 800 N., Suite 440, 801–235–0953)
Roosevelt 84066 (210 W. 300 N. (75–3), 435–725–2082)
St. George 84770 (1067 East Tabernacle, Suite 7, 435–634–7608 Ext. 6000)

Regional Office

Salt Lake City 84158 (P.O. Box 581900, 550 Foothill Dr., statewide 1–800–827–1000)

Vet Centers

Provo 84604 (1807 N. 1120 West, 801–377–1117)
Salt Lake City 84106 (1354 East 3300 South, 801–584–1294)

VERMONT

VA Medical Center

White River Junction 05009 (215 North Main Street, 802–295–9363 or 866–687–8387)

Clinics

Bennington 05201 (190 North Street, 802–447–6913)
Colchester 05446 (74 Hegeman Ave., 802–655–1356)
Rutland 05702 (215 Stratton Road, 802–773–3386)

Regional Office

White River Junction 05001 (215 N. Main St., 802–296–5177 or 1–800–827–1000 from within Vermont)

Vet Centers

South Burlington 05403 (359 Dorset St., 802–862–1806)
White River Junction 05001 (222 Holiday Inn Dr., #2 Gilman Office Complex, 802–295–2908 or 1–800–649–6603)

VIRGINIA

VA Medical Centers

Hampton 23667 (100 Emancipation Drive, 757–722–9961)
Richmond 23249 (1201 Broad Rock Boulevard, 804–675–5000 or 800–784–8381)
Salem 24153 (1970 Roanoke Boulevard, 540–982–2463 or 888–982–2463)

Clinics

Alexandria 22301 (6940 South Kings Highway Suite #208, 703–313–0694)
Danville 24540 (100 Vicar Pl., 434–836–2100)
Fredericksburg 22401 (1960 Jefferson Davis Hwy., Suite 100, 540–370–4468)
Harrisonburg 22801 (847 Cantrell Avenue, Suite 100, 540–442–1773)
Martinsville 24112 (315 Hospital Way, Ste. 101, 276–632–5929)
Stephens City 22655 (106 Hyde Court, 540–869–0600)
Saltville 23470 (308 W. Main St., 276–496–4433)
Tazewell 24651 (123 Ben Bolt Ave., 276–988–2526)
Virginia Beach 23462 (244 Clearfield Ave., 757–726–6070)

Regional Office

Roanoke 24011 (210 Franklin Rd., SW., statewide 1–800–827–1000)

Vet Centers

Alexandria 22309 (8796 Sacramento Dr., Suite D&E, 703–360–8633)
Norfolk 23517 (2200 Colonial Ave., Suite 3, 757–623–7584)
Richmond 23230 (4902 Fitzhugh Ave., 804–353–8958)
Roanoke 24016 (350 Albemarle Ave., SW., 540–342–9726)

National Cemeteries

Alexandria 22314 (1450 Wilkes St., 703–221–2183/2184)
Balls Bluff 22075 (Rte. 7, Leesburg, 540–825–0027)
City Point 23860 (10th Ave. & Davis St., Hopewell, 804–795–2031)
Cold Harbor 23111 (6038 Cold Harbor Rd., Mechanicsville, 804–795–2031)
Culpeper 22701 (305 U.S. Ave., 540–825–0027)
Danville 24541 (721 Lee St., 704–636–2661)
Fort Harrison 23231 (8620 Varina Rd., Richmond, 804–795–2031)
Glendale 23231 (8301 Willis Church Rd., Richmond, 804–795–2031)
Hampton 23667 (Cemetery Rd. at Marshall Ave., 757–723–7104)
Hampton 23667 (VAMC, Emancipation Dr., 757–723–7104)
Quantico 22172 (P.O. Box 10, 18424 Joplin Rd. (Rte. 619), 703–221–2183/2184)

Richmond 23231 (1701 Williamsburg Rd., 804–795–2031)
Seven Pines 23150 (400 E. Williamsburg Rd., Sandston, 804–795–2031)
Staunton, 24401 (901 Richmond Ave., 540–825–0027)
Winchester 22601 (401 National Ave., 540–825–0027)

VIRGIN ISLANDS

Clinics

St. Croix 00850–4701 (The Village Mall, RR 2 Box 10556, 340–774–6674)
St. Thomas 00802 (Havensight Mall, Building III (Upper), Suite 304 & 310, New Quarter, 340–774–6674)

Benefits

Served by San Juan, Puerto Rico, VA Regional Office, 1–800–827–1000

Vet Centers

St. Croix 00850 (Box 12, R.R. 02, Village Mall, 113, RR2 Box 10556, Kingshill, 340–778–5553)
St. Thomas 00802 (9800 Buchaneer Mall, Suite 8, 340–774–6674)

WASHINGTON

VA Medical Centers

Seattle 98108 (1660 S. Columbian Way, 800–329–8387 or 206–762–1010)
Spokane 99205 (4815 N. Assembly Street, 509–434–7000 or 800–325–7940)
Tacoma 98493 (9600 Veterans Dr., 253–582–8440 or 800–329–8387)
Vancouver 98661 (1601 E. 4th Plain Blvd., 360–696–4061 or 800–949–1004)
Walla Walla 99362 (77 Wainwright Drive, 509–525–5200 or 888–687–8863)

Clinics

Bellevue 98005 (13033 Bel-Red Road, Suite 210, 425–214–1055)
Bremerton 98312 (925 Adele Avenue, 360–782–0129)
Federal Way 98003 (34617 11th Place South, 253–336–4142)
Richland 99352 (946 Stevens Drive, Suite C, 509–946–1020)
Seattle 98125 (12360 Lake City Way NE., Suite 200, 206–384–4382)
Wenatchee 98801 (2530 Chester-Kimm Road, 509–663–7615)
Yakima 98902 (717 Fruitvale Blvd., 509–966–0199)
Yakima Mental Health Clinic 98902 (1111 N. 1st Street, Suite 1, 509–457–2736)

Regional Office

Seattle 98174 (Fed. Bldg., 915 2nd Ave., statewide 1–800–827–1000)

Benefits Offices

Fort Lewis 98433 (Waller Hall Rm. 700, P.O. Box 331153, 253–967–7106)
Bremerton 98337 (W. Sound Pre-Separation Center, 262 Burwell St., 360–782–9900)

Vet Centers

Bellingham 98226 (3800 Byron Ave., Suite 124, 360–733–9226)
Seattle 98121 (2030 9th Ave., Suite 210, 206–553–2706)
Spokane 99206 (100 N. Mullan Rd., Suite 102, 509–444–8387)
Tacoma 98409 (4916 Center St., Suite E, 253–565–7038)
Yakima 98901 (1111 N. First St., 509–457–2736)

National Cemetery

Tacoma 98042–4868 (18600 S.E. 240th St., Kent, 425–413–9614

WEST VIRGINIA

VA Medical Centers

Beckley 25801 (200 Veterans Avenue, 304–255–2121 or 877–902–5142)
Clarksburg 26301 (One Medical Center Drive, 304–623–3461 or 800–733–0512)
Huntington 25704 (1540 Spring Valley Drive, 304–429–6741 or 800–827–8244)
Martinsburg 25405 (510 Butler Avenue, 304–263–0811 or 800–817–3807)

Clinics

Charleston 25304 (104 Alex Ln., 304–926–6001)
Franklin 26807 (314 Pine Street, 304–358–2355)
Logan 25601 (513 Dingess St., 304–752–8355)
Parkersburg 26101 (2311 Ohio Avenue, Suite A, 304–422–5114)
Parsons 26287 (206 Spruce Street, 304–478–2219)
Petersburg 26847 (Grant Memorial Hospital, P.O. Box 1019, 304–257–5817)
Sutton 26602 (93 Skidmore Lane, 304–765–3480)
Williamson 25661 (75 W 4th Ave., 304–235–2187)

Regional Office

Huntington 25701 (640 Fourth Ave., statewide 1–800–827–1000; counties of Brooke, Hancock, Marshall, Ohio, served by Pittsburgh, Pa., VA Regional Office)

Vet Centers

Beckley 25801 (101 Ellison Ave., 304–252–8220)
Charleston 25302 (521 Central Ave., 304–343–3825)
Huntington 25701 (3135 16th St. Rd., Suite 11, 304–523–8387)
Martinsburg 25401 (900 Winchester Ave., 304–263–6776)
Morgantown 26508 (1083 Greenbag Rd., 304–291–4303)
Princeton 24740 (905 Mercer St., 304–425–5653)
Wheeling 26003 (1206 Chapline St., 304–232–0587)

National Cemeteries

Grafton 26354 (431 Walnut St., 304–265–2044)
West Virginia 26354 (Rt. 2, Box 127, Grafton, 304–265–2044)

WISCONSIN

VA Medical Centers

Madison 53705 (2500 Overlook Terrace, 608–256–1901)
Milwaukee 53295 (5000 West National Avenue, 888–469–6614 or 414–384–2000)
Tomah 54660 (500 E. Veterans Street, 608–372–3971 or 800–872–8662)

Clinics

Appleton 54914 (10 Tri-Park Way, 920–831–0070)
Baraboo 53913 (626 14th Street, 608–356–9318)
Beaver Dam 53916 (215 Corporate Drive, 920–356–9415)
Chippewa Falls 54729 (2501 & 2503 County Hwy I, 715–720–3780)
Cleveland 53015 (1205 North Avenue, 920–693–5600)
Green Bay 54303 (141 Siegler Street, 920–497–3126)
Hayward 54843 (15748 County Road B, 715–934–5454)
Janesville 53545 (111 N. Main Street, 608–758–9300)
Kenosha 53140 (800 55th Street, 262–653–9286)
La Crosse 54601 (2600 State Road, Phone: 608–784–3886)
Loyal 54446 (141 N. Main Street, 715–255–9799)
Rhinelander 54501 (639 West Kemp Street, 715–362–4080)
Rice Lake 54843 (2700A College Drive, 715–236–3355)
Superior 54880 (3520 Tower Avenue, 715–392–9711)
Union Grove 53182 (21425 Spring Street, 262–878–7000)
Wausau 54401 (515 South 32nd Avenue, 715–842–2834)
Wisconsin Rapids 54494 (710 East Grand Ave., PO Box 26, 715–424–3844)

Regional Office

Milwaukee 53214 (5400 W. National Ave., statewide 1–800–827–1000)

Vet Centers

Madison 53703 (706 Williamson St., 608–264–5342)
Milwaukee 53218 (5401 N. 76th St., 414–536–1301)

National Cemetery

Wood 53295–4000 (5000 W. National Ave., Bldg., 1301, Milwaukee, 414–382–5300)

WYOMING

VA Medical Centers

Cheyenne 82001 (2360 E. Pershing Blvd., 307–778–7550 or 888–483–9127)
Sheridan (1898 Fort Road, 307–672–3473 or 866–822–6714)

Clinics

Casper 82601 (4140 S. Poplar St., 307–235–4143 or 1–866–338–5168)
Gillette 82718 (1701 Phillips Circle, 307–685–0676 or 1–866–612–1887)
Newcastle 57555 (1124 Washington Blvd., 605–745–2000 ext. 2474)
Powell 82435 (777 Avenue H, 307–754–7257 or 1–888–284–9308)
Riverton 82501 (2300 Rose Lane, 307–857–1211 or 1–866–338–2609)
Rock Springs 82901 (3000 College Drive, Suite C, 307–362–6641 or 866–381–2830)

Benefits Office

Cheyenne 82001 (2360 E. Pershing Blvd., statewide 1–800–827–1000)

Vet Centers

Casper 82601 (1030 North Poplar, Suite B, 307–261–5355)

Cheyenne 82001 (3219 East Pershing Blvd., 307–778–7370)

[FR Doc. E9–7269 Filed 3–31–09; 8:45 am]

BILLING CODE

Federal Register

Wednesday,
April 1, 2009

Part II

Small Business Administration

Revision of Privacy Act System of Records; Notice

SMALL BUSINESS ADMINISTRATION

Revision of Privacy Act System of Records

AGENCY: Small Business Administration.

ACTION: Notice of Revision of Agency's System of Records pursuant to the provisions of the Privacy Act and to open comment period.

SUMMARY: This notice provides for review and comment on the most recent major revision of the Agency's Privacy Act Systems of Records. SBA last published its complete Systems of Records on September 30, 2004, this publication will consolidate all revisions since that date. This publication will incorporate into the full text of the Systems, all changes that have been published since the 2004 publication. These include: the December 23, 2004 revision to System 20, Disaster Loan Files; June 10, 2005 revision to Systems 3, Advisory Counsel Files; in compliance with Homeland Security Presidential Directive 12, the October 2, 2006 publication of System 34, Identity Management Systems, and the August 23, 2007 publication of new routine use for all Agency Systems of Records to address the breech of personally identifiable information as recommended by the Office of Management and Budget. This notice and revision also includes the addition of two new Systems of Records proposed by the Office of the Inspector General, SBA 35—Non-Employment Related Background Checks and SBA 36—Suspension and Debarment Files. Other minor changes such as office addresses and titles have been included and System 27, formerly entitled Security and Investigations Files is renamed Employee Misconduct Files.

DATES: Written comments on the System of Records must be received on or before April 30, 2009. The notice shall be effective as proposed with or without further publication at the end of the comment period, unless comments are received which would require contrary determination.

ADDRESSES: Written comments on the System of Records should be directed to Lisa J. Babcock, Chief, Freedom of Information/Privacy Acts Office, U. S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Lisa J. Babcock, Chief, Freedom of Information/Privacy Acts Office, (202) 401–8203.

SUPPLEMENTARY INFORMATION: This publication is in accordance with the Privacy Act stipulation that Agencies publish their Systems of Records in the **Federal Register** when there is a revision, change or addition.

Small Business Administration New Privacy Act Systems of Records; Narrative StatementPrivacy Act System of Records SBA 35; Non-Employment Related Background Checks

A. Narrative Statement

1. The Small Business Administration (SBA) is adding a new system of records to the Agency's Privacy Act Systems of Records. The new system is entitled ''Non-Employment Related Background Checks.'' The systems consists of records that maintain information about applicants for SBA loans or other assistance or recognition, including application forms, such as SBA Form 912 and related fingerprint cards, criminal history and other records checks and correspondence concerning background. The system is maintained by SBA's Office of the Inspector General in both electronic and paper formats.

2. Refer to the following citations: 5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B, and 44 U.S.C. 3101.

3. The effect on the individual will be minimal. The information contained in the System will be viewed only by Agency personnel, contractors, experts, consultants or volunteers in the line of their official duties. These individuals must comply with the requirements of the PA of 1974, as amended, pursuant to 5 U.S.C. 552a(m). Any potential disclosures outside of the Agency will be in compliance with the routine uses of the System and will only be to individuals with a need to know.

4. Access and use of the records will be limited to specified individuals with official need to know. Records will be stored in locked file cabinets and all computers containing these records are protected by password and user identification codes. In addition, records in this system of records are exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i).

5. The new proposed category of records use satisfies the compatibility requirement of subsection (a)(4) of the Act as the FOI/PA Tracking System is a ''collection, or grouping of information about an individual that is maintained by an agency'' and ''contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual.''

6. This is an internal information collection. The Agency deems the OMB approved information collection requirements unnecessary.

Small Business Administration New Privacy Act Systems of Records; Narrative StatementPrivacy Act System of Records SBA 36; Suspension and Debarment Files

B. Narrative Statement

1. The Small Business Administration (SBA) is adding a new system of records to the Agency's Privacy Act Systems of Records. The new system is entitled ''Suspension and Debarment Files.'' The systems consists of records that maintain information Records consist of materials compiled from investigations and/or audits which identify violations which may be cause for suspension or debarment pursuant to the Federal Acquisition Regulations or the government-wide non-procurement suspension and debarment regulations. These materials include indictments, information, plea agreements, judgments, loan agreements, contract documents, etc., that pertain to an individual's or entity's participation in government contracts, SBA loan programs, and other SBA assistance.

2. Refer to the following citations: 5 U.S.C. App. 3 (the Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; and 44 U.S.C. 3101; 48 CFR Subpart 9.4 (procurement); 2 CFR Parts 180 and 2700 (non-procurement), and Executive Orders 12549 and 12682.

3. The effect on the individual will be minimal. The information contained in the System will be viewed only by Agency personnel, contractors, experts, consultants or volunteers in the line of their official duties. These individuals must comply with the requirements of the PA of 1974, as amended, pursuant to 5 U.S.C. 552a(m). Any potential disclosures outside of the Agency will be in compliance with the routine uses of the System and will only be to individuals with a need to know. Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), and pursuant to 5 U.S.C. § 552(a)(k)(2) and (k)(5).

4. Access and use of the records will be limited to specified individuals with official need to know. Records will be stored in locked file cabinets and all computers containing these records are protected by password and user identification codes.

5. The new proposed category of records use satisfies the compatibility requirement of subsection (a)(4) of the Act as the FOI/PA Tracking System is a ''collection, or grouping of information about an individual that is maintained by an agency'' and ''contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual.''

6. This is an internal information collection. The Agency deems the OMB approved information collection requirements unnecessary.

Appendix A

Headquarters
409 Third St., SW., Washington, DC 20416
Boston Regional Office
10 Causeway St., Suite 812, Boston, MA 02222–1093
New York Regional Office
26 Federal Plaza, Suite 3108, New York, NY 10278
New York Regional Office
26 Federal Plaza, Suite 3108, New York, NY 10278
Philadelphia Regional Office
900 Market St., 5th Floor, Philadelphia, PA 19107
Atlanta Regional Office
233 Peachtree St., NE., South Tower, Suite 496, Atlanta, GA 30303
Chicago Regional Office
500 West Madison St., Suite 1250, Chicago, IL 60661–2511
Dallas Regional Office
4300 Amon Carter Blvd., Suite 114, Fort Worth, TX 76155
Kansas City Regional Office
323 West 8th St., Suite 307, Kansas City, MO 64105
Denver Regional Office
721 19th St., Suite 101, Denver, CO 80202
San Francisco Regional Office
455 Market St., Suite 2200, San Francisco, CA 94105
Seattle Regional Office
1200 Sixth Ave., Suite 1805, Seattle, WA 98101–1128

SBA District Offices

Region I

Maine District Office
40 Western Ave., Room 512, Augusta, ME 04330
Massachusetts District Office
10 Causeway St., Suite 265, Boston, MA 02222–1093
New Hampshire District Office
55 Pleasant St., Suite 3101, Concord, NH 03301
Connecticut District Office
330 Main St., 2nd Floor, Hartford, CT 06106
Vermont District Office
87 State St., Suite 205, Montpelier, VT 05602
Rhode Island District Office
380 Westminster Mall, 5th Floor, Providence, RI 02903
Springfield Branch Office
1441 Main St., Suite 410, Springfield, MA 01103

Region II

Buffalo District Office
111 West Huron St., Room 1311, Buffalo, NY 14202
Elmira Branch Office
333 E. Water St., 4th Floor, Elmira, NY 14901
Melville Branch Office
35 Pinelawn Road, Suite 207, Melville, NY 11747
New Jersey District Office
Two Gateway Center, 15th Floor, Newark, NJ 07102
New York District Office
26 Federal Plaza, Rm. 3108, New York, NY 10278
Puerto Rico & Virgin Islands District Office
252 Ponce De Leon Blvd., Hato Rey, Puerto Rico 00918
Rochester Branch Office
100 State Street, Suite 410, Rochester, NY 14614
Syracuse District Office
401 South Salina St., 5th Floor, Syracuse, NY 13202
St. Croix Branch Office
Sunny Isle Professional Building, Suites 5&6, Christiansted, VI 00820
St. Thomas Branch Office
3800 Crown Bay Street, St. Thomas, VI 00802

Region III

Baltimore District Office
10 S. Howard St., Suite 6220, Baltimore, MD 21201–2525
Charleston Branch Office
405 Capitol St., Suite 412, Charleston, WV 25301
West Virginia District Office
Federal Center, Suite 330, 320 West Pike St., Clarksburg, WV 26301
Harrisburg Branch Office
100 Chestnut St., Suite 107, Harrisburg, PA 17101
Philadelphia District Office
900 Market St., 5th Floor, Philadelphia, PA 19107
Pittsburgh District Office
Federal Building, Rm. 1128, 1000 Liberty Ave., Pittsburgh, PA 15222–4004
Richmond District Office
400 North 8th St., 11th Floor, Richmond, VA 23240–0126
Washington District Office
1110 Vermont Ave., NW., Suite 900, Washington, D.C. 20005
Wilkes-Barre Branch Office
7 North Wilkes-Barre Blvd., Suite 407, Wilkes-Barre, PA 18702
Delaware District Office
1318 North Market, Wilmington, DE 19801–3011

Region IV

Georgia District Office
233 Peachtree Rd., NE., Suite 1800, Atlanta, GA 30303
Alabama District Office
801 Tom Martin Dr., Suite 201, Birmingham, AL 35211
North Carolina District Office
6302 Fairview Rd., Suite 300, Charlotte, NC 28210–2227
South Carolina District Office
1835 Assembly St., Rm. 358, Columbia, SC 29201
Gulfport Branch Office
2909 13th St., Suite 203, Gulfport, MS 39501–1949
Mississippi District Office
210 E. Capitol St., Suite 210E, Jackson, MS 39201
Jacksonville—North Florida District Office
7825 Baymeadows Way., Suite 100–B, Jacksonville, FL 32256–7504
Kentucky District Office
600 Dr. M.L. King Jr. Place, Rm. 188, Louisville, KY 40202
Miami—South Florida District Office
100 S. Biscayne Blvd, 7th Floor, Miami, FL 33131
Tennessee District Office
50 Vantage Way, Suite 201, Nashville, TN 37228–1500

Region V

Illinois District Office
500 West Madison St., Chicago, IL 60661–2511
Cincinnati Branch Office
525 Vine St., Suite 870, Cincinnati, OH 45202
Cleveland District Office
1111 Superior Ave., Suite 630, Cleveland, OH 44114–2507
Columbus District Office
2 Nationwide Plaza, Suite 1400, Columbus, OH 43215–2542
Michigan District Office
477 Michigan Ave., Suite 515, Detroit, MI 48226
Indiana District Office
429 North Pennsylvania St., Suite 100, Indianapolis, IN 46204–1873
Wisconsin District Office
310 West Wisconsin Ave., Suite 400, Madison, WI 53203
Minnesota Branch Office
100 North 6th St., 210–C, Minneapolis, MI 55403
Wisconsin Branch Office
310 West Wisconsin Ave., Milwaukee, WI 53203
Minnesota District Office
100 North 6th St., Minneapolis, MN 55403–1563
Springfield Branch Office
511 W. Capitol Ave., Suite 302, Springfield, IL 62704

Region VI

New Mexico District Office
625 Silver Ave., S.W., Suite 320, Albuquerque, NM 87102
Corpus Christi Branch Office
3649 Leopard St., Suite 411, Corpus Christi, TX 78408
Dallas/Ft. Worth District Office
4300 Amon Carter Blvd., Suite 108, Dallas, TX 76155
El Paso District Office
10737 Gateways West, Suite 320, El Paso, TX 79935
Houston District Office
8701 S. Gessner Dr., Suite 1200, Houston, TX 77074
Arkansas District Office
2120 Riverfront Dr., Suite 100, Little Rock, AR 72202
Lower Rio Grande Valley District Office
222 E. Van Buren St., Rm. 500, Harlingen, TX 78550–6855
Lubbock District Office

1205 Texas Ave., Suite 408, Lubbock, TX 79401–2693
New Orleans District Office
365 Canal St., Suite 2820, New Orleans, LA 70130
Oklahoma District Office
301 Northwest 6th St., Suite 116, Oklahoma City, OK 73102
San Antonio District Office
727 E. Durango Blvd., 5th Floor, San Antonio, TX 78206

Region VII

Cedar Rapids Branch Office
215 4th Ave. S.E., Suite 200, Cedar Rapids, IA 52401–1806
Des Moines District Office
210 Walnut St., Room 749, Des Moines, IA 50309–2186
Kansas City District Office
323 West 8th Ave., Suite 501, Kansas City, MO 64105–1500
Nebraska District Office
11145 Mill Valley Rd., Omaha, NB 68154
Springfield Branch Office
830 East Primrose, Suite 101, Springfield, MO 65807–52540
St. Louis District Office
815 Olive Street, St. Louis, MO 63101
Wichita District Office
271 West Third St., Suite 2500, Wichita, KS 67202–1212

Region VIII

Wyoming District Office
100 East B Street, Rm. 4001, Casper, WY 82601
Denver District Office
721 19th St., Suite 426, Denver, CO 80202
North Dakota District Office
657 Second Ave. North, Room 219, Fargo, ND 58108
Montana District Office
10 West 15th St., Suite 1100, Helena, MT 59626
Utah District Office
125 South State St., Room 2237, Salt Lake City, UT 84138
South Dakota District Office
2329 North Career Ave., Suite 105, Sioux Falls, SD 57107

Region IX

Agana Branch Office
400 Route 8, Suite 302, Hagatna, GU 96910–2003
Fresno District Office
2719 North Air Fresno Dr., Suite 200, Fresno, CA 93727–1547
Hawaii District Office
300 Ala Moana Blvd., Rm. 2–235, Honolulu, HI 96850–4981,
Nevada District Office
300 Las Vegas Blvd., Suite 110, Las Vegas, NV 89101
Los Angeles District Office
330 North Brand Blvd., Suite 1200, Glendale, CA 91203–2304
Arizona District Office
2828 North Central Ave., Suite 800, Phoenix, AZ 85004–1025
Sacramento District Office
650 Capital Mall, Suite 7–500, Sacramento, CA 95814–2413
San Diego District Office
550 West C St., Suite 550, San Diego, CA 92101–3500
San Francisco District Office
455 Market St., 6th Floor, San Francisco, CA 94105–2445
Santa Ana District Office
200 West Santa Ana Blvd., Suite 700, Santa Ana, CA 92701

Region X

Alaska District Office
50 L St., Suite 310, Anchorage, AK 99501
Boise District Office
380 East Parkcenter Blvd., Boise, ID 83706
Portland District Office
1515 S.W. 5th Ave., Suite 1050, Portland, OR 97201–5494
Seattle District Office
1200 6th Ave., Rm. 1700, Seattle, WA 98101–1128
Spokane Branch Office
801 West Riverside, Suite 200, Spokane, WA 99201
Spokane District Office
801 West Riverside Ave., Suite 200, Spokane, WA 99201–0901

SBA Disaster Loan Making Centers

DCMS Operations Center
13221 Woodland Park Rd., Herndon, VA 20174
Disaster Assistance Customer Service Center
130 S. Elmwood Avenue, Buffalo, NY 14202
Disaster Field Operations Center—East
101 Marietta Street, Suite 700, Atlanta, GA 30303
Disaster Loan Processing and Disbursement Center
14925 Kingsport Rd., Fort Worth, TX 76155–2243
Disaster Field Operations Center—West
P.O. Box 419004, Sacramento, CA 95841–9004, or 6501 Sylvan Rd., Citrus Heights, CA 95610–5017
Disaster Personnel and Administrative Services Center
13221 Woodland Park Rd., Herndon, VA 20174
Field Inspection Team
13221 Woodland Park Rd., Herndon, VA 20174

SBA Home Loan Servicing Centers

Birmingham Home Loan Servicing Center
2121 8th Ave. North, Suite 200, P.O. Box 12247, Birmingham, AL 35202–2247
New York Home Loan Servicing Center
201 Varick St., Rm. 628, New York, NY 10014
El Paso Home Loan Servicing Center
10737 Gateway West, Suite 300, El Paso, TX 79935
Santa Ana Loan Servicing & Liquidation Office
200 W. Santa Ana Blvd., Santa Ana, CA 92701

Commercial Loan Servicing Centers

Fresno Commercial Loan Servicing Center
2719 N. Fresno Dr., Suite 107, Fresno, CA 93727–1547
Little Rock Commercial Loan Servicing Center
2120 Riverfront Dr., Suite 100, Little Rock, AR 72202

Office of the Inspector General

Office of Inspector General
409 Third Street, SW., Washington, DC 20416
Office of Inspector General Investigation Division
409 Third Street, SW., Washington, DC 20416
Office of Inspector General Auditing Division
409 Third Street, SW., Washington, DC 20416
Office of Inspector General Counsel Division
409 Third Street, SW., Washington, DC 20416
Office of Inspector General Management & Policy Division
409 Third Street, SW., Washington, DC 20416
Atlanta Inspector General Auditing Division
233 Peachtree St., NE., Suite 1803, Atlanta, GA 30303
Dallas/Fort Worth Inspector General Auditing
4300 Amon Carter Blvd., Suite 116, Fort Worth, TX 76155
Los Angeles Inspector General Auditing Division
330 North Brand Blvd., Suite 660, Glendale, CA 91203–2304
Atlanta Inspector General Investigations Division
233 Peachtree St., NE., Suite 1802, Atlanta, GA 30303
Chicago Inspector General Investigations Division
801 Warrenville Road, Suite 230, Lisle Chicago, IL 60532
Dallas/Fort Worth Inspector General Investigations Division
4300 Amon Carter Blvd., Suite 116, Fort Worth, TX 76155–2653
Detroit Inspector General Investigations Division
477 Michigan Avenue, Suite 515, Detroit, MI 48266
Houston Inspector General Investigations Division
8701 South Gessnar Drive, Suite 1200, Houston, TX 77074
Kansas City Inspector General Investigations Division
1000 Walnut Street, Suite 510, Kansas City, MO 64106
Los Angeles Inspector General Investigation Division
330 North Brand Blvd., Suite 850, Glendale, CA 91203–2304
Miami Inspector General Investigations Division
Claude Pepper Federal Building, 51 SW 1st Avenue, Suite 1325, Miami, FL 33130
New Orleans Inspector General Auditing Division and Investigations Divisions
365 Canal Street, Suite 2420, New Orleans, LA 70130
New York Inspector General Investigations Division
26 Federal Plaza, Rm. 41–100, New York, NY 10278
Philadelphia Inspector General Investigations Division
Curtis Center Room 860W, 601 Walnut Street, Philadelphia, PA 19106
Tacoma Inspector General Investigations Division
33400 9th Avenue, Federal Way, WA 98003

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SBA 1

SYSTEM NAME:

ADMINISTRATIVE CLAIMS—SBA 1

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. Records of claims up to $5,000 are in District Offices, claims more than $5,000 are in the Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Individuals involved in accidents or other incidents of loss or damage to government property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report and supporting materials compiled in cases of loss or damage to government property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(1), 28 CFR 14.11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the General Services Administration, the court and other parties in litigation, when a suit has been initiated.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. § 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name of involved individual(s).

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 6.10.

SYSTEM MANAGER(S) AND ADDRESS:

HQ and Field Systems Managers. See Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Involved individuals, witnesses and Agency investigation.

SBA 2

SYSTEM NAME:

ADMINISTRATOR'S EXECUTIVE SECRETARIAT FILES—SBA 2

SYSTEM LOCATION:

Headquarters (HQ). See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Individuals who have corresponded with SBA Administrator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence in Controlled Documents System from October 1, 1987.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To oversee and maintain Agency correspondence with Government officials, Members of Congress, and the public.

b. To oversee and maintain memoranda or documents detailing policy and operational decisions made by the Administrator.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By document number, name, subject, keyword, phrase, date, constituent and organizational name.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 00:01.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretariat, HQ. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Correspondence, memoranda authors, and other sources that communicate with SBA's Administrator.

SBA 3

SYSTEM NAME:

ADVISORY COUNCIL FILES—SBA 3

SYSTEM LOCATION:

Headquarters (HQ). *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Current and former members on SBA's federal advisory councils.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Completed SBA Forms 898 of individuals nominated to serve as members on SBA's federal advisory councils. The completed forms contain personal and business contact information, birthplace and date of birth, and information on the current status or history of application for SBA assistance or actual receipt of it and may also contain nominees' professional resumes and other correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 637(b)(13), 648(i)(1), 657(c), Section 203, 7510–10; Pub. L. 106–50; and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. Appointed liaisons in SBA program offices, include but not limited to: Office of Government Contracting; Investment Division; Office of Financial Assistance; Office of Procurement and Grants Management; Office of the Inspector General; Office of Strategic Alliances; and Office of General Counsel. The purpose of the disclosure is to facilitate the performance of the appointed liaisons' duty to determine whether the program office has any information pertaining to a past or current relationship between the nominee and SBA and to provide such information to SBA's Committee Management Officer who vets nominees for conflict of interest or the appearance of conflict of interest in accordance with SOP 90 54 4, Chapter 7.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

Records are organized according to advisory council and retrieved by the name of the current and former member.

SAFEGUARDS:

Access to SBA Headquarters is controlled and monitored by security personnel. Access to SBA program offices is limited to SBA employees with key cards and records are maintained in a locked room. Access is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

Permanent records are maintained for 2 years and then transferred to the Federal Records Center in accordance with SOP 00 41 2, Appendix 24, 95:01.

SYSTEM MANAGER(S) AND ADDRESS:

Committee Management Officer, Office of Administration, HQ. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Record subject, Congressional offices, Agency employees, media, Advisory Council members, **Federal Register**.

SBA 4

SYSTEM NAME:

OFFICE OF INSPECTOR GENERAL RECORDS OTHER THAN INVESTIGATIONS RECORDS—SBA 4

SYSTEM LOCATION:

Office of the Inspector General (OIG) Investigations Division, Audit Division, Headquarters duty stations, Agency District and Field Offices and Federal Records Center. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

OIG staff, parties requesting OIG action, interviewees, persons examined by an OIG inquiry and persons providing information used by OIG staff, applicants to, and participants in SBA programs, their principals, representatives and resource partners; contractors and parties to cooperative agreements and their principals, representatives, and other interested parties; governmental entities; SBA employees, volunteers supporting SBA, including but not limited to members of the Advisory Councils and Service Corps of Retired Executive and in connection with allegations of wrongdoing or inefficiency within the jurisdiction of the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Material provided to, gathered or created by OIG in auditing, or otherwise dealing with allegations that are within the jurisdiction of the OIG, documentation of allegations, consultations, decisions, interviews, records reviews, audits, evaluations, and other non-audit services, and various correspondence, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, or opposing counsel during trials, hearings or in settlement negotiations.

c. To any private or governmental source or person, in order to secure information relevant to an investigation, audit or other evaluation.

d. To other Federal agencies conducting background checks, to the extent that the information is relevant to their function.

e. To any domestic, foreign, international or private agency or organization, including those which maintain civil, criminal or other enforcement information, for the assignment, hiring or retention of an

individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to the agency's decision on the matter.

f. To Federal, State or local bar associations and other professional, regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

g. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

h. To the Office of Government Ethics for any purpose consistent with their mission.

i. To the Government Accountability Office and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

j. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

k. To the Department of the Treasury and the Department of Justice (DOJ) in support of an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

l. To debt collection contractors for collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

m. To a grand jury agent pursuant to a Federal or State grand jury subpoena or to a prosecution request that records be introduced to a grand jury.

n. To DOJ to obtain advice regarding FOIA disclosure obligations.

o. To the Office of Management and Budget to obtain advice regarding PA obligations.

p. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

q. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

r. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

s. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

t. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

u. To the public when the matter under investigation has become public knowledge, or when the IG determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or to demonstrate the accountability of SBA employees, or other individuals covered by this system, or when there exists a legitimate public interest unless the IG determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

v. To inform complainants, victims, and witnesses of the results of an investigation or inquiry.

w. To a Federal agency responsible for considering administrative action, including debarment or suspension.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name and cross-referenced to related IG audit files and non-audit services or reviews.

SAFEGUARDS:

Sensitive reports are kept in locked filing cabinets, while others are provided lesser levels of security as appropriate.

RETENTION AND DISPOSAL:

Following final agency action, records are maintained in accordance with SBA SOP 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Auditing or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individuals, Agency personnel, third parties, and other Government agencies, such as the Federal Bureau of Investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual

criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 5

SYSTEM NAME:

BUSINESS AND COMMUNITY INITIATIVES RESOURCE FILES—SBA 5

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Users of Business and Community Initiatives training materials, potential speakers, counselors, authors and reviewers.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Information relating to individuals: biographical sketches, correspondence, copies of travel vouchers and counseling reports, files of accomplishments, publications, news releases and clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To provide university coordinators with information about potential speakers at management training sessions.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 65:01, 65:02, 65:03, 65:04, 65:05, 65:07 and 65:09.

SYSTEM MANAGER(S) AND ADDRESS:

Field Office Director and PA Officer. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Record subject, Agency employees, media, educators, universities, professional and civic organizations.

SBA 6

SYSTEM NAME:

CIVIL RIGHTS COMPLIANCE FILES—SBA 6

SYSTEM LOCATION:

Headquarters. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

SBA recipients of Federal financial assistance and individuals who have

filed allegations of discrimination against SBA recipients of Federal financial assistance or against Agency programs or program offices based on disability.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Reviews, correspondence, supporting documents, interview statements, program files, information developed in allegation/complaint investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Civil Rights Compliance SOP 90 30 3 and 13 CFR Parts 112, 113, and 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

d. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By complainant's name, address and four digit fiscal year/order in which received during that fiscal year (four digit number is keyed to Complaint Log for that fiscal year).

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 1.25.a and d(2).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Equal Employment Opportunity and Civil Rights Compliance (EEO/CRC). *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

SBA recipient of Federal financial assistance reviewed by EEO/CRC personnel and complainants.

SBA 7

SYSTEM NAME:

COMBINED FEDERAL CAMPAIGN—SBA 7

SYSTEM LOCATION:

Headquarters (HQ) Office and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Information pertaining to SBA employees involved with the campaign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the public, the names and addresses of employees connected with the drive are released.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United

States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name and/or Social Security Number.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Record Schedule 2.15.

SYSTEM MANAGER(S) AND ADDRESS:

HQ and Field Office Supervisors. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject employee.

SBA 8

SYSTEM NAME:

CORRESPONDENCE AND INQUIRIES—SBA 8

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Individuals who have corresponded with the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To oversee and maintain correspondence to the Agency.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name of correspondent.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 00:01.

SYSTEM MANAGER(S) AND ADDRESS:

PA Officer for HQ records and Field Managers for field records. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individual, Agency personnel, case files and Congressional correspondence.

SBA 9

SYSTEM NAME:

COST ALLOCATION DATA SYSTEM—9

SYSTEM LOCATION:

Office of the Chief Financial Officer (CFO), Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

All SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Individual information on SBA employees, *i.e.*, name, social security number, office code, pay dates, survey results on the percentage of time spent on administration of various SBA programs and activities. Agency-wide costs, *i.e.*, rent, postage, telecommunications, centralized printing and training, employees' relocation costs, credit report costs, performance management appraisal system awards, contractors costs, Agency loan count and SBA employment full time equivalent counts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 (Records Management by Federal Agencies), Public Law 101–576 (Chief Financial Officers Act) and Public Law 103–62 (Government Performance and Results Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Agency cost contractor for use in the Agency's cost accounting activity.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access tothe records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has aninterest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevantand necessary to the litigation, provided, however, that in each case, SBA determines thedisclosure of the records to DOJ is a use of the information contained in the records that iscompatible with the purpose for which the records were collected: SBA, or any componentthereof; any SBA employee in their official capacity; any SBA employee in their individualcapacity where DOJ has agreed to represent the employee; or The United States Government,where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before whichSBA is authorized to appear or before which any of the following is a party to litigation or has aninterest in litigation, provided, however, that SBA determines that the use of such records isrelevant and necessary to the litigation, and that, in each case, SBA determines that disclosure ofthe records to a court or other adjudicative body is a use of the information contained in therecords that is a compatible purpose for which the records were collected: SBA, or any SBAcomponent; any SBA employee in their official capacity; any SBA employee in their individualcapacity where DOJ has agreed to represent the employee; or The United States Government,where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that thesecurity or confidentiality of information in the system records has been compromised; SBAhas determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of thissystem or other systems or programs (whether maintained by the Agency or entity) that rely uponthe compromised information; and the disclosure made to such agencies, entities and persons isreasonably necessary to assist in connection with SBA's efforts to respond to the suspected orconfirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

The electronic form is maintained in a database which is behind the Agency's firewall.

RETRIEVABILITY:

Employee's Social Security Number and first and last name retrieve survey result.

SAFEGUARDS:

Access and use of the CADS are accomplished via the use of restricted password. Access and use are limited to Project Leader and Group members and only those other Agency employees whose official duties require such access.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Retention Schedule 8.1, 8.5, 8.6, 8.7 and 8.8.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, HQ. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

SBA employees.

SBA 10

SYSTEM NAME:

EMPLOYEE IDENTIFICATION CARD FILES—SBA 10

SYSTEM LOCATION:

Office of Human Capital Management (Headquarters), Denver Human Capital Management Operations Division and Disaster Loan Making Centers (DLMC). *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Employee name and their identification card numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on theindividual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access tothe records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

d. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name or identification card number.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Retention Schedule 1.6.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator/Human Capital Management (HQ) and DLMC Directors. See Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject employee, individuals and agency personnel records.

SBA 11

SYSTEM NAME:

ENTREPRENEURIAL DEVELOPMENT—MANAGEMENT INFORMATION SYSTEM—SBA 11

SYSTEM LOCATION:

Headquarters (HQ).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals using SBA's business counseling and assistance services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual and business information on SBA clients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 85–536, 15 U.S.C. 631 (Small Business Act), sec. 7(j)(1), (Business Counseling), 15 U.S.C. 648 sec. 21 (Small Business Development Centers), 15 U.S.C. 656 sec. 29 (Women's Business Centers), Public Law 106–50 (Veterans' Entrepreneurship and Small Business Development Act of 1999), 44 U.S.C. 3101 (Records Management by Federal Agencies) and Public Law 103–62 (Government Performance and Results Act).

ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Agency service provider (resource partner) who initially collected the information.

b. To a Congressional office from an individual's record, when that office is inquiring on theindividual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation,

provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Electronic form in secured database on a dedicated computer.

RETRIEVAL:

By SBA Customer Number and cross-referenced by individual or business name.

SAFEGUARDS:

Access and use over the Internet with a restricted numerical password. Access and use is limited to Federal officials with a need-to-know and to designated resource partners. SBA resource partners will have access only to those individuals that were collected by that particular resource partner. Designated program managers in HQ and district directors will have access to individual records only as needed for program management.

RETENTION AND DISPOSAL:

In accordance with EDMIS N1–309–03–06.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Administrator for Entrepreneurial Development and designee in Headquarters.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

The Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individuals or businesses.

SBA 12

SYSTEM NAME:

EQUAL EMPLOYMENT OPPORTUNITY PRE-COMPLAINT COUNSELING—SBA 12

SYSTEM LOCATION:

Headquarters and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Current/former SBA employees, members of a group (class complaints) who have requested counseling regarding employment discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Case files may include employee and interview statements. The Equal Employment Opportunity (EEO) Counselor's Report becomes part of the EEO Complaint case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Part 1611.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To report counseling activity to the Office of Equal Employment Opportunity and Civil Rights Compliance (EEO/CRC).

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has

confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification code.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 1.25.a.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for EEO&CRC and Field Office Systems Managers. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Employee seeking counseling, other employees, EEO Counselor, personnel and employment records.

SBA 13

SYSTEM NAME:

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT CASES—SBA 13

SYSTEM LOCATION:

Headquarters. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Current/former SBA employees and/or members of a class complaint who have requested counseling regarding employment discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Complaint files, Equal Employment Opportunity (EEO) Counselor's Report, information from investigations, notes, hearing report, Hearing Examiner's recommendations and Agency actions. Closed cases are included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Part 1611.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To report to the Equal Employment Opportunity Commission (EEOC).

b. To EEOC when there is a hearing, these records will be used in the case.

c. To EEOC when a complaint is appealed, these records will be used by the Office of Equal Employment Opportunity and Civil Rights Compliance (EEO/CRC) in their decision making.

d. To the Office of General Counsel and the Department of Justice (DOJ) when a complaint results in a Federal suit, these records will be referred and used to prepare and present the case in court.

e. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

f. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

g. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

h. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

i. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name of complainant.

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 1.25.a.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for EEO/CRC and Field Office Systems Managers and the Office of the Inspector General (OIG). *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORY:

Complainant, witnesses, hearing transcript, personnel and employment records, examiner's recommendations and agency investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 14

SYSTEM NAME:

FREEDOM OF INFORMATION AND PRIVACY ACTS RECORDS—SBA 14

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Persons who have submitted requests or appeals under either of the Acts.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Files created for Freedom of Information/Privacy Acts (FOI/PA) appeals and agency-wide database to track FOI/PA cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 15 U.S.C. 634(b)(6), 5 U.S.C. 552 and 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To review individual cases, keep logs and records, comply with statutory time limitations and prepare mandated reports.

b. To the Federal, State, local or foreign agency or professional organization, including SBA offices, which investigates prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To agency personnel responsible for bringing Program Fraud Civil Remedies Act litigation to the tribunal hearing litigation or any appeals and to counsel for the defendant party in any such litigation.

f. To a grand jury agent pursuant to a Federal or State grand jury subpoena or to a prosecution request that records be released for introduction to a grand jury.

g. To a Federal agency which has the authority to subpoena other Federal agencies records and has issued a valid subpoena.

h. To the Department of Justice (DOJ) in order to obtain that department's advice regarding an agency's FOIA disclosure obligations.

i. To the Office of Management and Budget to obtain that office's advice regarding an agency's PA obligations.

j. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

k. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

l. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of

integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Locked file cabinets and electronic files.

RETRIEVAL:

By name or database number.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

Retention is in accordance with National Archives and Records Administration's General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

PA Officer for HQ records and Field Managers for field records. *See* Appendix A.

NOTIFICATION PROCEDURES:

An individual may submit a record inquiry in person or in writing to the Systems Manager.

ACCESS PROCEDURES:

The Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Correspondence submitted directly to and replies from SBA.

SBA 15

SYSTEM NAME:

EMPLOYEE DISPUTES AND APPEALS—SBA 15

SYSTEM LOCATION:

Servicing Personnel Office and the Office of Hearings and Appeals (OHA) where employee disputes (formerly Grievances) or appeals of employee disputes have been filed. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

SBA employees who have filed Employee Disputes under Standard Operating Procedure (SOP) 37 71. These individuals may be referred to as the employees, the appellants, or the grievants.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Correspondence, supporting documents, pleadings, orders, and decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101, SOP 37 71 and 13 CFR Part 134.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Office of Personnel Management (OPM) or used in reporting to the OPM on labor-management relations activity.

b. To a Hearing Examiner in response to another Agency's inquiry, pursuant to established procedures.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To the Office of the Special Counsel for any purpose consistent with its mission.

f. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

h. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

Name of the employee who filed the dispute and/or appeal.

SAFEGUARDS:

Access and use limited to persons whose official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

Retention is in accordance with SOP 00 41 2 30:02.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for OHA, Chief Human Capital Officer and Field Managers. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Grievants, appellants, employees, personnel and employment records.

SBA 16

SYSTEM NAME:

INVESTIGATIVE FILES—SBA 16

SYSTEM LOCATION:

Office of the Inspector General (OIG), Investigations Division offices and Federal Records Center (FRC). *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Persons and other entities against whom are made allegations that are within the jurisdiction of the OIG to investigate; persons identified as making such allegations; or persons cross-referenced in investigative file or subsequent investigations. Applicants to, and participants in SBA programs, their principals, representatives and resource partners; contractors and parties to cooperative agreements and their principals, representatives, and other interested parties; governmental entities; SBA employees, members of the Advisory Councils, Service Corps of Retired Executive volunteers and others in connection with allegations of wrongdoing that are within the jurisdiction of the OIG to investigate.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Material provided to, gathered or created by OIG in investigating, or otherwise dealing with allegations that are within the jurisdiction of the OIG to investigate, documentation of allegations, consultations, decisions, interviews, records reviews, reports of investigations, and various correspondence, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*), 15 U.S.C. Chapters 14A and 14B and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, or to opposing counsel in the course of hearings, trials or settlement negotiations.

c. To any private or governmental source or person, in order to secure information relevant to an investigation, audit or other evaluation.

d. To other Federal agencies conducting background checks; only to the extent the information is relevant to the requesting agencies' function.

e. To any Federal, State, local, foreign or international agency, in connection with such entity's assignment, hiring and retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

f. To a domestic, foreign, or international government agency maintaining civil, criminal, relevant enforcement or other pertinent information, for the assignment hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

g. To Federal, State or local bar associations and other professional regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

h. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

i. To the General Accounting Office (GAO) for periodic reviews of SBA.

j. To the Office of Government Ethics for any purpose consistent with their mission.

k. To GAO, and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

l. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

m. To the Department of Treasury and the Department of Justice (DOJ) when an agency is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

n. To debt collection contractors for collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

o. To SBA volunteers, interns, grantees, experts and contractors who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

p. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

q. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

r. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the

Inspector General Act of 1978, *as amended*.

s. To the public when the matter under investigation has become public knowledge, or when the IG determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or to demonstrate the accountability of SBA employees, or other individuals covered by this system, or when there exists a legitimate public interest unless the IG determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

t. To inform complainants, victims, and witnesses of the results of an investigation or inquiry.

u. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

v. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

File folders in filing cabinets or safes, or on shelves in locked file room, and electronic files.

RETRIEVAL:

Indexed by fiscal year closed and then by case number. Cross-referenced to the number(s) of the investigative file(s) containing related materials.

SAFEGUARDS:

All filing cabinets and file rooms are locked. Access to and use limited to those persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

Maintain in accordance with SOP 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individual, Agency personnel, informants, financial institutions, the Federal Bureau of Investigation and other investigative Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 17

SYSTEM NAME:

INVESTIGATIONS MANAGEMENT INFORMATION SYSTEM—SBA 17

SYSTEM LOCATION:

On dedicated server and shared drive accessible only to Office of the Inspector General (OIG), Investigations Division personnel and authorized Information Technology maintenance personnel. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM INCLUDES:

Persons or other entities against whom are made allegations that are within the OIG's jurisdiction to investigate, persons identified as making allegations or persons who are cross-referenced to an investigative file, principals, representatives of applicants, participants, contractors, grantees, participants in cooperative agreements, resource partners and their principals and representatives, and other interested parties participating in SBA programs.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Material gathered or created during preparation for, conduct of and follow-up on investigations conducted by OIG, the Federal Bureau of Investigation (FBI) and other Federal, State, local, or foreign regulatory or law enforcement agency. May include alphabetical indices of names and case numbers and information about allegations, decisions, investigative assignments and special techniques, and reports and results of investigations and time spent by investigators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, or to opposing counsel in the course of hearings, trials or settlement negotiations.

c. To any private or governmental source or person, to the extent necessary

to secure information relevant to an investigation or audit.

d. To other Federal agencies conducting background checks; only to the extent the information is relevant to the requesting agencies' function.

e. To any Federal, State, local, foreign or international agency, in connection with such entity's assignment, hiring and retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

f. To a domestic, foreign, or international government agency maintaining civil, criminal, relevant enforcement or other pertinent information, for the assignment hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

g. To Federal, State or local bar associations and other professional regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

h. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

i. To the Office of Government Ethics for any purpose consistent with their mission.

j. To General Accountability Office and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

k. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

l. To the Department of Treasury and the Department of Justice (DOJ) when an agency is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

m. To debt collection contractors for collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

n. To SBA volunteers, interns, grantees, experts and contractors who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

o. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

p. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

q. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

r. To the public when the matter under investigation has become public knowledge, or when the IG determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or to demonstrate the accountability of SBA employees, or other individuals covered by this system, or when there exists a legitimate public interest unless the IG determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

s. To inform complainants, victims, and witnesses of the results of an investigation or inquiry.

t. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

u. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Self-contained system on dedicated server and shared drive.

RETRIEVAL:

Subjects' name or Social Security number, company name, complainant's name, case number, case name or agent's name.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41. Retained on server and shared drive indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individual, Agency personnel, informants, the Federal Bureau of Investigation and other investigative Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 18

SYSTEM NAME:

LEGAL WORK FILES ON PERSONNEL CASES—SBA 18

SYSTEM LOCATION:

Headquarters (HQ), Office of the Inspector General (OIG) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Opinions, advice, transcripts, witness statements, etc. maintained by the Office of General Counsel on personnel cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Office of Government Ethics for any purpose consistent with their mission.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that thesecurity or confidentiality of information in the system records has been compromised; SBAhas determined that as a result of the suspected or confirmed compromise there is a risk of harm toeconomic or property interests, identify theft or fraud, or harm to the security of integrity of thissystem or other systems or programs (whether maintained by the Agency or entity) that rely uponthe compromised information; and the disclosure made to such agencies, entities and persons isreasonably necessary to assist in connection with SBA's efforts to respond to the suspected orconfirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name.

SAFEGUARDS:

Access to and use limited to those persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 70:01, 70:07 and 70:11.

SYSTEM MANAGER(S) AND ADDRESS:

OGC and OIG. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Office of Human Capital Management and third party witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section

552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classifiedinformation is exempt from the notification, access, and contest requirements under 5 U.S.C. § 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 19

SYSTEM NAME:

LITIGATION AND CLAIMS FILES—SBA 19

SYSTEM LOCATION:

Headquarters (HQ), Field Offices, Office of Inspector General Counsel Division, Disaster Loan Making Centers (DLMC) and Disaster Home Loan Servicing Centers (DHLSC). *See* Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

All Disaster Home Loan recipients and individuals involved in lawsuits or claims pertaining to SBA.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Records relating to recipients classified as ''in litigation'' and all individuals involved in claims by or against the Agency. Wherever applicable: affidavits, briefs, pleadings, depositions and interrogatories, loan status summaries with litigation progress, opinions, copies of Department of Justice (DOJ) papers concerning loan case litigation, summary foreclosures, chattel lien searches, requests and responses under the Freedom of Information Act, loan modifications, recipients' attorneys' names, amount of liability, narrative report of actual and contingent liabilities and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or organization that investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the agency identifies a violation or potential violation of law arising by general or program statute, or by regulation, rule or order.

b. To the Federal, State or local private credit agency maintaining civil, criminal or other relevant information to determine an applicant's suitability for a loan; this may be requested individually or part of a computer match program.

c. To a request from a State or Federal agency in connection with the issuance of a grant, loan or other benefit by that agency which is relevant to their decision on the matter; this may be requested individually or part of a computer match. SBA will provide information to the Department ofHousing and Urban Development (HUD) to be maintained in a central repository where agencies can request information on a case-by-case basis or as part of a computer match.

d. To another Federal agency, including Defense Manpower Data Center, U.S. Postal Service and HUD, to conduct computer matching programs to locate delinquent SBA borrowers who are receiving Federal salaries or benefit payments.

e. To a consumer reporting agency.

f. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

g. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

h. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required tocomply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

i. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent theemployee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

k. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise

and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By recipient and claimant name.

SAFEGUARDS:

Access to and use limited to those persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with SOP 00 41 2 70:09 and 70:13.

SYSTEM MANAGER(S) AND ADDRESS:

DLMC and DHLSC Directors and Counsel to the Inspector General. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 Item Nos. 70:07, 70:08, 70:09, 70:10, 70:11, 70:13, 70:14 and 70:15, OGC NI–309–88–1, OGC NI 309–99–1, OGC NI–309–88–1. In accordance with National Archives and Records Administration General Records Schedule 14.11.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel and Field Office Systems Manager. *See* Appendix A.

SOURCE CATEGORIES:

Subject employee, Agency personnel, the public, DOJ, bankruptcy notices, court records, title companies, and loan case files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classifiedinformation is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 20

SYSTEM NAME:

DISASTER LOAN CASE FILE—SBA 20

SYSTEM LOCATION:

Office of Disaster Assistance, DCMS Operations Center, Herndon, Virginia, SBA Disaster Loan Making Centers and SBA Loan Servicing Offices. Data hosting by contractor off site in secure locations per SBA Office of the Chief Information Officer standards. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Applicants and recipients of disaster home loans.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Information relating to pre-application registrants, disaster home and business loan applicants and recipients of a disaster home and business loans from the time of pre-application registration. Included are: Loan applications, supporting documents, personal history, financial statements, credit information, investigative reports, appraisers' reports, waivers, loan record transfers, correspondence, recommendations, authorizations, disbursement amount, term and rate, payment history, collateral, UCC filings and re-filings, collection and liquidation activities, financial statements, settlements and compromises, participating bank information, field visit reports, borrowers insurance information and loan accounting information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the public on approved loans, information is limited to recipient name and address, term and rate of the loan, and the apportioned amount of the loan for real or personal property loss.

b. To provide information to potential investors who are interested in bidding on loans made available by the Agency in a sale of assets. Investors will be required to execute a confidentiality agreement prior to reviewing any record or information.

c. To the public, under certain conditions, on losses incurred by the government due to non-payment of obligations by individuals. In these cases, the name and address of the obligator and amount incurred (amount written-off from Agency assets) will not be released to the public unless the borrower consents to disclosure or is required pursuant to the Freedom of Information Act.

d. To the Federal, State, local or foreign agency or professional organization which has responsibility for investigating, prosecuting or enforcing violations, statute rules, regulations or orders issuedwhen the Agency locates a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

e. To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan; thismay be requested individually or part of a computer match.

f. In response to a request from a State or Federal agency in connection with the issuance of a grant, loan or other benefit by that agency which is relevant to their decision on the matter; this may be requested individually or part of a computer match.

g. To other Federal agencies to conduct computer matching programs to locate delinquent SBA borrowers who

are receiving Federal salaries or benefit payments and programs to identify delinquent SBA borrowers receiving federal salaries or benefit payments. Disclosure will be madeif the records indicate the loan is in default, at least 30 days past due or to update a previous disclosure. SBA will make disclosures to obtain repayments of debts under the provisions of theDebt Collection Act of 1982 by voluntary repayment, or administrative or salary offset procedures.

h. To a consumer reporting agency.

i. To provide the Internal Revenue Service (IRS) with access to an individual's records for an official audit to the extent the information is relevant to the IRS's function.

j. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

k. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

l. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required tocomply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

m. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines thedisclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government,where SBA determines that litigation is likely to affect SBA or any of its components.

n. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

o. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

p. To transmit data to U.S. Department of the Treasury to effect issuance of loan funds to borrowers.

q. To the Federal Emergency Management Agency (FEMA) to coordinate the issuance of federal disaster assistance to disaster victims and monitor for duplication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By applicant/recipient name, cross-referenced loan number or borrower's Social Security Number or Employer Identification Number.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 Appendix 18.

SYSTEM MANAGER(S) AND ADDRESS:

Disaster Loan Making Center Directors. Director, DCMS Operations Center. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject, individuals, SBA employees, financial institution, law enforcement agencies, IRS and FEMA.

SBA 21

SYSTEM NAME:

LOAN SYSTEM—SBA 21

SYSTEM LOCATION:

Headquarters, Regional Offices, District Offices, Branch Offices, Processing Centers, and Servicing Centers. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (*i.e.*, borrowers, guarantors, principals of businesses named in loan records), throughout the life of SBA's interest in a loan, under all of the Agency's business (non-disaster) loan programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and commercial information (*i.e.*, credit history, financial information, identifying number or other personal identifier) on individuals named in business loan files, throughout the life of SBA's interest in the loan, under all of the Agency's business (non-disaster) loan programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 85–536, 15 U.S.C. 631 *et seq.* (Small Business Act, all provisions relating to loan programs); 44 U.S.C. 3101 (Records Management by Federal Agencies); and Public Law 103–62 (Government Performance and Results Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To SBA Resource Partner, its successors or assigns, (*i.e.* participating lender, certified development company, micro lender) who initially collected the

individual's information for the purpose of making and servicing loans.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Federal, state, local or foreign agency or organization which investigates, prosecutes, or enforces violations, statues, rules, regulations, or orders issued when an agency identifies a violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

e. To qualified investors who have signed a confidentiality agreement related to review of files for the purpose of evaluating, negotiating and implementing the purchase of loans from SBA as a part of SBA's Asset Sales program.

f. To request information from a Federal, State, local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a business loan. This applies to individuals involved in business loans.

g. To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable.

h. To 7(a) and 504 lenders and/or participating contractors for purposes of the Loan and Lender Monitoring System.

i. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

k. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 and integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Electronic Records are in a secured server and paper records are in files. Loan files are in a secured area in either locked files or locked file rooms.

RETRIEVABILITY:

Electronic Records: By individual name, personal identifier, SBA Identifier, Participating Lender Identifier, Participating Lender Name, business name, and business identifier. Paper Records: By individual name, personal identifier and SBA Identifier.

SAFEGUARDS:

Electronic Records: Access and use is limited to Agency officials acting in their official capacities, with a need-to-know, and to SBA Resource Partners. Access and use by SBA Resource Partners will generally be via the Internet, with restricted password(s)/passcode(s). SBA Resource Partners, their successors or assigns, will have access only to those individual records that were collected by that particular partner. Information contained in files will be available only to potential asset sale purchasers who have executed a confidentiality agreement. Only SBA employees in the performance of their official duties, who are granted access to the records by Agency issuance of User ID and/or passcode, may amend or review the records. Paper Records: Access and use is limited to SBA officials acting in their official capacities, with a need-to-know. SBA Resource Partners, their successors or assigns, will have access only to the individual records that were collected by that particular partner. Information contained in loan files will be available only to potential asset sale purchasers who have executed a confidentiality agreement. Only those SBA employees in the performance of their official duties may review or amend the records.

RETENTION AND DISPOSAL:

In accordance with SBA Standard Operating Procedure 00 41 2, Item Nos. 50:04, 50:08, 50:09, 50:10, 50:11, 50:12, 50:13, 50:19, 50:22, 55:02. Records are retained for the life of SBA's interest in the business loan and are disposed of according to the reference in the SOP that pertains to a particular type of record; retention period varies according to the type of record.

SYSTEM MANAGERS AND ADDRESSES:

Associate Administrator for Capital Access, Associate Administrator for Lender Oversight, Associate Administrator for Financial Assistance, Regional Administrators, District Directors, Branch Managers, Loan Service Center Director and Loan Processing Centers Directors. *See* Appendix A.

NOTIFICATION PROCEDURE:

An individual may submit a written record inquiry to the appropriate Systems Manager or PA Officer.

RECORDS ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING RECORD PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

RECORD SOURCE CATEGORIES:

Subject individuals and businesses, financial institutions, credit reporting agencies, law enforcement agencies and SBA resource partners.

SBA 22

SYSTEM NAME:

OUTSIDE EMPLOYMENT FILES—SBA 22

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

SBA employees who have requested permission for outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Correspondence concerning requests for outside employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

d. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41 2 Item 2 30.01.

SYSTEM MANAGER(S) AND ADDRESS:

HQ, Counsel to the Inspector General and Field Managers. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Requesting employee and other Agency personnel.

SBA 23

SYSTEM NAME:

PAYROLL FILES—SBA 23

SYSTEM LOCATION:

Office of Human Capital Management and Office of Inspector General (for OIG employees), both at Headquarters (HQ). See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Active and inactive SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Employee name, Social Security Number (SSN), date of birth, grade, step, and salary; organization, retirement and FICA codes and date as applicable; Federal, State and local tax deductions; savings bond and charity deductions; co-owner and/or beneficiary of bonds, insurance deduction and plan or code; cash award data; union dues deductions; type and amount of allotments; financial institution code and account number; status and data on all types of leave; time and attendance records, including breakdown of hours worked; mailing address; marital status and number of dependents; notification of Personnel Actions; unemployment records; register of separations; annual leave restoration; over-payment indebtedness; correspondence from employees concerning payroll.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6 General Accountability Office Policy and Procedures Manual, 31 U.S.C. Part 285, Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950 and 5 USC Chapters 55 through 63.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional

organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To transmit data to U.S. Department of Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

c. To GAO for audit purposes.

d. To the Internal Revenue Service and appropriate State and local authorities when reporting tax withholding; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health insurance to insurance carriers and the Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W–2 statements to taxing authorities and the individual.

e. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

f. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

g. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services to locate individuals in order to establish paternity and modify orders of child support, identify sources of income, and other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act Welfare Reform law, Public Law 104–193), SBA will provide the names, SSN, home addresses, dates of birth and hire, quarterly earnings, employer identifying information, and State of hire of employees.

h. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

i. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name and/or SSN.

SAFEGUARDS:

Physical, technical and administrative security is maintained and admission to record storage areas limited to authorized personnel.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Record Schedule 2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Human Capital Officer, HQ. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject employee, individuals, supervisors, timekeepers, official personnel records, and IRS.

SBA 24

SYSTEM NAME:

PERSONNEL SECURITY FILES—SBA 24

SYSTEM LOCATION:

Office of Inspector General (OIG), Investigations Division, Office of Security Operations. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Active and inactive SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Active and inactive personnel security files, employee or former employee's name, background information, personnel actions, Office of Personnel Management (OPM) and/or authorized contracting firm background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; 44 U.S.C. 3101, Executive Order 10450, *as amended.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders

issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To other Federal Agencies, upon request, that are conducting background checks.

c. To a grand jury, court, magistrate, administrative tribunal, or to opposing counsel in the course of hearings, trials or settlement negotiations.

d. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

e. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

f. To OPM in accordance with that agency's authority to evaluate Federal personnel management.

g. To the Merit Systems Protection Board in connection with its consideration of appeals of personnel actions.

h. To physicians conducting fitness for duty examinations.

i. To any Federal, State, local, foreign or international agency, in connection with their assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to their decision on the matter.

j To a grand jury agent pursuant either to a Federal or State grand jury subpoena or to a prosecution request that record be released for introduction to a grand jury.

k. To the Office of Government Ethics for any purpose consistent with their mission.

l. To members of the President's Council on Integrity and Efficiency, the Department of Justice or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

m. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

n. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

o. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Rotary diebold power files and electronic data systems. OPM National Agency checks that are not immediately referred to OPM are maintained in locked safes.

RETRIEVAL:

By employee name.

SAFEGUARDS:

All file cabinets are locked. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with SOP 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Assistant Inspector General for Investigations or designee.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

SBA employees, Office of Human Capital Management, witnesses and OPM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources necessary in making determinations of suitability for employment.

SBA 25

SYSTEM NAME:

PORTFOLIO REVIEWS—SBA 25

SYSTEM LOCATION:

Headquarters, Disaster Loan Making Centers (DLMC) and Disaster Home Loan Service Centers (DHLSC). *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Recipients of SBA Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Reports compiled by the Office of Portfolio Review during review of field office loan processing. Disaster Home Loans may be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Government Accountability Office in the course of their review of the Agency.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By borrower's name, loan number and Social Security Number.

SAFEGUARDS:

Access and use limited to persons with official need to know; personnel screening and computer passwords used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

In accordance with SOP 00 41 2 Item Nos. 95:04 and 95:06.

SYSTEM MANAGER(S) AND ADDRESS:

DLMC Directors and DHLSC Managers. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Office of Portfolio Review, Loan Case Files, SBA personnel and field visits to borrowers.

SBA 26

SYSTEM NAME:

POWER OF ATTORNEY FILES—SBA 26

SYSTEM LOCATION:

Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDE:

Insurance agents who have the authority to execute a surety bond.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDE:

Records that identify individuals authorized to execute bonds for surety companies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6) and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, and experts who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

d. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA

determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By agent and broker name.

SAFEGUARDS:

Access and use limited to persons with an official need to know; personnel screening and computer passwords used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

In accordance with SOP 00 41 2 Item No. 50:21.

SYSTEM MANAGER(S) AND ADDRESSES:

Field Office Systems Managers. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Authorizing surety company.

SBA 27

SYSTEM NAME:

EMPLOYEE MISCONDUCT FILES—SBA 27

SYSTEM LOCATION:

Office of the Inspector General (OIG), Investigations Division Offices, Headquarters duty stations in the field and Federal Record Center. See Appendix for SBA addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Active SBA employees that are subjects of investigations involving alleged administrative violations or irregularities that may warrant administrative disciplinary action. Inactive SBA employees that are subject of Workers' Compensation Investigations.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Material gathered or created during preparation for, conduct of and follow-up on investigations conducted by OIG, the Federal Bureau of Investigation (FBI) and other Federal, State, local or foreign regulatory or law enforcement agencies as well as other material submitted to or gathered by OIG in furtherance of its investigative function. These records include FBI and other Federal, State, local and foreign regulatory or law enforcement investigative reports, personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, recommendations and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. APP. 3 (The Inspector General Act of 1978, *as amended*), 15 U.S.C. Chapters 14A and 14B; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a grand jury, court, magistrate, administrative tribunal, or to opposing counsel in the course of hearings, trials or settlement negotiations.

c. To any private or governmental source or person to secure information relevant to an investigation or audit.

d. To other Federal agencies conducting background checks, to the extent the information is relevant to their function.

e. To any Federal, state, local, foreign, international, private agency or organization for the hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to their decision on the matter.

f. To Federal, State or local bar associations and other professional regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

g. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

h. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

i. To the Office of Government Ethics or the Office of Personnel Management for any purpose consistent with their respective missions.

j. To the Government Accountability Office and to the General Service Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

k. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

l. To the Department of the Treasury and the Department of Justice (DOJ) when an agency is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

m. To debt collection contractors collecting delinquent taxes authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

n. To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

o. To a grand jury agent pursuant to a Federal or State grand jury subpoena

or to a prosecution request that records be introduced to a grand jury.

p. To DOJ to obtain advice regarding FOIA disclosure obligations.

q. To the Office of Management and Budget to obtain that advice regarding PA obligations.

r. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

s. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

t. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

u. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Rotary diebold power files, file cabinets and electronic systems.

RETRIEVAL:

By name and referenced to the number of the IG file(s) containing related material.

SAFEGUARDS:

Records are stored in locked filing cabinets or in filing cabinets located in locked rooms. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with Standard Operating Procedure 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations or designee. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Assistant Inspector General for Investigations or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Subject individual, SBA personnel, informants, and investigative Government agencies, such as the FBI.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552(a)(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

SBA 28

SYSTEM NAME:

SMALL BUSINESS PERSON AND ADVOCATE AWARDS—SBA 28

SYSTEM LOCATION:

Headquarters (HQ) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Candidates and winners of the Small Business Person of the Year, Advocate, Minority Small Business Person and Phoenix Awards.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Information regarding the candidacy and selection of Small Business Person of the Year, Minority Small Business Person and Advocate of the Year, applications, biographical summaries, correspondence, recommendations and narratives. Records of Community Development Awards in HQ include biographical and qualifying information and recommendations from field offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the news media for public disclosure of the name, address, and biography of award recipients.

b. To communicate with State and local governments about the status of a particular candidate.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By individual name.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 16.8.

SYSTEM MANAGER(S) AND ADDRESS:

Field Office Systems Managers. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORY:

Subject individual, individual sponsors, Advisory Council members, Agency personnel, research publications, directories and news media.

SBA 29

SYSTEM NAME:

STANDARDS OF CONDUCT FILES—SBA 29

SYSTEM LOCATION:

Headquarters (HQ), Office of the Inspector General (OIG) and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Confidential employment and financial statements of employees Grade 13 and above, Grade 12 Branch Managers and other designated individuals. Ad Hoc Committee decisions and memoranda concerning standards of conduct questions used as precedent for later decisions (HQ only). Correspondence concerning conflicts of interest. List of all SBA employees who have been indicted or convicted in matters involving SBA business.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 CFR 105 Sections 101 and 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

c. To the Office of Personnel Management when requested.

d. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

e. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

f. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the

records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

h. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name and/or Social Security Number.

SAFEGUARDS:

Access strictly limited to those employees with an official need to know; computers secured by passwords and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 1.1.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Capital Management, OIG, PA Officer and Field Office Directors. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Confidential statement of employment and financial interests by the employee. Adverse information could come from other employees or a member of the general public with specific knowledge of the matter reported.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill communications made to protect the confidentiality of sources and maintain access to sources necessary in making determinations of suitability.

SBA 30

SYSTEM NAME:

SERVICING AND CONTRACTS SYSTEM/MINORITY ENTERPRISE DEVELOPMENT HEADQUARTERS REPOSITORY—SBA 30

SYSTEM LOCATION:

Headquarters and Field Offices. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDE:

Applicants and program participants in SBA's 8(a) Business Development program.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDE:

8(a) Business Development program applications, business development working files, business plan files and contract files containing personal and financial information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 100–656, Small Business Act 15 U.S.C. 636, section (j) (Technical and Management Assistance); Public Law 100–656, 15 U.S.C. 637, section 8(a) (Business Development).

PURPOSE:

To collect confidential business and financial information used to determine if applicants and current 8(a) participants are in compliance with statutory and regulatory requirements for continued eligibility for program participation. This information facilitates the Agency in carrying out the functions of the Office of 8(a) Business Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

b. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

c. To the Federal, state, local or foreign agency or professional organization which investigates, prosecutes, or enforces violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for

which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:

STORAGE:

Electronic database records reside on SBA secured mainframe system.

RETRIEVAL:

Name of individual and business name.

SAFEGUARDS:

Access and use is limited to persons whose official duties designate such a need; personnel screening by password is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

In accordance with SACS/MEDHR NI–309–03–4.

SYSTEM MANAGER(S) AND ADDRESS:

PA Officer, Associate Administrator for 8(a) Business Development and the Field Office Systems Manager. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

PA Officer or Field Office Systems Manager will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

RECORD SOURCE CATEGORIES:

Small business applicants or participants in the 8(a) Business Development program.

SBA 31

SYSTEM NAME:

TEMPORARY DISASTER EMPLOYEES—SBA 31

SYSTEM LOCATION:

Office of Disaster Assistance: HQ and Field locations. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have been temporarily employed by the ODA.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Name, address, telephone number, Social Security Number (SSN), Disaster Area, job series, grade and title, dates of employment, reason for termination, supervisor's name and job and summary of supervisor's evaluation. Possible violations of the Agency's Standards of Conduct (13 CFR Part 105) and information, if any, concerning official investigations and disciplinary actions taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To verify previous employment with SBA when a former employee is considered for reemployment.

b. To locate current or former employees with special skills or language capabilities needed in specific situations.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of

the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name and/or SSN.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Records and Archives Administration General Records Schedule 1.10.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Disaster Assistance. *See* Appendix A.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Disaster Loan Making Centers.

SBA 32

SYSTEM NAME:

TORT CLAIMS—SBA 32

SYSTEM LOCATION:

Headquarters (HQ), Field Offices, Disaster Loan Making Centers (DLMC) and Federal Records Center (FRC). *See* Appendix A for SBA addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Government employees and other individuals involved in accidents.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Contains reports on accidents which result in tort claims involving the Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 3211.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To the Department of Justice (DOJ) for handling of the suit and the preparation and presentation of the case in the event that a tort claim results in a court suit.

b. To the General Services Administration for reporting on accidents and tort claims.

c. To a rental car company responsible for personal injuries and property damage.

d. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

e. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

f. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

h. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

Name of government employee or involved individual(s).

SAFEGUARDS:

Locked cabinets. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with National Archives and Records Administration General Records Schedule 6.10.

SYSTEM MANAGER(S) AND ADDRESS:

Field Office Systems Manager or DLMC Director. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Individuals involved in accident, witnesses, investigation of the accident.

SBA 33

SYSTEM NAME:

TRAVEL FILES—SBA 33

SYSTEM LOCATION:

All SBA offices, Denver Financial Center and Federal Records Center. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Employee travel vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:

a. To the appropriate Federal, State, local or foreign agency or professional organization which has responsibility for investigating, prosecuting or enforcing violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law arising by general or program statute, by regulation, rule or order.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected orconfirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By employee name.

SAFEGUARDS:

Access and use limited to persons with official need to know; computers are protected by passwords and user identification codes.

RETENTION AND DISPOSAL:

Records are maintained according to National Archives and Records Administration's General Record Schedule 6.1.a.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer. *See* Appendix A for address.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

System Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Employees Travel Vouchers.

SBA 34

SYSTEM NAME:

IDENTITY MANAGEMENT SYSTEM—SBA 34

SYSTEM LOCATION:

Headquarters (HQ), contractor provided hosted facility. (*see* Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Individuals who require regular, ongoing access to SBA facilities, including, applicants for employment or contracts, federal employees, contractors, students, interns, volunteers, and individuals authorized to perform or use services provided in SBA facilities (*e.g.*, Credit Union, Fitness Center, etc.). The system does not apply to occasional visitors or short-term guests to whom SBA will issue temporary identification and credentials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, social security number; date of birth; signature; image (photograph); fingerprints; hair color; eye color; height; weight; organization/ office of assignment; company name; telephone number; copy of background investigation form; personal addresses for past 5 years; high school and college attended (as applicable); Card Holder Unique Identification Number; Personal Identification Number; Personal Identity Verification (PIV) enrollment package; PIV card issue and expiration dates; personal identification number; results of background investigation; PIV request form; PIV registrar approval signature;

PIV card serial number; emergency responder designation; PIV card expiration date; copies of documents used to verify identification or information derived from those documents; level of national security clearance and expiration date; computer system user name; user access and permission rights, authentication certificates; digital signature information; National Agency Check with Written Inquiries investigation; fingerprint check; National Criminal History Name Check, information technology systems, or information classified in the interest of national security.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Federal Information Security Act (Pub. L. 104–106, sec. 5113), Electronic Government Act (Pub. L. 104–347, sec. 203), Paperwork Reduction Act of 1995 (44 U.S.C. 3501), Government Paperwork Elimination Act (Pub. L. 105–277, 44 U.S.C. 3504), Homeland Security Presidential Directive 12, Federal Property and Administrative Act of 1949, *as amended*.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit with appropriate restrictions on further disclosure.

e. To the Office of Management and Budget (OMB) when necessary for the review of private relief legislation pursuant to OMB Circular No. A–19.

f. 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 enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 *as amended*, the CIA Act of 1949 *as amended*, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

g. To notify another Federal agency when, or verify whether a PIV card is no longer valid.

h. To a supervisor or manager in order to verify employee time and attendance record for personnel actions. Note: Disclosures within SBA of data pertaining to date and time of entry and exit of an agency employee working in the District of Columbia may not be made to supervisors, managers or any other persons (other than the individual to whom the information applies) to verify the employee time and attendance record for personnel actions because 5 U.S.C. 6106 prohibits Federal Executive agencies (other than the Bureau of Engraving and Printing) from using a recording within the District of Columbia, unless used as a part of a flexible schedule program under 5 U.S.C. 6120 *et seq*.

i. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individualcapacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

k. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in electronic media and in paper files and not on the card.

RETRIEVABILITY:

Records are retrievable by name, social security number, PIV card serial number, or Card Holder Unique Identification Number.

SAFEGUARDS:

Paper records are kept in locked cabinets in secure facilities, access is restricted to individuals whose role requires use of the records. Access to facilities will be controlled by the PIV card, the System requires a PIV card to log on and to digitally sign transactions. The computer servers storing the records are located in facilities that are secured by alarm systems and off-master key access. The computer servers are password-protected. Access to individuals working at guard stations is password-protected; each person granted access to the system at guard stations must be individually authorized to use the system. A Privacy Act Warning Notice appears on the monitor screen when PIV records are first displayed. Data exchanged between the servers and the client PCs at the guard stations and badging office are encrypted. Backup tapes are stored in a

locked and controlled room in a secure, off-site location. An audit trail is maintained and reviewed periodically to identify unauthorized access. Persons given roles in the PIV process must complete training specific to their roles to ensure their knowledge about how to protect individually identifiable information. The system uses the high risk confidentiality and integrity security controls specified in the National Institute of Standards and Technology Special Publication 800–53.

RETENTION AND DISPOSAL:

Records relating to persons covered by this system are retained in accordance with General Records Schedule 18, Item 17. Unless retained for specific, ongoing security investigations, for maximum security facilities, records of access are maintained for five years and then destroyed by wiping hard drives and shredding paper. For other facilities, records are maintained for two years and then destroyed by wiping hard drives and shredding paper. All other records relating to employees are destroyed two years after ID security card expiration date. In accordance with FIPS 201–1, PIV Cards are deactivated within 18 hours of cardholder separation, notification of loss of card, or expiration. The information on PIV Cards is maintained in accordance with General Records Schedule 11, Item 4. PIV Cards that are turned in for destruction are shredded within 90 days.

SYSTEM MANAGER(S) AND ADDRESSES:

Assistant Administrator/Human Capital Management, Associate Administrator/Disaster Assistance, or designees, PA Officer. *See* Appendix A.

NOTIFICATION PROCEDURES:

An individual may submit a record inquiry either in person or in writing to the System Manager or the PA Officer. When requesting notification of or access to records, an individual should provide their full name, date of birth, and work location. Individuals requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access, such as a government-issued photo ID. Individuals requesting notification via mail or telephone must furnish, at minimum, name, date of birth, social security number, and home address in order to establish identity.

ACCESS PROCEDURES:

System Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Employee, contractor, or applicant; sponsoring SBA; former sponsoring SBA; other Federal agencies; contract employer; former employer.

SBA 35

SYSTEM NAME:

NON-EMPLOYMENT RELATED BACKGROUND CHECKS—SBA 35

SYSTEM LOCATION:

Office of Inspector General (OIG), Investigations Division, Office of Security Operations. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Applicants for SBA loans or other assistance.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Information about applicants for SBA loans or other assistance or recognition, including application forms, such as SBA Form 912 and related fingerprint cards, criminal history and other records checks and correspondence concerning background.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal Bureau of Investigation (FBI) and other agencies, for the purpose of obtaining criminal history records and other information relevant to determining applicant suitability.

b. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

c. To other Federal Agencies, upon request, that are conducting background checks.

d. To a court, magistrate judge, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

e. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

f. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

g. To any Federal, State, local, foreign or international agency, in connection with their assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to their decision on the matter.

h. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

i. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. To appropriate agencies, entities, and persons when: SBA suspects or has

confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

k. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Rotary diebold power files and electronic data systems.

RETRIEVAL:

By applicant name and/or Social Security number.

SAFEGUARDS:

All file cabinets are locked. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

In accordance with SOP 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Assistant Inspector General for Investigations or designee.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

Person(s) applying for SBA loans or other assistance, other federal agencies, including the FBI, and SBA personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), records in this system of records are exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

SBA 36

SYSTEM NAME:

SUSPENSION AND DEBARMENT FILES—SBA 36

SYSTEM LOCATION:

Office of the Inspector General (OIG) Counsel Division. *See* Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:

Individuals covered by the system include the individuals or entities who have been considered for suspension and/or debarment, recommended for suspension and/or debarment, or formally suspended and/or debarred, persons providing information used by the recommending person or the suspending/debarring officials.

CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:

Records consist of materials compiled from investigations and/or audits which identify violations which may be cause for suspension or debarment pursuant to the Federal Acquisition Regulations or the government-wide non-procurement suspension and debarment regulations. These materials include indictments, information, plea agreements, judgments, loan agreements, contract documents, etc., that pertain to an individual's or entity's participation in government contracts, SBA loan programs, and other SBA assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:

5 U.S.C. App. 3 (the Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; and 44 U.S.C. 3101; 48 CFR Subpart 9.4 (procurement); 2 CFR Parts 180 and 2700 (non-procurement), and Executive Orders 12549 and 12682.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:

a. To the Federal, State, local, or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

c. To any private or governmental source or person, to secure information relevant to a suspension or debarment action.

d. To any domestic, foreign, international or private agency or organization, including those which maintain civil, criminal or other enforcement information, for the assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to the agency's decision on the matter.

e. To Federal, State, or local bar associations and other professional, regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

f. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

g. To the Government Accountability Office and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

h. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

i. To DOJ to obtain advice regarding FOIA disclosure obligations.

j. To the Office of Management and Budget to obtain advice regarding PA obligations.

k. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

l. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

m. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

n. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 and integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Paper and electronic files.

RETRIEVAL:

By name.

SAFEGUARDS:

Paper files are maintained in locked offices; computers are protected by password and user identification codes.

RETENTION AND DISPOSAL:

Following final agency action, records are maintained in accordance with SBA SOP 00 41.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel to the Inspector General or designee. *See* Appendix A.

NOTIFICATION PROCEDURES:

An individual may submit a record inquiry in writing to the Systems Manager or PA Officer.

ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

SOURCE CATEGORIES:

OIG and/or Agency personnel, subject individuals or entities, third parties, and other investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

Dated: March 20, 2009.

Delorice P. Ford,

Senior Privacy Act Official, Small Business Administration.

[FR Doc. E9–7050 Filed 3–31–09; 8:45 am]

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Federal Register

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H.R. 146/P.L. 111–11
Omnibus Public Land Management Act of 2009 (Mar. 30, 2009; 123 Stat. 991)

H.R. 1512/P.L. 111–12
Federal Aviation Administration Extension Act of 2009 (Mar. 30, 2009; 123 Stat. 1457)

Last List March 23, 2009

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 1	Apr 16	May 1	May 18	Jun 1	Jun 30
April 2	Apr 17	May 4	May 18	Jun 1	Jul 1
April 3	Apr 20	May 4	May 18	Jun 2	Jul 2
April 6	Apr 21	May 6	May 21	Jun 5	Jul 6
April 7	Apr 22	May 7	May 22	Jun 8	Jul 6
April 8	Apr 23	May 8	May 26	Jun 8	Jul 7
April 9	Apr 24	May 11	May 26	Jun 8	Jul 8
April 10	Apr 27	May 11	May 26	Jun 9	Jul 9
April 13	Apr 28	May 13	May 28	Jun 12	Jul 13
April 14	Apr 29	May 14	May 29	Jun 15	Jul 13
April 15	Apr 30	May 15	Jun 1	Jun 15	Jul 14
April 16	May 1	May 18	Jun 1	Jun 15	Jul 15
April 17	May 4	May 18	Jun 1	Jun 16	Jul 16
April 20	May 5	May 20	Jun 4	Jun 19	Jul 20
April 21	May 6	May 21	Jun 5	Jun 22	Jul 20
April 22	May 7	May 22	Jun 8	Jun 22	Jul 21
April 23	May 8	May 26	Jun 8	Jun 22	Jul 22
April 24	May 11	May 26	Jun 8	Jun 23	Jul 23
April 27	May 12	May 27	Jun 11	Jun 26	Jul 27
April 28	May 13	May 28	Jun 12	Jun 29	Jul 27
April 29	May 14	May 29	Jun 15	Jun 29	Jul 28
April 30	May 15	Jun 1	Jun 15	Jun 29	Jul 29