AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

5–11–09 Monday
Vol. 74 No. 89 May 11, 2009

Pages 21767–22088

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Tuesday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 9, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 74, No. 89

Monday, May 11, 2009

Agency for International Development
NOTICES
Meetings:
Advisory Committee on Voluntary Foreign Aid, 21780

Agriculture Department
See National Agricultural Statistics Service
See Rural Housing Service
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21866–21885
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21775

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Broadcasting Board of Governors
NOTICES
Meetings; Sunshine Act, 21780–21781

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21809–21811

Civil Rights Commission
NOTICES
Meetings:
Rhode Island Advisory Committee, 21781

Coast Guard
NOTICES
Craft Routinely Operated Dockside, 21814–21816

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21888–21914

Defense Department
See Navy Department
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22014–22016
NOTICES
Federal Acquisition Regulation (FAR):
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21806–21807

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21788–21789

Election Assistance Commission
NOTICES
Meetings; Sunshine Act, 21789

Employment and Training Administration
NOTICES
Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance, 21824–21825
Termination of Investigation
FMC Manufacturing, LLC, Monmouth, IL, 21825
Termination of Investigation:
3M Co., Columbia, MO, 21833
Avery Dennison, Information and Brand Management Division, Sayre, PA, 21829
Bayloff Stamped Products, Kinsman, OH, 21829
Bridgestone APM Plant 1, Carey, OH, 21830
Brown Shoe, Inc., Fredericktown, MO, 21831
Brunswick Corp., Crestliner Division, Little Falls, MN, 21826
Burke Industrial Supply, Inc., Morganton, NC, 21825
Cadmus Communications, Easton, MD, 21834
Caterpillar, Inc., Large Power Systems Division, Mossville, IL, 21833
Ceridian Corp., Minneapolis, MN, 21828–21829
Chick Machine Co., Inc., Butler, PA, 21833
Chromalox Precision, Pittsburgh, PA, 21829
CoAdna Photonics, Inc., Sunnyvale, CA, 21834
Convergys, Cincinnati, OH, 21830
CWR Manufacturing Corp., East Syracuse, NY, 21830
DAN Draexlmaier Automotive North America, Duncan, SC, 21826
Davis International, West Point, MS, 21830–21831
Delphi Thermal Systems, Auburn Hills, MI, 21834
Eagle Compressor, Hickman, KY, 21827
EFTEC North America LLC, Dayton, OH, 21831
Federal Mogul Corporation, Blacksburg, VA, 21832
FLA Orthopedics, Inc., Huntersville, NC, 21829
Fluidmaster, Inc., San Juan Capistrano, CA, 21827
Focus Products Group, Swing–A–Way, St. Louis, MO, 21832
General Motors Corp., Warren, OH, 21827
Gerber Technology and Gerber Services, New York, NY, 21832
Great Lakes Recovery Systems, Ecorse, MI, 21827
Gunderson Rail Services, LLC, dba Greenbrier Rail Services, Chicago Heights, IL, 21833
Ingersoll Rand Industrial Technologies, Southern Pines, NC, 21832
Jeld–Wen, Inc., Klamath Falls, OR, 21828
Johnson Controls, Inc., Pulaski, TN, 21826
Kaiser Aluminum, Greenwood, SC, 21830
Kreber, High Point, NC, 21826
LeeMAH Electronics, Inc., San Francisco, CA, 21826
Leggett and Platt, Inc., Whittier, CA, 21825–21826
Lehman Brothers, Inc., New Haven, CT, 21831
Lincoln Electric/Harris Products Group, Mason, OH, 21828
Lionbridge US, Inc, Waltham, MA, 21830
MeadWestvaco Corp., Consumer and Office Products Division, Enfield, CT, 21831
MGP Ingredients, Inc., Pekin, IL, 21831
Mine Safety Appliances, Murrysville–Soft Goods (Harness), Murrysville, PA, 21832
Mississippi Polymers, Inc., Corinth, MS, 21829–21830
Moduslink Corp., Morrisville, NC, et al., 21830

NCI Group, Inc., doing business as Robertson Ceco Corp, Lockeford, CA, 21833–21834
OSF Brands, Inc., Plant 18, Huntingburg, IN, 21831
Paragon Store Fixtures, Big Lake, MT, 21834
Pentair Water Pool and Spa, Auburn, CA, 21832
R and B Fabrications, Inc., Oakwood, OH, 21828
R.H. Donnelley, Inc., Dunmore, PA, 21827
Ram Rod Industries, Prentice, WI, 21829
Ryerson, Inc., Portland, OR, 21828
Sipco, Inc., Meadville, PA, 21828
Sperian Protective Gloves, USA, Buffalo, NY, 21833
Tyco Safety Products, Westminster, MA, 21829
Tyrone Mining, LLC, Tyrone, NM, 21827
United States Steel, Great Lakes Works, Ecorse, MI, 21828
Wausau Paper Specialty Products, LLC, Jay, ME, 21833
Wolf Appliance, Fitchburg, WI, 21826

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21916–21917

Environmental Protection Agency
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21992–22000
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21802–21803
Clean Air Act Operating Permit Program:
Petition for Objection to State Operating Permit for CEMEX, Inc. – Lyons Cement Plant, 21803–21804

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
CFM International, S.A. CFM56 7B Series Turbofan Engines, 21772–21774

Federal Communications Commission
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22018–22062
NOTICES
Meetings; Sunshine Act, 21804

Federal Energy Regulatory Commission
NOTICES
Applications:
Hydro Energy Technologies, LLC, 21794
Jordan Limited Partnership, 21792–21793
Northeast Hydrodevelopment, LLC, 21789–21795
Combined Notice of Filings, 21795–21801
Complaints:
Louisiana Public Service Commission v. Entergy Corp. et al., 21801
Filings:
Constellation Energy Commodities Group, Inc., 21801

Federal Reserve System
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22064–22065

Federal Trade Commission
NOTICES
Proposed Consent Orders:
James B. Nutter & Co., 21805–21806

Federal Transit Administration
NOTICES
American Recovery and Reinvestment Act of 2009:
Public Transportation Capital Investment Grants Program Appropriation and Allocations, 21843–21850

Fish and Wildlife Service
NOTICES
Applications for Permits to Conduct Certain Activities with Endangered Species, 21816–21817
Applications for Permits to Conduct Certain Activities with Endangered Species or Marine Mammals, 21817–21818

Food and Drug Administration
RULES
New Animal Drugs:
Carprofen, 21768
Trilostane, 21767–21768
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21808–21809

General Services Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22002–22004, 22014–22016
NOTICES
Federal Acquisition Regulation (FAR):
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21806–21807
General Services Administration Acquisition Regulation:
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21807–21808

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21920–21941
NOTICES
Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort, 21808

Homeland Security Department
See Coast Guard
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21944–21951

Housing and Urban Development Department
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21954–21955
NOTICES
Program Requirements for Community Development Block Grant Program Funding, 21816

Industry and Security Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21781

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

International Boundary and Water Commission, United States and Mexico
NOTICES
Environmental Impact Statements; Availability, etc.:
Emergency Repairs to the Presidio Flood Control Project in Presidio, TX, 21822–21823

International Trade Administration
NOTICES
Antidumping:
Certain Lined Paper Products from India, 21781–21783

International Trade Commission
NOTICES
Investigations:
Certain Lighting Control Devices Including Dimmer Switches and Parts, 21820–21821
Hot-rolled Steel Products from Kazakhstan, Romania, and South Africa, 21821–21822
Meetings; Sunshine Act, 21822

Justice Department
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21958–21960

Labor Department
See Employment and Training Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21962–21968
NOTICES
Workforce Investment Act of 1998:
Incentive Funding Availability based on Program Year (PY) 2007 Performance, 21823–21824

Land Management Bureau
NOTICES
Meetings:
Central Montana Resource Advisory Council, 21818
Eastern Washington Resource Advisory Council, 21818

Mexico and United States, International Boundary and Water Commission
See International Boundary and Water Commission, United States and Mexico

National Aeronautics and Space Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22014–22016
NOTICES
Federal Acquisition Regulation (FAR):
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21806–21807

National Agricultural Statistics Service
NOTICES
Intent to Suspend the Census of Agriculture Survey, 21780

National Credit Union Administration
PROPOSED RULES
Regulatory Agenda, 22068

National Foundation on the Arts and the Humanities
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22006

National Highway Traffic Safety Administration
NOTICES
Technical Report on the Effectiveness of Amber Rear Turn Signals for Reducing Rear Impacts, 21850–21851

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 21811–21813
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 21813–21814
National Institute on Alcohol Abuse and Alcoholism, 21811, 21814

National Intelligence, Office of the National Director
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21834–21835

National Mediation Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21835–21836

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 21784–21786
Mid-Atlantic Fishery Management Council, 21787
New England Fishery Management Council, 21784–21787
Pacific Fishery Management Council, 21786–21787
Website Publication; Information to an Upcoming Climate Program Office Solicitation of Grant Proposals, 21787–21788

National Park Service
NOTICES
National Register of Historic Places:
Notification of Pending Nominations and Related Actions, 21818–21819
Weekly Listing of Historic Properties, 21819–21820

National Science Foundation
NOTICES
Meetings:
Proposal Review Panel for Materials Research, Facility Operations Review Panel (1203), 21836

Navy Department
NOTICES
Meetings:
Chief of Naval Operations Executive Panel, 21788

Nuclear Regulatory Commission
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22070–22071
NOTICES
Establishment of Atomic Safety and Licensing Board:
Luminant Generation Company LLC; Comanche Peak Nuclear Power Plant, Units 3 and 4, 21837

Office of the Director of National Intelligence
See National Intelligence, Office of the National Director

Personnel Management Office
PROPOSED RULES
Revocation of Final Rule Eliminating Time-In-Grade Requirements Pending Policy Review:
Extension of Effective Date During Rulemaking, 21771–21772

Postal Regulatory Commission
NOTICES
Postal Service Price Changes, 21837–21838

Presidential Documents
PROCLAMATIONS
Special Observances:
National Day of Prayer (Proc. 8374), 22087–22088
World Trade Week (Proc. 8373), 22083–22086

Regulatory Information Service Center
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21859–21864

Rural Housing Service
NOTICES
Funds Availabilty; Section 533 Housing Preservation Grants (Fiscal Year 2009), 21775–21780

Securities and Exchange Commission
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22074–22081
NOTICES
Meetings; Sunshine Act, 21839
Self-Regulatory Organizations; Proposed Rule Changes:
NYSE Arca, Inc, 21839–21843

Small Business Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 22008–22012
NOTICES
Small Business Size Standards:
Waiver of the Nonmanufacturer Rule, 21838

State Department
NOTICES
Secretary of State's Determination Under the International Religious Freedom Act (1998), 21843

Statistical Reporting Service
See National Agricultural Statistics Service

Surface Mining Reclamation and Enforcement Office
RULES
Pennsylvania Regulatory Program, 21768–21770

Transportation Department
See Federal Aviation Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration
PROPOSED RULES
Regulatory Agenda
Semiannual Regulatory Agenda, 21970–21990

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21851–21855

Separate Parts In This Issue

Part II
Regulatory Information Service Center, 21859–21864

Part III
Agriculture Department, 21866–21885

Part IV
Commerce Department, 21888–21914

Part V
Energy Department, 21916–21917

Part VI
Health and Human Services Department, 21920–21941

Part VII
Homeland Security Department, 21944–21951

Part VIII
Housing and Urban Development Department, 21954–21955

Part IX
Justice Department, 21958–21960

Part X
Labor Department, 21962–21968

Part XI
Transportation Department, 21970–21990

Part XII
Environmental Protection Agency, 21992–22000

Part XIII
General Services Administration, 22002–22004

Part XIV
National Foundation on the Arts and the Humanities, 22006

Part XV
Small Business Administration, 22008–22012

Part XVI
Defense Department, 22014–22016
General Services Administration, 22014–22016
National Aeronautics and Space Administration, 22014–22016

Part XVII
Federal Communications Commission, 22018–22062

Part XVIII
Federal Reserve System, 22064–22065

Part XIX
National Credit Union Administration, 22068

Part XX
Nuclear Regulatory Commission, 22070–22071

Part XXI
Securities and Exchange Commission, 22074–22081

Part XXII
Presidential Documents, 22083–22088

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

8373 22085
8374 22089

5 CFR

Proposed Rules:

300 21771

14 CFR

Proposed Rules:

39 21772

21 CFR

510 (2 documents) 21767, 21768
520 (2 documents) 21767, 21768

30 CFR

938 21768

Rules and Regulations

Federal Register
Vol. 74, No. 89
Monday, May 11, 2009

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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

[Docket No. FDA–2009–N–0665]

New Animal Drugs; Trilostane

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the original approval of a new animal drug application (NADA) filed by Dechra, Ltd. The NADA provides for the veterinary prescription use of trilostane capsules in dogs for treatment of pituitary-dependent hyperadrenocorticism and for treatment of hyperadrenocorticism due to adrenocortical tumor.

DATES: This rule is effective May 11, 2009.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8337, e-mail: *melanie.berson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Dechra, Ltd., Dechra House, Jamage Industrial Estate, Talke Pits, Stoke-on-Trent, Staffordshire, ST7 1XW, United Kingdom, filed NADA 141–291 that provides for veterinary prescription use of VETORYL (trilostane) Capsules in dogs for treatment of pituitary-dependent hyperadrenocorticism and for treatment of hyperadrenocorticism due to adrenocortical tumor. The NADA is approved as of December 5, 2008, and the regulations are amended in 21 CFR part 520 to reflect the approval.

In addition, Dechra, Ltd. is not currently listed in the animal drug regulations as a sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to add entries for this sponsor.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning on the date of approval.

Under section 573(c) of the act (21 U.S.C. 360ccc–2), the approval of trilostane capsules for treatment of hyperadrenocorticism due to adrenocortical tumor in dogs qualifies for 7 years of exclusive marketing rights beginning on the date of approval because the new animal drug has been declared a designated new animal drug by FDA under section 573(a) of the act.

The agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), alphabetically add an entry for ''Dechra, Ltd.''; and in the table in paragraph (c)(2), numerically add an entry for ''043264'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* *
Dechra, Ltd., Dechra House, Jamage Industrial Estate, Talke Pits, Stoke-on-Trent, Staffordshire, ST7 1XW, United Kingdom	043264
* * *	* *

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
043264	Dechra, Ltd., Dechra House, Jamage Industrial Estate, Talke Pits, Stoke-on-Trent, Staffordshire, ST7 1XW, United Kingdom
* *	* * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. Add § 520.2598 to read as follows:

§ 520.2598 Trilostane.

(a) *Specifications*. Each capsule contains 30 or 60 milligrams (mg) trilostane.

(b) *Sponsor*. See No. 043264 in § 510.600 of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount*. The starting dose is 1.0 to 3.0

milligrams per pound (2.2 to 6.7 milligrams per kilogram) once a day.

(2) *Indications for use.* For treatment of pituitary-dependent hyperadrenocorticism. For treatment of hyperadrenocorticism due to adrenocortical tumor.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: May 5, 2009.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. E9–10927 Filed 5–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

[Docket No. FDA–2009–N–0665]

New Animal Drugs; Carprofen

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the original approval of an abbreviated new animal drug application (ANADA) filed by Norbrook Laboratories, Ltd. The ANADA provides for the veterinary prescription use of carprofen caplets in dogs.

DATES: This rule is effective May 11, 2009.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8197, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland, filed ANADA 200–498 that provides for veterinary prescription use of NOROCARP (carprofen) Caplets in dogs for the relief of pain and inflammation associated with osteoarthritis and for the control of postoperative pain associated with soft tissue and orthopedic surgeries. The ANADA is approved as of November 25, 2008, and the regulations are amended in 21 CFR 520.309 to reflect the approval.

In addition, FDA has found that a sponsor of another generic carprofen caplet product is not currently listed in the animal drug regulations as a sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to add entries for IMPAX Laboratories, Inc.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1) alphabetically add a new entry for ''IMPAX Laboratories, Inc.''; and in the table in paragraph (c)(2) numerically add a new entry for ''000115'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* *
IMPAX Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544	000115
* * *	* *

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
000115	IMPAX Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544
* *	* * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.309 [Amended]

■ 4. In paragraph (b)(2) of § 520.309, remove ''000115 and 062250'' and add in its place ''000115, 055529, and 062250''.

Dated: May 6, 2009.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. E9–10925 Filed 5–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–148–FOR; OSM–2008–0014]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule: clarification.

SUMMARY: We recently approved an amendment to the Pennsylvania regulatory program (the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The changes related to blasting for the development of shafts for underground mines and other changes to the blasting regulations in the Pennsylvania program. After our approval of the amendment, the Pennsylvania Department of Environmental Protection (PADEP) requested a clarification of our findings in support of that approval. Therefore,

OSM is publishing a clarification of our previous findings.

DATES: *Effective Date:* May 11, 2009.

FOR FURTHER INFORMATION CONTACT: George Rieger, Director, Pittsburgh Field Division, Telephone: (717) 782–4036, e-mail: *grieger@osmre.gov.*

I. Background on the Pennsylvania Program
II. Prior Approval of the Amendment
III. Clarification of OSM's Finding in Support of the Decision
IV. Procedural Determinations

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''* * * a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval in the July 30, 1982, **Federal Register** (47 FR 33050). You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

II. Prior Approval of the Amendment

By letter dated June 8, 2006 (Administrative Record No. PA 887.00), PADEP sent OSM a program amendment to address blasting for the development of shafts for underground mines and to make administrative changes to regulations relating to blasting in 25 Pa. Code Chapters 77, 87, 88, 89 and 210.

OSM approved the amendment in a December 1, 2008, **Federal Register** notice (73 FR 72717). After publication of OSM's decision on the submitted amendment, PADEP contacted OSM requesting clarification of our characterization of the State's interpretation of 25 Pa. Code 87.127(a). In a letter dated December 17, 2008 (Administrative Record No. PA 887.15), PADEP stated the following:

> In OSM's finding relating to 25 Pa. Code 87.127(a), and the Federal counterpart at 30 CFR 817.61, the following statement is made: ''PADEP has determined that mine opening blasting conducted after the second blast is not subject to all of Pennsylvania's blasting regulations, because it is not blasting conducted pursuant to a surface coal mining operation, but rather is underground mine blasting * * *'' This statement is wrong. Pennsylvania has determined that mine opening blasting is *not* regulated as ''underground mine blasting.'' Rather the regulation created a new category of surface blasting, specifically identified as ''mine opening blasting.'' It *is* subject to all of Pennsylvania's surface mining blasting regulations, which specifically allow, that ''mine opening blasting conducted after the second blast, for that mine opening, may be conducted at any time of day or night * * *.''

PADEP specifically requested that OSM publish a clarification of this statement contained in our approval of the amendment in order to correct this error.

III. Clarification of OSM's Finding in Support of Our Decision

OSM's regulations apply to two categories of blasting: blasting associated with surface mining and surface blasting associated with underground mining. Our regulations at 30 CFR 817.61(a) specify that ''Sections 817.61–817.68 apply to surface blasting activities incident to underground coal mining, including, but not limited to, initial rounds of slopes and shafts.'' The definition of ''mine opening blasting'' as proposed by PADEP is ''* * * blasting conducted for the purpose of constructing a shaft, slope, drift, or tunnel mine opening for an underground mine * * *'' Based upon PADEP's definition, the requirements of 30 CFR 816.61–68, which regulate blasting at surface mining activities, do not apply. In addition, 30 CFR 817.61–68, regarding the regulation of surface blasting incident to underground coal mines, apply only to the initial rounds of slope and shaft development; blasting conducted subsequent to such activity (i.e. within the underground mine) is not regulated under these provisions. In our **Federal Register** notice announcing approval of the program amendment OSM stated that ''[w]e find that mine opening blasting after the second blast is indeed a reasonable point to terminate full regulatory coverage pursuant to 30 CFR 817.61–68.''

OSM understands that PADEP does not classify mine opening blasting as underground mine blasting, but rather as a ''new category of surface blasting.'' In addition, OSM understands that PADEP will continue to regulate mine opening blasting subsequent to the second blast in accordance with the language of the approved program amendment, as well as any other applicable provisions of the Pennsylvania Code. In effect, the ''new category of surface blasting'' that PADEP described, provides for the regulation of blasting, after the initial rounds of slope and shaft development, above and beyond that required by SMCRA and the corresponding Federal regulations. OSM recognized in its approval of the proposed amendment that PADEP was proposing to regulate mine opening blasting subsequent to the second blast, and our approval did nothing to limit or restrict the State's ability to do so. However, in order to alleviate the State's concerns about its interpretation of 25 Pa. Code 87.127(a), OSM is publishing this clarification.

This clarification of OSM's finding does not affect our decision to approve the Pennsylvania amendment as published in the **Federal Register** on December 1, 2008.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by Section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of Subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under Sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State

governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and Section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Government

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects 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. The basis for this determination is that our decision is on a State Regulatory program and does not involve a Federal regulation involving Indian Lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the Pennsylvania submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the Pennsylvania submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

Dated: February 9, 2009.

Thomas D. Shope,

Regional Director Appalachian Region.

[FR Doc. E9–10954 Filed 5–8–09; 8:45 am]

BILLING CODE 4310–05–P

Proposed Rules

Federal Register
Vol. 74, No. 89
Monday, May 11, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 300

RIN 3206–AL18

Revocation of Final Rule Eliminating Time-in-Grade Requirements Pending Policy Review; Extension of Effective Date During Rulemaking

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed rulemaking with request for public comments; notice of proposed extension of effective date with request for public comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) proposes to revoke the final rule, titled Time-in-Grade Rule Eliminated, published in the **Federal Register** on November 7, 2008, pending OPM's review and consideration of additional public comments received in response to a March 9, 2009 **Federal Register** notice which extended the final rule's effective date. OPM also proposes to extend the final rule's effective date for an additional 90 days, from May 18, 2009 until August 16, 2009, to avoid the unnecessary expense of allowing a rule to take effect that may later be amended or revoked as a result of the rulemaking proceeding. OPM seeks comments, with a 30-day comment period, on the merits of revoking, retaining, or amending OPM's November 7, 2008 final rule. OPM also seeks comments, with a 5-day comment period, on the merits of extending the final rule's effective date pending the completion of the rulemaking proceeding.

DATES: The effective date of Time-in-Grade Rule Eliminated, published in the **Federal Register** on November 7, 2008 (73 FR 66157), was delayed by a document published March 9, 2009 (74 FR 9951) to May 18, 2009, unless the effective date is extended to August 16, 2009 as proposed in this document. The comment period for OPM's proposal to extend the final rule's effective date will close on May 12, 2009. The comment period for OPM's proposal to revoke the final rule will close on June 10, 2009.

ADDRESSES: You may submit comments, identified by RIN number ''3206–AL18,'' using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: employ@opm.gov. Include ''RIN 3206–AL18, Time in Grade'' in the subject line of the message.

Fax: (202) 606–2329.

Mail: Angela Bailey, Deputy Associate Director, Center for Talent and Capacity Policy, U.S. Office of Personnel Management, Room 6551, 1900 E Street, NW., Washington, DC 20415–9700.

Hand Delivery/Courier: Angela Bailey, Deputy Associate Director, Center for Talent and Capacity Policy, U.S. Office of Personnel Management, Room 6551, 1900 E Street, NW., Washington, DC 20415–9700.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Warren by telephone (202) 606–0960; by fax (202) 606–2329; by TTY (202) 418–3134; or by e-mail *janice.warren@opm.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2008, OPM proposed, at 73 FR 6857, removing and reserving 5 CFR part 300, subpart F, thereby eliminating the time-in-grade restriction on advancement to competitive service positions in the General Schedule. Under the rule that OPM proposed to eliminate, employees in competitive service General Schedule positions at grades 5 and above must serve 52 weeks in grade before becoming eligible for promotion to the next grade level. Abolishing the restriction would eliminate the 52-week service requirement. If the requirement is eliminated, an employee must continue to meet occupational qualification standard requirements, and any additional job-related qualification requirements established for the position.

On November 7, 2008, after considering comments from seven agencies, five unions, one national employee organization, and 33 individuals, as well as 61 form letters from individuals, OPM issued a final rule, at 73 FR 66157, eliminating the time-in-grade restriction. The final rule was given an effective date of March 9, 2009 in order to give agencies time to amend their policies and communicate changes to their human resources staff and employees.

On March 9, 2009, OPM published a document, at 74 FR 9951, extending the final rule's effective date until May 18, 2009 and reopening the public comment period. OPM issued this notice pursuant to a January 20, 2009 White House memorandum on regulatory review, which requested agencies to consider extending for 60 days the effective date of regulations that were published in the **Federal Register** but that had not yet taken effect, for the purpose of reviewing questions of law and policy raised by those regulations.

Proposal To Revoke the Final Rule

OPM received public comments in response to the March 9, 2009 **Federal Register** notice. Ten individuals commented favorably on the final rule. One of these individuals also offered qualified support for extending the rule's effective date. One executive agency commented neutrally on the final rule. Two executive agencies, one legislative agency, and one individual submitted qualified comments on the final rule requesting amendments or clarifications or stating concerns about implementation. Seven individuals and two labor organizations commented in opposition to the final rule. One of these labor organizations also commented in favor of extending the rule's effective date. One individual commented solely in opposition to extending the final rule's effective date. Finally, one individual submitted a statement describing his personal experience with time-in-grade requirements, but not commenting on the rule or its effective date.

As OPM stated in its March 9, 2009 **Federal Register** notice, the purpose of the additional public comment period was ''to allow interested parties to provide comments about issues of law and policy'' raised by regulations that had not yet taken effect. OPM's March 9, 2009 **Federal Register** referenced the January 20, 2009 White House memorandum on regulatory review, *available at http://www.whitehouse.gov/omb/inforeg_regmatters/*, which stated that the purpose of extending the effective date and reopening the public comment period for such rules was to give the incoming Administration's

appointees and designees an opportunity to review and approve such rules. As noted above, when OPM reopened the public comment period, we received numerous substantive comments opposing the final rule, requesting amendments or clarifications, or stating concerns about implementation. OPM needs time to evaluate these comments, as well as the new comments in favor of the rule, as part of the review and evaluation process described in the White House memorandum on regulatory review.

Accordingly, OPM proposes to revoke the November 7, 2008 final rule pending OPM's review and consideration of the additional public comments that were solicited on March 9, 2009. OPM seeks additional public comments, with a 30-day comment period, on the merits of revoking, retaining, or amending the November 7, 2008 final rule. When OPM issues a new final rule, or reissues the November 7, 2008 final rule, with or without amendments, OPM will account for the public comments received in response to the March 9, 2009 **Federal Register** notice, as well as any comments received in response to this notice of proposed rulemaking.

Proposal To Extend the Final Rule's Effective Date

The November 7, 2008 final rule is scheduled to take effect on May 18, 2009. However, in its February 6, 2008 notice of proposed rulemaking, OPM recognized that agencies need significant time to implement any new policy on time-in-grade requirements, and to communicate the policy to human resources staff and employees. This concern was validated by one agency's comment, in response to OPM's March 9, 2009 **Federal Register** notice, that implementing a time-in-grade policy required significant lead time, because of that agency's need to modify merit promotion procedures, notify labor organizations, and amend hundreds of vacancy announcements for competitive service positions, all at a time when the agency had significant competing obligations.

Unless the final rule's effective date is further extended, agencies likely will undertake significant effort and expense to meet the changes required by the rule. If the decision is made to revoke or amend the final rule, these expenses will have been incurred unnecessarily. Furthermore, OPM will have to begin answering questions and providing compliance assistance about how the final rule is to be implemented, guidance that will only confuse agencies if new guidance about a revised rule has to be provided in the near future. For these reasons, OPM proposes to extend the November 7, 2008 final rule's effective date by an additional 90 days, until August 16, 2009. This will give OPM time to review public comments and complete the rulemaking proceeding. OPM is opening a 5-day public comment period on the proposed extension of the final rule's effective date, separate from the 30-day public comment period on the notice of proposed rulemaking.

OPM suggests that agencies delay preparations and financial commitments associated with the changes required by the final rule until a decision is made regarding whether and when, if at all, the regulation will go into effect.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. E9–11014 Filed 5–7–09; 12:00 pm

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0236; Directorate Identifier 2009–NE–06–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. CFM56–7B Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for CFM International, S.A. CFM56–7B series turbofan engines. This proposed AD would require initial and repetitive eddy current inspections (ECIs) of certain part number (P/N) low-pressure (LP) turbine rear frames. This proposed AD results from a refined life analysis by the engine manufacturer that shows the need to identify an initial and repetitive inspection threshold for inspecting certain LP turbine rear frames. We are proposing this AD to prevent failure of the LP turbine rear frame from low-cycle-fatigue cracks. Failure of the LP turbine rear frame could result in engine separation from the airplane, possibly leading to loss of control of the airplane.

DATES: We must receive any comments on this proposed AD by July 10, 2009.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Antonio Cancelliere, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *antonio.cancelliere@faa.gov*; (781) 238–7199.

Contact CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552–2800; fax (513) 552–2816, for a copy of the service information identified in this proposed AD.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2009–0236; Directorate Identifier 2009–NE–06–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

CFM International, S.A. performed a refined life analysis that identified the need for initial and repetitive inspection thresholds for LP turbine rear frames, P/Ns 340–166–254–0; 340–166–255–0; 340–166–256–0; 340–166–257–0; 340–166–258–0; 340–166–259–0; P/N 340–177–551–0; 340–177–552–0; 340–177–553–0; 340–177–554–0; 340–177–555–0; and 340–177–556–0. These LP turbine rear frames are installed on CFM56–7B series turbofan engines. This proposed AD would require initial and repetitive ECIs of these LP turbine rear frames. This condition, if not corrected, could result in engine separation from the airplane, possibly leading to loss of control of the airplane.

Relevant Service Information

We have reviewed and approved the technical contents of CFM International, S.A. Service Bulletin (SB) No. CFM56–7B S/B 72–0558, Revision 2, dated December 1, 2008, and SB No. CFM56–7B S/B 72–0579, Revision 4, dated December 1, 2008, that describe procedures for performing initial and repetitive ECIs of the LP turbine rear frame.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require initial and repetitive ECIs of the affected P/N LP turbine rear frames. The proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 1,228 CFM56–7B series turbofan engines installed on airplanes of U.S. registry. We estimate that it would take about 3 work-hours to perform an eddy current inspection of an LP turbine rear frame. The average labor rate is $80 per work-hour. A replacement LP turbine rear frame costs about $275,000. If all 1,228 LP turbine rear frames needed replacement, we estimate the total cost of the proposed AD to U.S. operators to be $33,994,720.

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 AD:

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. Would 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. 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, Incorporation by reference, Safety.

The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration 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 airworthiness directive:

CFM International, S.A: Docket No. FAA–2009–0236; Directorate Identifier 2009–NE–06–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by July 10, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to:

(1) CFM International, S.A. CFM56–7B20; –7B22; –7B24; –7B26; –7B27; –7B22/B1; –7B24/B1; –7B27/B1; –7B26/B1; –7B26/B2; –7B20/3; –7B22/3; –7B24/3; –7B26/3; –7B27/3; –7B22/3B1; –7B24/3B1; –7B27/3B1; –7B26/3B1; –7B26/3B2; –7B26/3F; –7B27/3; –7B27/3F; –7B26/3B2F; –7B27/3B1F; –7B27/3B3; and –7B27A turbofan engines assembled with a low-pressure (LP) turbine rear frame, part number (P/N) 340–166–254–0; 340–166–254–0; 340–166–255–0; 340–166–256–0; 340–166–257–0; 340–166–258–0; or 340–166–259–0; and

(2) CFM International, S.A. CFM56–7B20/2; –7B22/2; –7B24/2; –7B26/2; and –7B27/2 turbofan engines assembled with a dual annular combustor and an LP turbine rear frame, P/N 340–177–551–0; 340–177–552–0; 340–177–553–0; 340–177–554–0; 340–177–555–0; or 340–177–556–0.

(3) These engines are installed on, but not limited to, Boeing 737–600, 737–700, 737–800, and 737–900 series airplanes.

Unsafe Condition

(d) This AD results from a refined life analysis by the engine manufacturer that shows the need to identify an initial and

repetitive inspection threshold for inspecting certain LP turbine rear frames. We are issuing this AD to prevent failure of the LP turbine rear frame from low-cycle-fatigue cracks. Failure of the LP turbine rear frame could result in engine separation from the airplane, possibly leading to loss of control of 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.

Inspections of LP Turbine Rear Frames

(f) For CFM International, S.A. CFM56–7B20; –7B22; –7B24; –7B26; –7B27; –7B22/B1; –7B24/B1; –7B27/B1; –7B26/B2; –7B20/3; –7B22/3; –7B24/3; –7B26/3; –7B27/3; –7B22/3B1; –7B24/3B1; –7B27/3B1; –7B26/3B2; –7B26/3F; –7B27/3F; –7B26/3B2F; –7B27/3B1F; and –7B27A turbofan engines with an LP turbine rear frame, P/N 340–166–254–0; 340–166–254–0; 340–166–255–0; 340–166–256–0; 340–166–257–0; 340–166–258–0; or 340–166–259–0, do the following:

(1) Perform an initial eddy current inspection (ECI) of the LP turbine rear frame within 25,000 cycles-since-new (CSN) on the LP turbine rear frame.

(2) For engines with unknown LP turbine rear frame CSN, perform an initial ECI within 300 cycles from the effective date of this AD.

(3) Perform repetitive ECIs of the LP turbine rear frame, using the inspection intervals in paragraph 3.A.(8) of the Accomplishment Instructions of CFM International, S.A. SB No. CFM56–7B S/B 72–0579, Revision 4, dated December 1, 2008.

(4) Use paragraphs 3.A. through 3.A.(7)(d) of the Accomplishment Instructions of CFM International, S.A. Service Bulletin (SB) No. CFM56–7B S/B 72–0579, Revision 4, dated December 1, 2008, to do the ECIs.

(5) Remove LP turbine rear frames from service that have a total cumulated crack length at any location, of 0.79 inch (20 mm) or longer.

(g) For CFM International, S.A. CFM56–7B26/B1; –7B27/3; –7B26/3B1; and –7B27/3B3 turbofan engines with an LP turbine rear frame, P/N 340–166–254–0; 340–166–254–0; 340–166–255–0; 340–166–256–0; 340–166–257–0; 340–166–258–0; or 340–166–259–0, do the following:

(1) Perform an initial ECI of the LP turbine rear frame within 19,000 CSN on the LP turbine rear frame.

(2) For engines with unknown LP turbine rear frame CSN, perform an initial ECI within 300 cycles from the effective date of this AD.

(3) Perform repetitive ECIs of the LP turbine rear frame, using the inspection intervals in paragraph 3.A.(9) of the Accomplishment Instructions of CFM International, S.A. SB No. CFM56–7B S/B 72–0579, Revision 4, dated December 1, 2008.

(4) Use paragraphs 3.A. through 3.A.(7)(d) of the Accomplishment Instructions of CFM International, S.A. Service Bulletin (SB) No. CFM56–7B S/B 72–0579, Revision 4, dated December 1, 2008, to do the ECIs.

(5) Remove LP turbine rear frames from service that have a total cumulated crack length at any location, of 0.79 inch (20 mm) or longer.

(h) For CFM International, S.A. CFM56–7B20/2; –7B22/2; –7B24/2; –7B26/2; and –7B27/2 turbofan engines assembled with a dual annular combustor and an LP turbine rear frame, P/N 340–177–551–0; 340–177–552–0; 340–177–553–0; 340–177–554–0; 340–177–555–0; or 340–177–556–0, do the following:

(1) Perform an initial ECI of the LP turbine rear frame within 16,350 CSN on the LP turbine rear frame.

(2) For engines with unknown LP turbine rear frame CSN, perform an initial ECI within 300 cycles from the effective date of this AD.

(3) Perform repetitive ECIs of the LP turbine rear frame, using the inspection intervals in paragraph 3.A.(8) of the Accomplishment Instructions of CFM International, S.A. SB No. CFM56–7B S/B 72–0558, Revision 2, dated December 1, 2008.

(4) Use paragraphs 3.A. through 3.A.(7)(d) of the Accomplishment Instructions of CFM International, S.A. SB No. CFM56–7B S/B 72–0558, Revision 2, dated December 1, 2008, to do the ECIs.

(5) Remove LP turbine rear frames from service that have a total cumulated crack length at any location, of 0.43 inch (11 mm) or longer.

Alternative Methods of Compliance

(i) 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.

Related Information

(j) European Aviation Safety Agency AD 2009–0009, dated January 15, 2009, also addresses the subject of this AD.

(k) Contact CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552–2800; fax (513) 552–2816, for a copy of the service information identified in this AD.

(l) Contact Antonio Cancelliere, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *antonio.cancelliere@faa.gov;* 238–7751; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on May 4, 2009.

Peter A. White,

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

[FR Doc. E9–10956 Filed 5–8–09; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register
Vol. 74, No. 89
Monday, May 11, 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

May 6, 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) 720–8958.

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.

Food and Nutrition Service

Title: Report of School Program Operations.

OMB Control Number: 0584–0002.

Summary of Collection: The Food and Nutrition Service administers the National School Lunch Program, the School Breakfast Program, and the Special Milk Program as mandated by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Information on school program operations is collected from state agencies on a monthly basis to monitor and make adjustments to State agency funding requirements. FNS uses form FNS–10 to collect data although 100 percent of the information is collected through electronic means.

Need and Use of the Information: FNS collects quantity information from State agencies on the number of meals served under the various food programs. Information is categorized in a number of areas and States are asked to provide their estimates along with actual data. FNS uses the information collected on school operations to assess the progress of the various programs and to make monthly adjustments to State agency funding requirements. If the information was not collected, FNS would be unable to monitor the proper use of program funds.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 57.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 5,472.

Food and Nutrition Service

Title: Report of the Child and Adult Care Food Program.

OMB Control Number: 0584–0078.

Summary of Collection: The Child and Adult Care Food Program is mandated by Section 17 of the National School Lunch Act, as amended. Program implementation is contained in 7 CFR part 226. The Food and Nutrition Service (FNS) collects information using Form FNS–44 to use in managing the Child and Adult Care Food Program. This report is vital since it is the only means by which FNS can obtain current information necessary to make payments to State agency letters of credit, and to plan for future levels of program funding.

Need and Use of the Information: FNS will collect information in order to analyze progress in the program and to make monthly adjustments to State agency funding requirements. If data is not collected FNS would be unable to monitor the proper use of program funds.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 55.

Frequency of Responses: Reporting: Quarterly; Semi-annually; Monthly.

Total Burden Hours: 1,980.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–10958 Filed 5–8–09; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability for the Section 533 Housing Preservation Grants for Fiscal Year 2009

Announcement Type: Initial Notice inviting applications from qualified applicants for Fiscal Year 2009.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.433.

SUMMARY: The Rural Housing Service (RHS), an agency within Rural Development, announces that it is soliciting competitive applications under its Housing Preservation Grant (HPG) program. The HPG program is a grant program which provides qualified public agencies, private non-profit organizations, which may include, but not be limited to, faith-based and community organizations, and other eligible entities grant funds to assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons. This action is taken to comply with Agency regulations found in 7 CFR part 1944, subpart N, which require the Agency to announce the opening and closing dates for receipt of preapplications for HPG

funds from eligible applicants. The intended effect of this Notice is to provide eligible organizations notice of these dates.

DATES: The closing deadline for receipt of all applications in response to this Notice is 5 p.m., local time for each Rural Development State Office on July 10, 2009. The application closing deadline is firm as to date and hour. RHS will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget under Control Number 0575–0115.

Program Administration

I. Funding Opportunities Description

The funding instrument for the HPG Program will be a grant agreement. The term of the grant can vary from 1 to 2 years, depending on available funds and demand. No maximum or minimum grant levels have been established at the National level. You should contact the Rural Development State Office to determine the allocation.

II. Award Information

For Fiscal Year 2009, $10,088,166.45 is available for the HPG Program. The total includes $688,166.45 in carryover funds. A set-aside of $600,000 has been established for grants located in Empowerment Zones, Enterprise Communities, and Rural Economic Area Partnership Zones and other funds will be distributed under a formula allocation to states pursuant to 7 CFR part 1940, subpart L, ''Methodology and Formulas for Allocation of Loan and Grant Program Funds.'' Decisions on funding will be based on pre-applications.

III. Eligibility Information

7 CFR part 1944, subpart N provides details on what information must be contained in the preapplication package. Entities wishing to apply for assistance should contact the Rural Development State Office to receive further information, the State allocation of funds, and copies of the preapplication package. Eligible entities for these competitively awarded grants include state and local governments, non-profit corporations, which may include, but not be limited to faith-based and community organizations, federally recognized Indian tribes, and consortia of eligible entities.

Federally recognized Indian tribes, pursuant to 7 CFR 1944.674, are exempt from the requirement to consult with local leaders including announcing the availability of its statement of activities for review in a newspaper.

As part of the application, all applicants must also provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711. Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on June 27, 2003 (68 FR 38402–38405).

To comply with the President's Management Agenda, the Department of Agriculture is participating as a partner in the new Government-wide Grants.gov site in FY 2009. Housing Preservation Grants [Catalog of Federal Domestic Assistance #10.433] is one of the programs included at this Web site. You may access the electronic grant application for Housing Preservation Grants at: *http://www.grants.gov*. If you are an applicant under the Housing Preservation Grant Program, you may submit your application to the Agency in either electronic or paper format. Please be mindful that the application deadline for electronic format differs from the deadline for paper format. The electronic format deadline will be based on Eastern Standard Time. The paper format deadline is local time for each Rural Development State Office.

Users of Grants.gov will be able to download a copy of the application package, complete it off line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to USDA Rural Development; however, the Agency encourages your participation in Grants.gov.

The following are useful tips and instructions on how to use the Web site:

- 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. USDA Rural Development strongly recommends that you do not wait until the application deadline date to begin the application process through Grants.gov. To use Grants.gov, applicants must have a DUNS number.
- You may submit all documents electronically through the Web site, including all information typically included on the Application for Rural Housing Preservation Grants, and all necessary assurances and certifications.
- Your application must comply with any page limit requirements described in this Notice.
- After you electronically submit your application through the Web site, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.
- RHS may request that you provide original signatures on forms at a later date.
- If you experience technical difficulties on the closing date and are unable to meet the 5 p.m. (Eastern Standard Time) deadline, print out your application and submit it to your State Office, you must meet the closing date and local time deadline.
- Please note that you must locate the downloadable application package for this program by the CFDA Number or FedGrants Funding Opportunity Number, which can be found at *http://www.fedgrants.gov*.

IV. Application and Submission Information

Applicants wishing to apply for assistance must make its statement of activities available to the public for comment. The applicant(s) must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of pre-applications by USDA Rural Development.

Applicants must also contact the Rural Development State Office serving the place in which they desire to submit an application to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road,

Montgomery, Alabama 36106–3683, (334) 279–3454, TDD (334) 279–3495.

Anne Chavers, Alaska State Office, 800 West Evergreen, Suite 201, Palmer, Alaska 99645, (907) 761–7740, TDD (907) 761–8905.

Debbie I. Davis, Arizona State Office, Phoenix Courthouse and Federal Building, 230 North First Avenue, Suite 206, Phoenix, Arizona 85003–1706, (602) 280–8768, TDD (602) 280–8706.

Carol Torres, Arkansas State Office, 700 West Capitol Avenue, Room 3416, Little Rock, Arkansas 72201–3225, (501) 301–3258, TDD (501) 301–3063.

Clinton King, California State Office, ≤430 G Street, #4169, Davis, California 95616–4169, (530) 792–5821, TDD (530) 792–5848.

Debra Moretton, Colorado State Office, 655 Parfet Street, Room E100, Lakewood, Colorado 80215, (720) 544–2923, TDD (800) 659–2656.

Mary Summerfield, Connecticut, Served by Massachusetts State Office.

Delaware and Maryland State Office, 1221 College Park Drive, Suite 200, Dover, Delaware 19904, (302) 857–3615, TDD (302) 857–3585.

Pat Baker, Florida & Virgin Islands State Office, 4440 N.W. 25th Place, Gainesville, Florida 32606–6563, (352) 338–3465, TDD (352) 338–3499.

Elizabeth M. Whitaker, Georgia State Office, Stephens Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601–2768, (706) 546–2164, TDD (706) 546–2034.

Dawn Pilgrim, Hawaii State Office, (Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, Hawaii 96720, (808) 933–8300, TDD (808) 933–8321.

Gayle Kuheana, Idaho State Office, Suite A1, 9173 West Barnes Drive, Boise, Idaho 83709, (208) 378–5628, TDD (208) 378–5644.

Joyce Weinzetl, Illinois State Office, 2118 West Park Court, Suite A, Champaign, Illinois 61821–2986, (217) 403–6222, TDD (217) 403–6240.

Barry L. Ramsey, Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 290–3100 (ext. 426), TDD (317) 290–3343.

Mary Hawthorne, Iowa State Office, 210 Walnut Street Room 873, Des Moines, Iowa 50309, (515) 284–4666, TDD (515) 284–4858.

Mary Beth Juergens, Kansas State Office, 1303 SW First American Place, Suite 100, Topeka, Kansas 66604–4040, (785) 271–2700, TDD (785) 271–2767.

Mike Resnik, Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, Kentucky 40503, (859) 224–7325, TDD (859) 224–7422.

Beth Moore, Louisiana State Office, 3727 Government Street, Alexandria, Louisiana 71302, (318) 473–7962, TDD (318) 473–7655.

Yvonne R. Emerson, Maine State Office, Post Office Box 405, Bangor, Maine 04402–0405, (207) 990–9110, TDD (207) 942–7331.

Bob Nadeau, Maryland, Served by Delaware State Office.

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street Suite 2, Amherst, Massachusetts 01002, (413) 253–4315, TDD (413) 253–4590.

Paul Geoffroy, Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, Michigan 48823, (517) 324–5192, TDD (517) 337–6795.

Kelly Darland, Minnesota State Office, 375 Jackson Street Building, Suite 410, St. Paul, Minnesota 55125, (651) 602–7804, TDD (651) 602–7830.

Thomas Osborne, Mississippi State Office, Federal Building, Suite 831, 100 West Capitol Street, Jackson, Mississippi 39269, (601) 965–4325, TDD (601) 965–5850.

Darnella Smith-Murray, Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, Missouri 65203, (573) 876–9303, TDD (573) 876–9480.

Becky Eftink, Montana State Office, 900 Technology Boulevard, Suite B, Bozeman, Montana 59771, (406) 585–2515, TDD (406) 585–2562.

Deborah Chorlton, Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, Nebraska 68508, (402) 437–5557, TDD (402) 437–5093.

Lanae Brasch, Nevada State Office, 1390 South Curry Street, Carson City, Nevada 89703–9910, (775) 887–1222 (ext. 14), TDD (775) 885–0633.

Mona Sargent, New Hampshire State Office, Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, New Hampshire 03301–5004, (603) 223–6046, TDD (603) 229–0536.

Sandra Hawkins, New Jersey State Office, 5th Floor North, Suite 500, 8000 Midlantic Drive, Mt. Laurel, New Jersey 08054, (856) 787–7773, TDD (856) 787–7784.

Derrick S. Waltz, New Mexico State Office, 6200 Jefferson Street, NE, Room 255, Albuquerque, New Mexico 87109, (505) 761–4944, TDD (505) 761–4938.

Susan Ellzey, New York State Office, The Galleries of Syracuse, 441 South Salina Street, Suite 357 5th Floor, Syracuse, New York 13202, (315) 477–6453, TDD (315) 477–6447.

Kathryn Boerner, North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, North Carolina 27609, (919) 873–2062, TDD (919) 873–2003.

Rebecca Dillard, North Dakota State Office, Federal Building, Room 208, Post Office Box 1737, Bismarck, North Dakota 58502, (701) 530–2046, TDD (701) 530–2113.

Barry Borstad, Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, Ohio 43215–2477, (614) 255–2409, TDD (614) 255–2554.

Cathy Simmons, Oklahoma State Office, 100 USDA, Suite 108, Stillwater, Oklahoma 74074–2654, (405) 742–1076, TDD (405) 742–1007.

Tim Henderson, Oregon State Office, 1201 NE Lloyd Boulevard, Suite 801, Portland, Oregon 97232–1274, (503) 414–3340, TDD (503)414–3387.

Barb Brandon

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, Pennsylvania 17110–2996, (717) 237–2282, TDD (717) 237–2261, Martha E. Hanson.

Puerto Rico State Office, IBM Building, Suite 601, Munoz Rivera Ave., #654, San Juan, Puerto Rico 00918, (787) 766–5095 (ext. 256), TDD (787) 766–5332, Jan Vargas.

Rhode Island, Served by Massachusetts State Office.

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, South Carolina 29201, (803) 765–5870, TDD (803) 765–5697, Lila Moses.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, South Dakota 57350, (605) 352–1132, TDD (605) 352–1147, Roger Hazuka or Pam Reilly.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, Tennessee 37203–1084, (615) 783–1300, TDD (615) 783–1397, Abby Boggs.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, Texas 76501, (254) 742–9769, TDD (254) 742–9712, Olivia Pinon.

Utah State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, Salt Lake City, Utah 84138, (801) 524–4308, TDD (801) 524–3309, Janice Kocher.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, Vermont 05602, (802) 828–6021, TDD (802) 223–6365, Heidi Setien.

Virgin Islands, Served by Florida State Office.

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, Virginia 23229, (804) 287–1596, TDD (804) 287–1753, CJ Michels.

Washington State Office, 1835 Black Lake Boulevard, Suite B, Olympia, Washington 98512, (360) 704–7706, TDD (360) 704–7760, Bill Kirkwood.

Western Pacific Territories, Served by Hawaii State Office.

West Virginia, Parkersburg West Virginia County Office, 91 Boyles Lane, Parkersburg, West Virginia 26104, (304) 422–9070, TDD (304) 284–4836, Penny Thaxton.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, Wisconsin 54481, (715) 345–7608 (ext.111), TDD (715) 345–7614, Sara Kendall.

Wyoming State Office, Post Office Box 82601, Casper, Wyoming 82602–5006, (307) 233–6716, TDD (307) 233–6733, Alan Brooks.

FOR FURTHER INFORMATION CONTACT: For general information, applicants may contact Bonnie Edwards-Jackson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, USDA Rural Development, Stop 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781, telephone (202) 690–0759 (voice) (this is not a toll free number) or (800) 877–8339 (TDD–Federal Information Relay Service) or via e-mail at, *Bonnie.Edwards@wdc.usda.gov*.

V. Application Review Information

All applications for Section 533 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice and 7 CFR part 1944, subpart N. Pre-applications determined not eligible and/or not meeting the selection criteria will be notified by the Rural Development State Office.

All applicants will file an original and two copies of Standard Form (SF) 424, *''Application for Federal Assistance,''* and supporting information with the appropriate Rural Development State Office. A pre-application package, including SF–424, is available in any Rural Development State Office. All preapplications shall be accompanied by the following information which Rural Development will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the preapplication under the project selection criteria of § 1944.679 of 7 CFR part 1944, subpart N.

(a) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(1) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program;

(2) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(3) A description of the process for identifying potential environmental impacts in accordance with § 1944.672 of 7 CFR part 1944, subpart N, and the provisions for compliance with Stipulation I, A–G of the Programmatic Memorandum of Agreement, also known as PMOA, (RD Instruction 2000–FF, available in any Rural Development State Office) in accordance with § 1944.673(b) of 7 CFR part 1944, subpart N;

(4) The development standard(s) the applicant will use for the housing preservation work; and, if not the Rural Development standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented;

(5) The time schedule for completing the program;

(6) The staffing required to complete the program;

(7) The estimated number of very low- and low-income minority and nonminority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income;

(8) The geographical area(s) to be served by the HPG program;

(9) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, i.e., monthly, quarterly, lump sum for program activities, etc.;

(10) A copy of a indirect cost proposal as required in 7 CFR parts 3015, 3016, and 3019, when the applicant has another source of federal funding in addition to the Rural Development HPG program;

(11) A brief description of the accounting system to be used;

(l2) The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to Rural Development in accordance with § 1944.683(b) of 7 CFR part 1944, subpart N and the monitoring plan for rental properties and cooperatives (when applicable) according to § 1944.689 of 7 CFR part 1944, subpart N;

(13) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities;

(14) The use of program income, if any, and the tracking system used for monitoring same;

(15) The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

(16) Any other information necessary to explain the proposed HPG program; and

(17) The outreach efforts outlined in § 1944.671(b) of 7 CFR part 1944, subpart N.

(b) Complete information about the applicant's experience and capacity to carry out the objectives of the proposed HPG program.

(c) Evidence of the applicant's legal existence, including, in the case of a private non-profit organization, which may include, but not be limited to, faith-based and community organizations, a copy of, or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; and the names and addresses of the applicant's members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, pre-applications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with paragraph (4)(ii) under the definition of ''organization'' in § 1944.656 of 7 CFR part 1944, subpart N must also be included.

(d) For a private non-profit entity, which may include, but not be limited to, faith-based and community organizations, the most recent audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant.

(e) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both low-income and low-income minority households and substandard housing), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

(f) Applicant must submit an original and one copy of Form RD 1940–20, ''Request for Environmental Information,'' prepared in accordance with Exhibit F–1 of RD Instruction 1944–N (available in any Rural Development State Office).

(g) Applicant must also submit a description of its process for:

(1) Identifying and rehabilitating properties listed on or eligible for listing on the National Register of Historic Places;

(2) Identifying properties that are located in a floodplain or wetland;

(3) Identifying properties located within the Coastal Barrier Resources System; and

(4) Coordinating with other public and private organizations and programs that provide assistance in the rehabilitation of historic properties (Stipulation I, D, of the PMOA, RD Instruction 2000–FF, available in any Rural Development State Office).

(h) The applicant must also submit evidence of the State Historic Preservation Office's, also known as SHPO, concurrence in the proposal, or in the event of nonconcurrence, a copy of SHPO's comments together with evidence that the applicant has received the Advisory Council on Historic Preservation's advice as to how the disagreement might be resolved, and a copy of any advice provided by the Council.

(i) The applicant must submit written statements and related correspondence reflecting compliance with § 1944.674(a) and (c) of 7 CFR part 1944, subpart N regarding consultation with local government leaders in the preparation of its program and the consultation with local and state government pursuant to the provisions of Executive Order 12372.

(j) The applicant is to make its statement of activities available to the public for comment prior to submission to Rural Development pursuant to § 1944.674(b) of 7 CFR part 1944, subpart N. The application must contain a description of how the comments (if any were received) were addressed.

(k) The applicant must submit an original and one copy of Form RD 400–1, ''Equal Opportunity Agreement,'' and Form RD 400–4, ''Assurance Agreement,'' in accordance with § 1944.676 of 7 CFR part 1944, subpart N.

Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements.

VI. Selection Criteria

The Rural Development State Offices will utilize the following project selection criteria for applicants in accordance with § 1944.679 of 7 CFR part 1944, subpart N:

(a) Providing a financially feasible program of housing preservation assistance. ''Financially feasible'' is defined as proposed assistance which will be affordable to the intended recipient or result in affordable housing for very low- and low-income persons.

(b) Serving eligible rural areas with a concentration of substandard housing for households with very low- and low-income.

(c) Being an eligible applicant as defined in § 1944.658 of 7 CFR part 1944, subpart N.

(d) Meeting the requirements of consultation and public comment in accordance with § 1944.674 of 7 CFR part 1944, subpart N.

(e) Submitting a complete preapplication as outlined in § 1944.676 of 7 CFR part 1944, subpart N.

For applicants meeting all of the requirements listed above, the Rural Development State Offices will use weighted criteria in accordance with 7 CFR part 1944, subpart N as selection for the grant recipients. Each preapplication and its accompanying statement of activities will be evaluated and, based solely on the information contained in the preapplication, the applicant's proposal will be numerically rated on each criteria within the range provided. The highest-ranking applicant(s) will be selected based on allocation of funds available to the state.

(a) Points are awarded based on the percentage of very low-income persons that the applicant proposes to assist, using the following scale:

(1) More than 80%: 20 points
(2) 61% to 80%: 15 points
(3) 41% to 60%: 10 points
(4) 20% to 40%: 5 points
(5) Less than 20%: 0 points

(b) The applicant's proposal may be expected to result in the following percentage of HPG fund use (excluding administrative costs) to total cost of unit preservation. This percentage reflects maximum repair or rehabilitation with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches. Points are awarded based on the following percentage of HPG funds (excluding administrative costs) to total funds:

(1) 50% or less: 20 points
(2) 51% to 65%: 15 points
(3) 66% to 80%: 10 points
(4) 81% to 95%: 5 points
(5) 96% to 100%: 0 points

(c) The applicant has demonstrated its administrative capacity in assisting very low- and low-income persons to obtain adequate housing based on the following:

(1) The organization or a member of its staff has at least one or more years experience successfully managing and operating a rehabilitation or weatherization type program: 10 points.

(2) The organization or a member of its staff has at least one or more years experience successfully managing and operating a program assisting very low- and low-income persons obtain housing assistance: 10 points.

(3) If the organization has administered grant programs, there are no outstanding or unresolved audit or investigative findings which might impair carrying out the proposal: 10 points.

(d) The proposed program will be undertaken entirely in rural areas outside Metropolitan Statistical Areas, also known as MSAs, identified by Rural Development as having populations below 10,000 or in remote parts of other rural areas (i.e., rural areas contained in MSAs with less than 5,000 population) as defined in § 1944.656 of 7 CFR part 1944, subpart N: 10 points.

(e) The program will use less than 20 percent of HPG funds for administration purposes:

(1) More than 20%: Not eligible
(2) 20%: 0 points
(3) 19%: 1 point
(4) 18%: 2 points
(5) 17%: 3 points
(6) 16%: 4 points
(7) 15% or less: 5 points

(f) The proposed program contains a component for alleviating overcrowding as defined in § 1944.656 of 7 CFR part 1944, subpart N: 5 points.

(g) The proposal contains a component for improving the energy efficiency of units rehabilitated. Points will be awarded based on the percentage cost related to energy efficiency to total cost of unit preservation (excluding administrative costs). Energy efficiency items include ENERGY STAR compliance, more efficient heating, ventilation and air conditioning (HVAC) equipment, more efficient windows, additional attic insulation, and using green renewable materials.

(1) 25 to 100%: 20 points
(2) 15 to 25%: 10 points
(3) 10 to 15%: 5 points

(h) Applicants requesting grants to be used to repair and or rehabilitate Section 515 Rural Rental Housing: 5 points.

In the event more than one preapplication receives the same amount of points, those preapplications will then be ranked based on the actual percentage figure used for determining the points. Further, in the event that preapplications are still tied, then those preapplications still tied will be ranked based on the percentage for HPG fund use (low to high). Further, for applications where assistance to rental properties or cooperatives is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of 5 years is

required). For this part, ranking will be based from most to least number of years.

Finally, if there is still a tie, then a lottery system will be used.

VII. Non-Discrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice), (202) 720–6382 (TDD). ''USDA is an equal opportunity provider, employer, and lender.''

Dated: May 1, 2009.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–10645 Filed 5–8–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Suspend the Census of Agriculture Survey

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of suspension of data collection.

SUMMARY: This notice announces the intention of the National Agricultural Statistics Service (NASS) to suspend a currently approved information collection, the 2007 Census of Agriculture.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: 2007 Census of Agriculture.

OMB Control Number: 0535–0226.

Expiration Date of Approval: July 31, 2009.

Type of Request: To suspend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, disposition, and prices. The 2007 Census of Agriculture survey was conducted as a one time only survey to gather comprehensive agricultural information. The Census of Agriculture is conducted once every five years. A Paperwork Reduction Act packet will be submitted to the Office of Management and Budget (OMB) for renewal in time for the 2012 Census of Agriculture. Several follow-on census surveys will be conducted under independent OMB Control Numbers. NASS will suspend this information collection (2007 Census of Agriculture) as of May 11, 2009 due to the completion of the survey.

Authority: These data were collected under authority of 7 U.S.C. 2204g. Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: There will be no further public reporting burden for this collection of information.

Signed at Washington, DC, April 29, 2009.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. E9–10832 Filed 5–8–09; 8:45 am]

BILLING CODE 3410–20–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: Tuesday, June 9, 2009 (9 a.m. to 3 p.m., times may be adjusted).

Location: Jack Morton Auditorium, Media and Public Affairs Building, George Washington University, 805 21st Street, NW., Washington, DC 20052.

Please note that this is the anticipated agenda and is subject to change.

Keynote

The Administrator-designate, or if there is not yet a designated nominee, the Acting Administrator, Alonzo Fulgham, will present an update from the front office of USAID on the current initiatives underway at USAID.

Keynote

Gayle Smith, Senior Director for Reconstruction, Stabilization, and Development at the National Security Council, will bring perspectives from the NSC.

The primary focus of the meeting will be on monitoring and evaluation. There will be two panel discussions on this topic.

Panel Discussion 1—Current efforts in evaluations at USAID.

Panel Discussion 2—Best Practices in Evaluations from Various USAID Stakeholders.

The meeting is free and open to the public. Persons wishing to attend the meeting can register online at *http://www.usaid.gov/about_usaid/acvfa* or with Deborah Lewis at *dlewis@usaid.gov* or 202–712–0936.

Dated: April 29, 2009.

Deborah Lewis,

Office of the Chief Operating Officer, U.S. Agency for International Development.

[FR Doc. E9–10944 Filed 5–8–09; 8:45 am]

BILLING CODE P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Tuesday, May 12, 2009, 3 p.m.–4 p.m. (Prague Time); 9 a.m.–10 a.m. ET.

PLACE: Radio Free Europe/Radio Liberty, Editorial Room (4–34), Prague, Czech Republic.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6))

FOR MORE INFORMATION CONTACT: Persons interested in obtaining more

information should contact Timi Nickerson Kenealy at (202) 203–4545.

Timi Nickerson Kenealy,

Acting Legal Counsel.

[FR Doc. E9–11062 Filed 5–7–09; 4:15 pm]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that a planning meeting and briefing meeting of the Rhode Island Advisory Committee will convene at 11 a.m. on Wednesday, May 27, 2009, at the University of Rhode Island, Feinstein Campus, 80 Washington Street, Providence, Rhode Island. The purpose of the planning meeting is for the Committee to discuss its June briefing. The purpose of the briefing meeting is to meet with the Rhode Island Roundtable to discuss the recently released ''Strategic Plan'' issued by the Rhode Island Police Chiefs.

Members of the public are entitled to submit written comments. The address is U.S. Commission on Civil Rights, Eastern Regional Office, 624 Ninth Street, NW., Suite 740, Washington, DC 20425. Persons wishing to e-mail their comments, present their comments at the meeting, or who desire additional information should contact Alfreda Greene, Secretary, at 202–376–7533 or by e-mail to: *ero@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Eastern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, May 6, 2009.

Christopher Byrnes,

Chief, Regional Programs Coordination Unit.

[FR Doc. E9–10946 Filed 5–8–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Unprocessed Western Red Cedar

AGENCY: Bureau of Industry and Security, Department of Commerce.

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 July 10, 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 Larry Hall, BIS ICB Liaison, (202) 482–4895, *lhall@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is needed to enforce section 7(i) of the Export Administration Act's prohibition against the export of western red cedar logs harvested from State or Federal lands.

II. Method of Collection

Submitted electronically or in paper form.

III. Data

OMB Control Number: 0694–0025.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 35.

Estimated Time per Response: 30 to 105 minutes.

Estimated Total Annual Burden Hours: 35.

Estimated Total Annual Cost to Public: $0.

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: May 5, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–10817 Filed 5–8–09; 8:45 am]

BILLING–CODE–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* May 11, 2009.

FOR FURTHER INFORMATION CONTACT: George McMahon or Stephanie Moore, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1167 or (202) 482–3692, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2008, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty order on certain lined paper products (CLPP) from India. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 73 FR 51272 (September 2, 2008). Pursuant

to requests from interested parties,[1] the Department published in the **Federal Register** the notice of initiation of this antidumping duty administrative review with respect to 25 companies, including Kejriwal Paper Limited (Kejriwal) for the period September 1, 2007, through August 30, 2008. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Review,* 73 FR 64305 (October 29, 2008) (*Notice of Initiation*).[2] On November 25, 2008, the Department selected Kejriwal and Blue Bird India Ltd. (Blue Bird) as companies to be individually examined in the second administrative review of the antidumping duty order on CLPP from India. *See* memorandum to Melissa Skinner from George McMahon titled ''Certain Lined Paper Products from India: Selection of Respondents for Individual Review,'' dated November 25, 2008. On December 22, 2008, both Kejriwal and the Association timely withdrew their requests for review of Kejriwal. On January 9, 2009, after we determined that we would rescind the review with respect to Kejriwal, we selected Navneet as a mandatory respondent.

Scope of the Order

The scope of this order includes certain lined paper products, typically school supplies (for purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic) composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets (there shall be no minimum page requirement for loose leaf filler paper) including but not limited to such products as single- and multi-subject notebooks, composition books, wireless notebooks, loose leaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8¾ inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or ''tear-out'' size), and are measured as they appear in the product (*i.e.,* stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this order whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this order are:

- Unlined copy machine paper;
- Writing pads with a backing (including but not limited to products commonly known as ''tablets,'' ''note pads,'' ''legal pads,'' and ''quadrille pads''), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole-punched or drilled filler paper;
- Three-ring or multiple-ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;
- Index cards;
- Printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;
- Newspapers;
- Pictures and photographs;
- Desk and wall calendars and organizers (including but not limited to such products generally known as ''office planners,'' ''time books,'' and ''appointment books'');
- Telephone logs;
- Address books;
- Columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;
- Lined business or office forms, including but not limited to: Pre-printed business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;
- Lined continuous computer paper;
- Boxed or packaged writing stationery (including but not limited to products commonly known as ''fine business paper,'' ''parchment paper,'' and ''letterhead''), whether or not containing a lined header or decorative lines;
- Stenographic pads (''steno pads''), Gregg ruled (''Gregg ruling'' consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book), measuring 6 inches by 9 inches;

Also excluded from the scope of this order are the following trademarked products:

- Fly™ lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and readable only by a Fly™ pen-top computer. The product must bear the valid trademark Fly™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).
- Zwipes™: A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially-developed permanent marker and erase system (known as a Zwipes™ pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing

[1] On September 29, 2008, the Department received a timely request for an administrative review filed on behalf of Kejriwal Paper Limited and a timely request for an administrative review filed on behalf of Navneet Publications (India) Limited (Navneet). On September 30, 2008, the Department received timely requests for an administrative review of the following 25 companies, filed on behalf of the Association of American School Paper Suppliers (the Association), a domestic interested party: Agility Logistics Pvt. Ltd., Blue Bird India Ltd., Ceal Shipping Logistics Pvt. Ltd., Cello International Pvt. Ltd., Corporate Stationary Pvt. Ltd., Creative Divya, Exel India Pvt. Ltd., FFI International, Global Art India Inc., International Greetings Pvt. Ltd., Karim General Handmade Paper DIAR, Kejriwal Exports, M/S Super ImpEx., Magic International, Marigold ExIm Pvt. Ltd., Marisa International, Navneet Publications (India) Ltd., Pentagon Waterlines Pvt. Ltd., Pioneer Stationery Pvt. Ltd., Rajvansh International, Riddhi Enterprises, SAB International, TKS Overseas, Unlimited Accessories Worldwide, and V. Joshi Co.

[2] *See also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 73 FR 70964 (November 24, 2008) at footnote 1, in which the Department states, ''{w}e note that the Department erred by inadvertently including the manufacturer/exporter name: ''Ria ImpEx Pvt. Ltd.'' in the prior initiation notice under case number A–533–843 for the period of review: 9/1/07–8/31/08. *See* 73 FR 64305 (October 29, 2008). The Department did not receive a timely request to review Ria ImpEx Pvt. Ltd. for case number A–533–843, therefore, the Department retracts its initiation of an administrative review of the antidumping order with respect to Ria ImpEx Pvt. Ltd. for the period of review 9/1/07–8/31/08.''

the ink to be removed. The product must bear the valid trademark Zwipes™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

• FiveStar®Advance™: A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured both ends of a 1″ wide elastic fabric band. This band is located 2⅜″ from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar®Advance™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

• FiveStar Flex™: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the spine and bound by a 3-ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

Merchandise subject to this order is typically imported under headings 4820.10.2050, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, and 4820.10.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS headings are provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

Extension of Time Limit of Preliminary Results

The preliminary results of this review are currently due no later than June 2, 2009. Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination in an administrative review within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Consistent with section 751(a)(3)(A) of the Act, the Department may extend the 245-day period to 365 days if it is not practicable to complete the review within a 245-day period.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable. Specifically, after Kejriwal timely withdrew from the administrative review, the Department selected Navneet as a mandatory respondent and on January 9, 2009, issued a questionnaire to the company. *See* Questionnaire to Navneet dated January 9, 2009. In addition, we need additional time to thoroughly consider the responses to the supplemental questionnaires the Department has sent to Navneet.

Therefore, we are extending the time period for issuing the preliminary results of review by 120 days to September 30, 2009, in accordance with section 751(a)(3)(A) of the Act and 19 CFR § 351.213(h)(2). Therefore, the preliminary results are now due no later than September 30, 2009. The final results continue to be due 120 days after publication of the preliminary results.

Partial Rescission of the 2007–2008 Administrative Review

On December 22, 2008, the Association withdrew its request for review of Kejriwal, and Kejriwal notified the Department that it was also withdrawing its request for review. In accordance with 19 CFR 351.213(d)(1) the Department will rescind an administrative review ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' The instant review was initiated on October 29, 2008. *See Initiation Notice.* Therefore, the deadline to withdraw review requests was January 27, 2009. The Association and Kejriwal's withdrawals of request for review fall within the deadline for rescission by the Department. Therefore, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding this review with respect to Kejriwal. *See, e.g., Brass Sheet and Strip from Germany: Notice of Rescission of Antidumping Duty Administrative Review,* 73 FR 49170 (August 20, 2008).

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. For the company for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Because an injunction is in effect for entries from Kejriwal entered on or after April 17, 2006, the Department will issue appropriate assessment instructions directly to CBP when the injunction is lifted.

This notice is issued and published in accordance with sections 751(a)(1), 751(a)(3)(A), and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: May 5, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–10960 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP07

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Outreach and Education Advisory Panel (AP).

DATES: The Outreach and Education AP meeting is scheduled to begin at 1 p.m. on Wednesday, May 27, 2009 and end by 5 p.m. on Thursday, May 28, 2009.

ADDRESSES: The meeting will be held at the Hilton, 2225 N. Lois Ave. Tampa, FL 33607.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Charlene Ponce, Public Information Officer; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: During this Advisory Panel meeting, the Outreach and Education AP will hear a presentation by the Gulf of Maine Research Institute on its Marine Resource Education Program. The Panel will also review and prioritize its list of recommendations to the Council on improving outreach and education efforts, as well as develop a list of issues to consider and discuss during its next meeting. The AP may develop recommendations to the Council regarding Outreach and Education.

Although other non-emergency issues not on the agenda may come before the Outreach and Education AP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the Outreach and Education AP will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling (813) 348–1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10835 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP10

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council's (Council) Groundfish Advisory Panel and Recreational Advisory Panel will hold meetings to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meetings will be held in May 2009. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held at the Sheraton Colonial, One Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Council address: New England Fishery Management Council, 50 Water Street, Mill #2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The panel's schedule and agenda for the following two meetings are as follows:

Council Meetings: Locations, Schedules, and Agendas

1. Tuesday, May 26, 2009, beginning at 9 a.m.

The Groundfish Advisory Panel (GAP) will meet to review Draft Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP) and the accompanying Draft Environmental Impact Statement (DEIS). Amendment 16 adjusts management measures as necessary to continue rebuilding groundfish stocks. It includes measures to implement Annual Catch Limits and Accountability Measures, revised effort controls for the commercial fishery, changes to sector management policies, measures for the recreational fishery, and other changes to the management program. The GAP will review the amendment and will develop recommendations for which measures the New England Fishery Management Council should choose, focusing on, but not limited to, measures that affect the commercial groundfish industry. GAP recommendations will be provided to the Groundfish Oversight Committee on June 17, 2009, and will be reported to the full Council at its meeting June 23 25, 2009.

2. Wednesday, May 27, 2009, beginning at 9 a.m.

The Recreational Advisory Panel (RAP) will meet to review Draft Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP) and the accompanying Draft Environmental Impact Statement (DEIS). Amendment 16 adjusts management measures as necessary to continue rebuilding groundfish stocks. It includes measures to implement Annual Catch Limits and Accountability Measures, revised effort controls for the commercial fishery, changes to sector management policies, measures for the recreational fishery, and other changes to the management program. The RAP will review the amendment and will develop recommendations for which measures the New England Fishery Management Council should choose, focusing on, but not limited to, measures that affect recreational fishermen (including party/charter vessel operators). GAP recommendations will be provided to the Groundfish Oversight Committee on June 17, 2009, and will be reported to the full Council at its meeting June 23 25, 2009.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**), at least 5 working days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10838 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP09

New England Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The New England Fishery Management Council (Council) will hold five public hearings to solicit Public comments on Draft Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP).

DATES: Written public comments must be received on or before 5 p.m. EST, June 8, 2009. The meetings will be held in May and June, 2009. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Public document can be obtained by contacting the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

Meeting addresses: The meetings will be held in Wakefield, MA, Portsmouth, NH, Portland, ME, New London, CT, and So. Kingstown, RI. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Public comments: Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office,55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''DEIS for Amendment 16 to the Northeast Multispecies FMP''. Comments may also be sent via fax to (978) 281–9207 or submitted via e-mail to *multsamendment16@noaa.gov* with ''DIES for Amendment 16 to the Northeast Multispecies FMP'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The agendas for the following six hearings are as follows: New England Fishery Management Council staff will brief the public on the herring amendments and the contents of the draft environmental impact statement (DEIS) prior to opening the hearing for public comments and the schedules are as follows:

Public Hearings: Locations, Schedules, and Agendas

1. *Tuesday, May 26, 2009, from 5:30–9 p.m.*; Sheraton Colonial, One Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.
2. *Wednesday, May 27, 2009, from 6–9 p.m.*; Sheraton Harborside, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431–2300.
3. *Thursday, May 28, 2009, from 5–8 p.m.*; Holiday Inn By the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311.
4. *Monday, June 1, 2009, from 1–3:30 p.m.*; Radisson, 35 Governor Winthrop Blvd., New London, CT 06320; telephone: (860) 443–7000.
5. *Monday, June 1, 2009 from 6–9 p.m.*; Holiday Inn, 3009 Tower Hill Road, So. Kingstown, RI 02674; telephone: (401) 789–1051.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**), at least 5 working days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10837 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP08

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on Reef Fish Amendment 31.

DATES: The public hearings will be held on May 26, 2009 through June 8, 2009 at six locations throughout the Gulf of Mexico. For specific dates, times and subjects, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public hearings will be held in the following locations: Madeira Beach, Marathon and Panama City, FL, Biloxi, MS, LaMarque, TX, Galliano, LA. For specific locations, **SUPPLEMENTARY INFORMATION**.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Fishery Biologist; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) has scheduled six public hearings on Amendment 31 to the Reef Fish Fishery Management Plan (FMP) that addresses bycatch of hardshell sea turtles in the Gulf of Mexico bottom longline reef fish fishery. The Council operates under mandates to minimize bycatch to the extent practicable and to protect endangered and threatened species. National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), requires that conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the morality of such bycatch. The bycatch reduction and monitoring requirements in the Magnuson-Stevens Act apply to a broad range of living marine species, including sea turtles.

Observer data from the Southeast Fisheries Science Center (SEFSC) indicated a high level of bycatch in the bottom longline component of the fishery, which exceed the anticipated take in the 2005 Biological Opinion. In September 2008, NMFS released an observer report that examined sea turtle takes by the bottom longline reef fish fishery from July 2006 through 2007. In April 2009 an updated report from the SEFSC was published with information collected in 2008 based on revised effort and observer data.

The Council is considering a range of actions and alternatives outlined in Public Hearing draft of Amendment 31 to the Reef Fish FMP to mitigate

hardshell sea turtle interactions with bottom longline gear. The Council selected Preferred Actions and Alternatives at their April 2009 Council meeting. The public is encouraged to attend and provide suggestions and input, which will be relayed back to the Council before final action. The Council is holding six public hearings at the following locations throughout the Gulf coast.

These public hearings will begin at 6 p.m. and conclude at the end of public testimony or no later than 9 p.m. at the following location:

•*Tuesday, May 26, 2009*, Travelodge, 5201 Gulf Freeway, LaMarque, TX 77568, telephone: (409) 986–9777;

•*Wednesday, May 27, 2009*, Hilton Garden Inn, 1101 US Highway 231, Panama City, FL 32405, telephone: (850) 392–1093;

•*Wednesday, May 27, 2009*, South Lafourche Levee District, 17904 Hwy 3235, Galliano, LA 70354, telephone: (985) 632–7554;

•*Thursday, May 28, 2009*, Wingate Inn, 12009 Indian River Road, Biloxi, MS 39540, telephone: (228) 396–0036;

•*Monday, June 8, 2009*, Banana Bay Resort, 4590 Overseas Highway, Marathon, FL 33050, telephone: (305) 743–3500.

This public hearing will begin at 6:30 p.m. and conclude at the end of public testimony or no later than 9:30 p.m. at the following location:

•*Thursday, June 4, 2009*, City of Madeira Beach, 300 Municipal Drive, Madeira Beach, FL 33708, telephone: (727) 391–9951.

Copies of the Amendment can be obtained by calling the Council office at (813) 348–1630.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10836 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP11

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Monkfish Committee on May 27, 2009, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, May 27, 2009, at 9 a.m.

ADDRESSES: The meeting will be held at the Radisson Hotel Providence Airport, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000; fax: (401) 732–9309.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Monkfish Committee will develop recommendations to the New England and Mid-Atlantic Councils for measures to be considered in the Draft Environmental Impact Statement (DEIS) for Amendment 5, including, but not limited to: biological and management reference points; specifications of catch target and management measures to achieve the targets (DAS, trip limits and other measures); modifications, additions or deletions to the management measures currently in the plan; and, if time allows, catch share programs (ITQs and/or sectors). The Advisory Panel will be meeting on June 2 and the Committee will meet again on June 3 to finalize their recommendations which will be considered by the Mid-Atlantic Council at their June 9–11 meeting and by the New England Council at their June 23–25 meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10839 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP14

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Habitat Committee (HC) will hold a meeting that is open to the public.

DATES: The HC meeting will be held Friday, June 5, 2008, from 8:30 a.m. until business for the day is completed.

ADDRESSES: The HC meeting will be held at the RiverPlace Hotel, Eliot/Marquam Room, 1510 SW Harbor Way, Portland, OR 97201; telephone: (503) 228–3233.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Gilden, Habitat Coordinator; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the HC meeting is to discuss habitat-related issues relevant to upcoming Council meetings.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10842 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP13

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Council's (Council) Squid, Mackerel, and Butterfish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, May 27, 2009; from 10 a.m. to 2 p.m.

ADDRESSES: The meeting will be held at the Mid-Atlantic Fishery Council Management Council's office, Room 2115, Frear Federal Building; 300 S. New Street; Dover, DE 19904; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904; telephone: (302) 674–2331, extension 19.

SUPPLEMENTARY INFORMATION: The purposes of this meeting are: to examine the biology, fisheries, and current stock status for Atlantic mackerel, Loligo and Illex squid, and butterfish; to review the Council's Scientific and Statistical Committee's (SSC) recommendations and staff analyses regarding proposed specifications and related management measures for the 2010 fishing year; and, to make recommendations to the Council's Squid, Mackerel, and Butterfish Committee relative to the 2010 quota specifications and other management measures.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Bryan at the Mid-Atlantic Council Office, (302) 674–2331 extension 18, at least 5 days prior to the meeting date.

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10841 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XP12

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee (Committee), in May, 2009, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Wednesday, May 27, 2009, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500; fax: (978) 750–7959.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Council's Research Steering Committee will meet to discuss funding processes, priorities and opportunities for cooperative research in New England. Planning for new initiatives may be discussed as well as practical elements such as institutional collaboration, funding mechanisms and participation in research projects.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 5, 2009.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–10840 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Web Site Publication

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Commerce (DOC).

ACTION: Notice of Web site publication.

SUMMARY: Notice is hereby given of public access via *http://www.climate.noaa.gov* to information

pertaining to an upcoming Climate Program Office solicitation of grant proposals.

SUPPLEMENTARY INFORMATION: On or about 10 days after publication of this notice, detailed information pertaining to Climate Program Office research strategies, objectives, and priorities, will be available. These program priorities represent a contribution to national and international programs designed to improve our ability to observe, understand, predict, and respond to changes in the global environment.

FOR FURTHER INFORMATION CONTACT: Eric Locklear; Chief, Administrative Services Division; Climate Program Office, Office of Oceanic & Atmospheric Research (301) 734–1236.

Dated: May 4, 2009.

Mark E. Brown,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. E9–10932 Filed 5–8–09; 8:45 am]

BILLING CODE 3510–KB–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Partially Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The CNO Executive Panel will report on the findings and recommendations to the Chief of Naval Operations of the Subcommittee on Navy's Industrial Baseline in the Economic Downturn. The discussion of such information would be exempt from public disclosure as set forth in section 552b(c)(5), (6), and (7) of title 5, United States Code. For this reason the executive session of this meeting will be closed to the public.

DATES: The open session of the meeting will be held on Friday, May 29, 2009, from 12:30 p.m. to 1:15 p.m. The closed executive session will be held from 1:30 p.m. to 3:30 p.m.

ADDRESSES: The meeting will be held in Conference Room 1A01, CNA, 4825 Mark Center Drive, Alexandria, VA 22311–1846. The meeting will be handicap accessible.

FOR FURTHER INFORMATION CONTACT: Mr. Brian D. Shaw, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311–1846, telephone number: 703–681–4906.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided per the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The executive session of the meeting will consist of discussion of acquisition sensitive and/or business/proprietary nature. The proposed closed session from 1:30 p.m. to 3:30 p.m. will include a discussion on Navy's Industrial Baseline in the Economic Downturn. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting to the public.

Accordingly, the Secretary of the Navy has determined in writing that the meeting shall be partially closed to the public because it will be concerned with matters listed in sections 552b(c)(5), and (7) of title 5, United States Code.

Dated: May 5, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–10945 Filed 5–8–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 10, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: May 6, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: Direct Loan Income Contingent Repayment Plan & Income-Based Repayment Plan—Consent to Disclosure of Tax Information.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 405,577.

Burden Hours: 81,115.

Abstract: This form serves as the means by which a borrower who is repaying Direct Loan Program loans under the Income-Contingent Repayment (ICR) Plan or the Income-Based Repayment (IBR) Plan grants permission for the Internal Revenue Service (IRS) to provide the U.S. Department of Education (the Department) with a borrower's tax return information so that the Department can determine borrower eligibility and monthly loan payment amount for the ICR and IBR Plans. Under Direct Loan Program regulations, a borrower's tax information is used to calculate the monthly loan payment amount under the ICR and IBR plans.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3977. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537.

Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–10957 Filed 5–8–09; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of Public Meeting and Hearing Agenda.

DATE & TIME: Tuesday, May 19, 2009, 1 p.m.–4 p.m. EDT (Meeting & Hearing).

PLACE: U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 150, Washington, DC 20005, (Metro Stop: Metro Center).

AGENDA: The Commission will hold a public meeting to consider administrative matters. The Commission will conduct a public hearing to receive presentations on the following topic: Military and Overseas Citizens: Counting Their Votes—Part 1.

Members of the public who wish to speak at the hearing regarding their experience as a Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voter may send a request to participate to the EAC by 5 p.m. EDT on Thursday, May 14, 2009. Due to time constraints, the EAC can select no more than 15 participants amongst the volunteers who request to participate. The selected volunteers will be allotted 3 minutes each to share their experiences as a UOCAVA voter. Participants will be selected on a first-come, first-served basis. However, to maximize diversity of input, only one participant per organization or entity will be chosen if necessary. Participants will receive confirmation by 12 p.m. EDT on Friday, May 15, 2009. Those who are not selected to speak may submit written testimony. Requests to speak may be sent to the EAC via e-mail at *testimony@eac.gov,* via mail addressed to the U.S. Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005, or by fax at 202–566–1389. All requests must include a description of what will be said, contact information which will be used to notify the requestor with status of request (phone number on which a message may be left or e-mail), and include the subject/attention line (or on the envelope if by mail): UOCAVA Hearing Request to Participate. Please note that these comments will be made available to the public at *http://www.eac.gov.*

Written testimony from members of the public, regarding UOCAVA voting, will also be accepted. This testimony will be included as part of the written record of the hearing, and available on our Web site. Written testimony must be received by 5 p.m. EDT on Friday, May 15, 2009, and should be submitted via e-mail at *testimony@eac.gov,* via mail addressed to the U.S. Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005, or by fax at 202–566–1389. All correspondence that contains written testimony must have in the subject/attention line (or on the envelope if by mail): Written Testimony for UOCAVA Hearing.

Members of the public may observe but not participate in EAC meetings unless this notice provides otherwise. Members of the public may use small electronic audio recording devices to record the proceedings. The use of other recording equipment and cameras requires advance notice to and coordination with the Commission's Communications Office.*

This meeting and hearing will be open to the public.

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

Donetta Davidson,

Commissioner, U.S. Election Assistance Commission.

[FR Doc. E9–11064 Filed 5–7–09; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13390–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 6, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Bucks Street Dams Hydroelectric Project, to be located on the Suncook River, in Merrimack County, New Hampshire. On March 25, 2009, the applicant filed corrections to their original preliminary permit application for the Buck Street Dams Project.

The proposed Buck Street Dams Project would be located along the Suncook River channel below the existing outlet works at an existing dam owned by the New Hampshire Department of Environmental Services. The existing dams are 198 feet long and 15 feet high and impound the Suncook River.

The proposed project would consist of: (1) Either a new approximately 120-foot-long power canal or dual 7-foot-diameter penstocks located below the existing outlet facilities below East Buck Street Dam; (2) a new powerhouse containing two or three submersible or tubular-type turbine-generators with a total hydraulic capacity of 600 cubic feet per second and a either a total installed generating capacity of 0.394 megawatts; (3) a newly excavated 150-foot-long tailrace; (4) an approximately 200-foot-long transmission line; (5) one foot of new flashboards would be added to West Buck Street Dam; and (6) appurtenant facilities. The Buck street Dams Project would have an estimated average annual generation of 1,750 megawatts-hours (MWh), which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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

* View EAC Regulations Implementing Government in the Sunshine Act.

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–13390) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10847 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13397–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 13, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Mascoma Lake Dam Hydroelectric Project, to be located on the Mascoma River, in Grafton County, New Hampshire. On April 7, 2009, the applicant filed revised Exhibits 1, 4–1a, and 4–3b for the proposed project.

The proposed Mascoma Lake Dam Project would be located Mascoma River channel below the existing outlet works at an existing dam owned by the Granite State Electric Company. The existing dam, which impounds the Mascoma River, is 575 feet long and 18 feet high and includes four 6-foot-wide outlet gates, seven 35-foot-wide stoplog bays atop a 125-foot-long concrete spillway. The impoundment encompasses about 1155 surface acres.

The proposed project would consist of either scenario A: (1) a newly constructed powerhouse at the end of a 80-foot-long canal built in the channel below the existing outlet works; (2) one or two submersible or tubular-type turbine-generators, plus an ''environmental'' turbine to pass a minimum flow, with a total hydraulic capacity of 500 cubic feet per second and a total installed generating capacity of 0.314 megawatts; (3) a newly excavated 150-foot-long tailrace; (4) an approximately 700-foot-long transmission line; and (5) appurtenant facilities; or scenario B: (1) A new powerhouse would be located at the end of an 800-foot-long penstcock; (2) one or two submersible or tubular-type turbine-generators, plus an ''environmental'' turbine to pass a minimum flow, with a total hydraulic capacity of 500 cubic feet per second and a total installed generating capacity of 0.539 megawatts; (3) a newly excavated 200-foot-long tailrace; (4) an approximately 400-foot-long transmission line; and (5) appurtenant facilities. The Mascoma Lake Dam Project would have an estimated average annual generation of 2,156 megawatts-hours (MWh), which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13397) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10850 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13413–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 13, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Weare Reservoir Dam Hydroelectric Project, to be located on the Piscataquog River, in Hillsborough County, New Hampshire.

The proposed Weare Reservoir Dam Project would be located along the Picatauog River channel below the existing outlet works at an existing dam owned by the New Hampshire Department of Environmental Services. The existing dam, which impounds the Piscataquog River, is 340 feet long and 34 feet high and includes a 36-inch-diameter steel penstock control by outlet gatehouse, five 5-foot-wide stoplog bays atop a 157-foot-long concrete spillway. The impoundment encompasses about 323 surface acres.

The proposed project would consist of: (1) A newly constructed powerhouse below the existing outlet works; (2) a 100-foot-long, 36-inch-diameter penstock with electrically controlled butterfly valve; (3) two submersible or tubular-type turbine-generators with a total hydraulic capacity of 85 cubic feet per second and a total installed generating capacity of 0.150 megawatts; (4) a newly excavated 125-foot-long tailrace; (5) an approximately 400-foot-long transmission line; and (6) appurtenant facilities. The Weare Reservoir Dam Project would have an estimated average annual generation of 600 megawatts-hours (MWh), which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13413) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10852 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13419–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On April 2, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Ashuelot River Dam Hydroelectric Project, to be located on the Ashuelot River, in Cheshire County, New Hampshire.

The proposed Ashuelot River Dam Project would be located along the Ashuelot River channel below the existing outlet works at an existing dam owned by the City of Keene Public Works Department. The existing dam, which impounds the Ashuelot River is 160 feet long and 16 feet high and includes a 134-foot-long spillway with three 6.5 foot-high by 5-foot-wide sluice gates. The impoundment encompasses about 34 surface acres.

The proposed project would consist of: (1) A newly constructed powerhouse below the existing outlet works; (2) two submersible or tubular-type turbine-generators with a total hydraulic capacity of 353 cubic feet per second and a total installed generating capacity of 0.236 megawatts; (3) a newly excavated 150-foot-long tailrace; (4) an approximately 500-foot-long transmission line; (5) reinstalled 2-foot-high flashboards; and (6) appurtenant facilities. The Ashuelot River Dam Project would have an estimated average annual generation of between 944 megawatts-hours, which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13419) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10855 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13389–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 6, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the McLane Dam Hydroelectric Project, to be located on the Sauhegan River, in Hillsborough County, New Hampshire. On April 7, 2009, the applicant filed a revised Exhibits 1 and 4–1, and a new Exhibit 4–3b for the McLane Dam Project.

The proposed McLane Dam Project would be located along the Sauhegan River channel below the existing outlet works at an existing dam owned by the Town of Milford, New Hampshire. The existing dam is 191 feet long and 19 feet high and impounds the Sauhegan River.

The proposed project would consist of: (1) Either a new approximately 80-foot-long power canal or penstock or a 1,100 foot-long penstock located below the existing outlet facilities; (2) a new powerhouse containing two or three submersible or tubular-type turbine-generators with a total hydraulic capacity of 425 cubic feet per second and a either a total installed generating capacity of 0.325 megawatts (MW) or .450 MW; (3) a newly excavated 150-foot-long tailrace; (4) an approximately 500-foot-long transmission line; (5) three feet of new flashboards; and (6) appurtenant facilities. The McLane Dam Project would have an estimated average annual generation of 1,400 megawatts-hours (MWh) to 1,900 MWh, which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13389) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10846 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13395–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 9, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Main Street Dam Hydroelectric Project, to be located on the Salmon Brook River, in Hillsborough County, New Hampshire. On April 7, 2009, the applicant filed corrections to their original preliminary permit application for the Main Street Dam Project.

The proposed Main Street Dam Project would be located along the Salmon Brook River channel below the existing outlet works at an existing dam owned by the Pennichuck Water Works Company. The existing dam, which impounds the Suncook River, is 75 feet long and 18 feet high, and includes a 31-foot-long board crested weir spillway and a 54-inch-diameter penstock.

The proposed project would consist of: (1) One submersible or tubular-type turbine-generator, with a total hydraulic capacity of 80 cubic feet per second and a total installed generating capacity of 0.085 megawatts, connected to a rehabilitated 54-inch-diameter penstock; (3) a newly excavated 125-foot-long tailrace; (4) an approximately 100-foot-long transmission line; (5) 2.5 foot of new flashboards would be reinstalled on the crest of the Main Street Dam spillway; (6) a rehabilitated gate structure and new trash racks installed; and (7) appurtenant facilities. The Main Street Dam Project would have an estimated average annual generation of 425 megawatts-hours (MWh), which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13395) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10848 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12737–002]

Jordan Limited Partnership; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedual Schedule for Licensing and Deadline for Submission of Final Amendments

May 4, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original License.

b. *Project No.:* P–12737–002.

c. *Date Filed:* April 16, 2009.

d. *Applicant:* Jordan Limited Partnership.

e. *Name of Project:* Gathright Hydroelectric Project.

f. *Location:* The project would be located at the existing Corps of Engineer's Gathright Dam on the Jackson River in Alleghany County, Virginia. The project will affect approximately 3.7 acres of Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. James B. Price, W.V. Hydro, Inc., P.O. Box 903, Gatlinburg TN 37738, (865) 436–0402.

i. *FERC Contact:* Michael Spencer, (202) 502–6093.

j. *Cooperating Agencies:* Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of this notice, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* June 29, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at (*http://www.ferc.gov*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.''

m. This application is not ready for environmental analysis at this time.

n. *Description of Project:* The Gathright Project would use the Corps of Engineer's existing Gathright Dam and reservoir and would consist of: (1) Two vertical steel modules attached to the upstream face of the intake tower in the stop log slot containing four generating units with a total installed capacity of 3.7 MW; (2) 4,160 Volt cables both fixed and flexible from the generators to the top of the intake tower and then by a fixed conduit transmitting the power generated to; (3) a substation located beside the service bridge near the top of the dam; and (4) a new 1.24-mile-long, 46-kV transmission line. The project would have an average annual generation of about 17,500 megawatt-hours.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Illinois State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule and final amendments:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA. Staff intends to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Scoping Document for comment.	October 2009.
Notice of application ready for environmental analysis.	March 2010.
Notice of the availability of the draft EA.	June 2010.
Notice of the availability of the final EA.	September 2010.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10845 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13420–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On April 3, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Pittsfield Mill Dam Hydroelectric Project, to be located on the Suncook River, in Hillsborough County, New Hampshire.

The proposed Pittsfield Dam Project would be located along the Suncook River channel below the existing outlet works at an existing dam owned by the New Hampshire Department of Environmental Services. The existing dam, which impounds the Suncook River is 470 feet long and 21 feet high and includes a 159-foot-long spillway with two 7.5-foot-high by 6-foot-wide outlet gates and two 4.5-foot-wide by 9.5-foot-high stop log bays. The impoundment encompasses about 20 surface acres.

The proposed project would consist of: (1) A newly constructed powerhouse below the existing outlet works; (2) two submersible or tubular-type turbine-generators with a total hydraulic capacity of 423 cubic feet per second and a total installed generating capacity of 0.530 megawatts; (3) a newly excavated 100-foot-long tailrace; (4) an approximately 200-foot-long transmission line; (5) appurtenant facilities. The Pittsfield Mill Dam Project would have an estimated average annual generation of between 2,120 megawatts-hours, which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13420) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10856 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13418–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 30, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Goffs Falls Dam Hydroelectric Project, to be located on the Great Cohas Brook, in Hillsborough County, New Hampshire.

The proposed Goffs Falls Dam Project would be located along the Great Cohas Brook channel below the existing outlet works at an existing dam owned by the City of Manchester, New Hampshire. The existing dam, which impounds the Great Cohas Brook, is 150 feet long and 19 feet high and includes a 75-foot-long spillway and a 4 foot by 9 foot low level sluice gate. The impoundment encompasses about 54 surface acres.

The proposed project would consist of: (1) A newly constructed powerhouse below the existing outlet works; (2) a 260-foot-long to 1,060-foot-long penstock; (3) two submersible or tubular-type turbine-generators with a total hydraulic capacity of 246 cubic feet per second and a total installed generating capacity of between 0.265 megawatts (MW) and .585 MW; (4) a newly excavated 125-foot-long tailrace; (5) between an approximately 150-foot-long to 750-foot-long transmission line; and (6) appurtenant facilities. The Goffs Falls Dam Project would have an estimated average annual generation of between 850 megawatts-hours (MWh) and 1,850 MWh, which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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 the of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13418) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10854 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13402–000]

Hydro Energy Technologies, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 20, 2009, Hydro Energy Technologies, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Lake Milton Hydroelectric Project, to be located on Mahoning River, in Mahoning County, Ohio.

The proposed Lake Milton Hydroelectric Project would be located at the existing Lake Milton Dam owned by the Ohio Department of Natural Resources. The dam operations are supervised by the U.S. Army Corps of Engineers. The Lake Milton Dam is 760-feet-long and 54-feet-high, which includes a 650-long spillway and four 60-inch-diameter gate valves.

The proposed project would consist of: (1) A new powerhouse at the base of the existing outlet works; (2) one or more turbine/generators with total installed capacity of 1.2 megawatts; (3) two 60-inch-diameter, 7-foot-long penstocks; (4) a new 320-foot-long transmission line; and (5) appurtenant facilities. The Lake Milton Dam Project would have an estimated average annual generation of 6,929 megawatts-hours, which would be sold to a local utility.

Applicant Contact: Mr. Anthony J. Marra Jr., President, Hydro Energy Technologies, LLC, 31300 Solon Rd. Suite 12, Solon, OH 44139, (440) 498–1000.

FERC Contact: John Ramer, (202) 502–8969.

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–13402) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10851 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13396–000]

Northeast Hydrodevelopment, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 13, 2009, Northeast Hydrodevelopment, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Alton Power Dam Hydroelectric Project, to be located on the Merrymeeting River, in Belknap County, New Hampshire.

The proposed Alton Power Dam Project would be located along the Merrymeeting River channel below the

existing outlet works at an existing dam owned by the New Hampshire Fish and Game Department. The existing dam, which impounds the Merrymeeting River, is 190 feet long and 16 feet high and includes one 8-foot by 9-foot-wide outlet gate, twelve 6-foot-wide stoplog bays atop an 85-foot-long concrete spillway. The impoundment encompasses about 720 surface acres.

The proposed project would consist of: (1) A newly constructed powerhouse; (2) one or two submersible or tubular-type turbine-generator, with a total hydraulic capacity of 160 cubic feet per second and a total installed generating capacity of 0.16 megawatts, connected to a rehabilitated 54-inch-diameter penstock; (3) a newly excavated 200-foot-long tailrace; (4) an approximately 500-foot-long transmission line; and (5) appurtenant facilities. The Alton Power Dam Project would have an estimated average annual generation of 650 megawatts-hours (MWh), which would be sold to Public Service of New Hampshire.

Applicant Contact: Mr. Norm Herbert, Manager, Northeast Hydrodevelopment, LLC, 100 State Route 101A, Building C, Suite 270, Amherst, New Hampshire 03031, (603) 672–8210.

FERC Contact: John Ramer, (202) 502–8969.

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–13396) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10849 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

May 1, 2009.

Take notice that the Commission received the following compliance electric rate filings pursuant to Order 719

Docket Numbers: ER09–1048–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corp submits its compliance report and amendments to the ISO's tariff, pursuant to Order No. 719.
Filed Date: 04/28/2009.
Accession Number: 20090429–0151.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 26, 2009.

Docket Numbers: ER09–1049–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc submits a compliance ililg, Second Revised Sheet No 208 *et al* to FERC Electric Tariff, Fourth Revised Volume No 1, pursuant to Order No. 719.
Filed Date: 04/28/2009.
Accession Number: 20090429–0150.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 26, 2009.

Docket Numbers: ER09–1050–000.
Applicants: Southwest Power Pool Inc.
Description: Southwest Power Pool, Inc submits revisions to its Open Access Transmission Tariff, to comply with the Commission's requirements in Order 719, to be effective 6/28/09.
Filed Date: 04/28/2009.
Accession Number: 20090429–0155.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 26, 2009.

Docket Numbers: ER09–1051–000.
Applicants: ISO New England Inc. and New England Power Pool
Description: ISO New England, Inc *et al* submits its compliance filing regarding reforms to improve the operation of organized wholesale electric power markets, pursuant to Order No. 719.
Filed Date: 04/28/2009.
Accession Number: 20090429–0152.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 26, 2009.

Docket Numbers: ER09–1063–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits revisions to its Open Access Transmission Tariff, in compliance with Order 719.
Filed Date: 04/29/2009.
Accession Number: 20090430–0167.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 27, 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. E9–10823 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

May 4, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP96–272–091.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits 51 Revised Sheet 66 et al of its FERC Gas Tariff, Fifth Revised Volume 1, to be effective 5/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0154.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–312–190.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits for acceptance negotiated rate arrangement, Service Packet 72921with NJR Energy Services etc to be effective 6/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0022.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–312–191.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits for acceptance negotiated rate arrangement, Service Package 72923 with BP Energy Company etc to be effective 6/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0023.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–312–192.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits for acceptance negotiated rate arrangement, Service Package 72919 with Tenaska Gas Storage etc to be effective 6/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0024.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–312–193.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits for acceptance negotiated rate arrangement, Service Package 72917 with Louis Dreyfus Energy Services etc to be effective 6/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0026.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–312–194.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits for acceptance negotiated rate arrangement, Service Package 72915 with Iberdrola etc to be effective 6/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0025.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–359–041.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits amendments to service agreements containing negotiated rates which pertain to Rate Schedule FT.
Filed Date: 04/30/2009.
Accession Number: 20090501–0032.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–389–092.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits Seventh Revised Sheet 40 et al to its FERC Gas Tariff, Second Revised Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0027.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP96–389–093.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits FTS–1 Service Agreement 68436, Revisions 5 with JP Morgan Ventures Energy Corporation.
Filed Date: 04/30/2009.
Accession Number: 20090501–0028.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP99–176–197.
Applicants: Natural Gas Pipeline Co of America LLC.
Description: Natural Gas Pipeline Company of America LLC submits First Revised Sheet 34E.03 et al of its FERC Gas Tariff, Seventh Revised Volume 1 effective 5/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0150.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP99–176–198.
Applicants: Natural Gas Pipeline Co of America LLC.
Description: Natural Gas Pipeline Company of America LLC submits Second Revised Sheet 34C.01 of its FERC Gas Tariff, Seventh Revised Volume 1 effective 5/1/09 under RP99–176.
Filed Date: 04/30/2009.
Accession Number: 20090501–0151.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP99–220–025.
Applicants: Great Lakes Gas Transmission LP.
Description: Great Lakes Gas Transmission Limited Partnership submits a negotiated rate contract with Integrys Energy Service, Inc commencing 5/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0153.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP99–518–110.
Applicants: Gas Transmission Northwest Corporation.
Description: Gas Transmission Northwest Corporation submits Forty-Sixth Revised Sheet 15 et al to its FERC Gas Tariff, Third Revised Volume 1–A.
Filed Date: 04/30/2009.
Accession Number: 20090501–0031.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP02–361–076.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Gulfstream Natural Gas System, LLC submits Second Revised Sheet 8.0lb to its FERC Gas Tariff, Original Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0029.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP03–36–045.
Applicants: Dauphin Island Gathering Partners.
Description: Dauphin Island Gathering Partners submits Forty-Sixth Revised Sheet 9 to its FERC Gas Tariff, First Revised Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0159.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP05–164–014.
Applicants: Equitrans, LP.
Description: Equitrans, LP submits Fourteenth Revised Sheet 11 to be incorporated in its FERC Gas Tariff, First Revised Volume 1.

Filed Date: 04/30/2009.
Accession Number: 20090501–0156.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–367–001.
Applicants: MarkWest Pioneer, L.L.C.
Description: MarkWest Pioneer, LLC submits First Revised Sheet 17 et al of its FERC Gas Tariff, Original Volume 1 to be effective 4/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0155.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–394–002.
Applicants: KO Transmission Company.
Description: KO Transmission Company submits Sub. Fourth Revised Sheet 50 et al FERC Gas Tariff, Original Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0152.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–397–002.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits Fourth Revised Sheet 25 et al to its FERC Gas Tariff, Third Revised Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0030.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–554–000.
Applicants: Midwestern Gas Transmission Company
Description: Midwestern Gas Transmission Company submits Fourteenth Revised Sheet 5 et al to its FERC Gas Tariff, Third Revised Volume 1.
Filed Date: 04/29/2009.
Accession Number: 20090430–0317.
Comment Date: 5 p.m. Eastern Time on Monday, May 11, 2009.

Docket Numbers: RP09–555–000.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits a gas transportation agreement between Tennessee and Entergy Louisiana, LLC.
Filed Date: 04/30/2009.
Accession Number: 20090501–0147.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–556–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits First Revised Sheet 1900 of its FERC Gas Tariff, Third Revised Volume 1, to effective 6/1/09.
Filed Date: 04/30/2009
Accession Number: 20090501–0148
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–557–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits Third Revised Volume 1 et al., to be effective 5/1/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0146.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–558–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Co, LLC submits First Revised Sheet No.1 to FERC Gas Tariff, Fourth Revised No. 1 to be effective 6/29/09.
Filed Date: 04/30/2009.
Accession Number: 20090501–0135.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–560–000.
Applicants: Williston Basin Interstate Pipeline Co.
Description: Williston Basin Interstate Pipeline Co submits Nineteenth Revised Sheet No. 5 et al to FERC Gas Tariff, Second Revised Volume No. 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0133.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–561–000.
Applicants: ANR Storage Company.
Description: ANR Storage Company submits Second Revised Sheet 2A for inclusion in ANR Storage's FERC Gas Tariff, Original Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0149.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–562–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits 127th Revised Sheet 9 et al to its FERC Gas Tariff, Fourth Revised Volume 1.
Filed Date: 04/30/2009.
Accession Number: 20090501–0158.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 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. E9–10834 Filed 5–8–09; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

May 5, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–61–006.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits amendments to

interim negotiated rate agreements and negotiated rate agreements etc.

Filed Date: 05/01/2009.

Accession Number: 20090504–0100.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP96–200–211.

Applicants: CenterPoint Energy Gas Transmission Company.

Description: CenterPoint Energy Gas Transmission Company submits negotiated rate agreement between CEGT and Shell Energy North America, LP.

Filed Date: 05/01/2009.

Accession Number: 20090504–0099.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP96–200–212.

Applicants: CenterPoint Energy Gas Transmission Co.

Description: CenterPoint Energy Gas Transmission Co submits a negotiated rate agreement with Oneok Energy Service Company, LP.

Filed Date: 05/01/2009.

Accession Number: 20090504–0197.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP97–28–023.

Applicants: Wyoming Interstate Company, Ltd.

Description: Wyoming Interstate Company, Ltd submits Fifth Revised Sheet 105 to its FERC Gas Tariff, Second Revised Volume 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0131.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP00–426–045.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits First Revised Sheet 58 et al to its FERC Gas Tariff, Third Revised Volume 1, to be effective 5/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0127.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP00–426–046.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits First Revised Sheet 61 et al to its FERC Gas Tariff, Third Revised Volume 1, to be effective 5/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0128.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–461–001.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits a revised Service Agreements with Baltimore Gas and Electric Company Contract 300184 and FT Contract 200526 in compliance with FERC's 4/17/09 Order.

Filed Date: 05/01/2009.

Accession Number: 20090504–0129.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–490–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits First Revised Sheet 517.01 to its FERC Gas Tariff, Third Revised Volume 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0130.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–559–000.

Applicants: Destin Pipeline Company, L.L.C.

Description: Destin Pipeline Co, LLC submits Fourth Revised Sheet No. 4 to FERC Gas Tariff, Original Volume No. 1 to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090501–0134.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–563–000.

Applicants: MIGC LLC.

Description: MIGC LLC submits First Revised Sheet No 84 et al to its FERC Gas Tariff, Second Revised Volume No 1, to be effective 5/31/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0092.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–564–000.

Applicants: Empire Pipeline, Inc.

Description: Empire Pipeline, Inc submits First Revised Sheet 9 et al to FERC Gas Tariff, Original Volume 1, and FT Service Agreement F11410 with Macquarie Cook Energy, LLC, to be effective 5/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0093.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–565–000.

Applicants: Gulfstream Natural Gas System, L.L.C.

Description: Gulfstream Natural Gas System, LLC submits Tenth Revised Sheet No 7 to its FERC Gas Tariff, Original Volume No 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0094.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–566–000.

Applicants: Cheyenne Plains Gas Pipeline Company.

Description: Cheyenne Plains Gas Pipeline Company, LLC submits Eighth Revised Sheet No 20 to its FERC Gas Tariff, Original Volume No 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0095.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–567–000.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits Fifth First Revised Sheet No 117 to its FERC Gas Tariff, Second Revised Volume No 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0096.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–568–000.

Applicants: Williston Basin Interstate Pipeline Company.

Description: Williston Basin Interstate Pipeline Company submits Eighth Revised Sheet No 176 *et al.* to its FERC Gas Tariff, Second Revised Volume No 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0097.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–569–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits 31 Revised Sheet No 54 *et al.* to its FERC Gas Tariff, Fifth Revised Volume No 1, to be effective 11/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0091.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–570–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Midcontinent Express Pipeline, LLC submits amendments to existing negotiated rate Transportation Rate Schedule FTS Agreement with Chesapeake Energy Marketing, Inc *et al.*

Filed Date: 05/01/2009.

Accession Number: 20090504–0132.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–571–000.

Applicants: ANR Pipeline Company.

Description: Request for Extension of Time to File Updated System Maps of ANR Pipeline Company.

Filed Date: 04/30/2009.

Accession Number: 20090430–5471.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 2009.

Docket Numbers: RP09–572–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc submits Sixteenth Revised Sheet 1300 *et al.* to its FERC Gas Tariff, Third Revised Volume 1.

Filed Date: 05/01/2009.

Accession Number: 20090504–0133.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–573–000.

Applicants: Northwest Pipeline GP.

Description: Northwest Pipeline, GP submits for acceptance Third Revised Sheet 396 *et al.* to its FERC Gas Tariff, Fourth Revised Volume 1.

Filed Date: 05/01/2009.

Accession Number: 20090504–0134.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–574–000.

Applicants: Colorado Interstate Gas Company.

Description: Colorado Interstate Gas Company submits Seventeenth Revised Sheet 1 *et al* to FERC Gas Tariff, First Revised Volume 1, to be effective 6/1/09.

Filed Date: 05/01/2009.

Accession Number: 20090504–0145.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: RP09–575–000.

Applicants: ANR Pipeline Company.

Description: Operations Purchases and Sales Report of ANR Pipeline Company.

Filed Date: 04/30/2009.

Accession Number: 20090430–5473.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 12, 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. E9–10833 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

April 30, 2009.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC09–75–000.

Applicants: Red Hills Wind Project, L.L.C.

Description: Application for Order Authorizing Disposition of Jurisdictional Facilities Under Section 203 of the Federal power act of Red Hills Wind Project, L.L.C.

Filed Date: 04/28/2009.

Accession Number: 20090428–5155.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–534–009.

Applicants: Ingenco Wholesale Power, LLC.

Description: Ingenco Wholesale Power, LLC submits a further revised market-based rate tariff in compliance with Order 697 and 697–A.

Filed Date: 04/22/2009.

Accession Number: 20090423–0012.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 13, 2009.

Docket Numbers: ER06–615–048; ER08–367–005.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits Substitute Second Revised Sheet 490 *et al.* to its FERC Electric Tariff, Fourth Replacement Volume 1.

Filed Date: 04/24/2009.

Accession Number: 20090428–0014.

Comment Date: 5 p.m. Eastern Time on Friday, May 15, 2009.

Docket Numbers: ER06–615–049.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits for acceptance 2nd Substitute Second Revised Sheet 847 *et al.* to its FERC Electric Tariff, Fourth Replacement Volume 11.

Filed Date: 04/27/2009.

Accession Number: 20090428–0017.

Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER06–738–020; ER06–739–020; ER03–983–019; ER02–537–023; ER07–501–019; ER07–758–015; ER08–649–012.

Applicants: Cogen Technologies Linden Venture, L.P., Fox Energy Company LLC, Birchwood Power Partners, L.P., Inland Empire Energy Center, L.L.C., East Coast Power Liden Holding, LLC, Shady Hills Holding Company, L.L.C., EFS Parlin Holdings, LLC.

Description: Notice of Non-Material Change in Status of East Coast Power Liden Holding, LLC, *et al.*

Filed Date: 04/28/2009.

Accession Number: 20090428–5134.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 2009.

Docket Numbers: ER08–1209–004.

Applicants: ISO New England Inc. & New England Power Pool.

Description: ISO New England Inc *et al.* submits Report of Compliance.

Filed Date: 04/27/2009.

Accession Number: 20090428–0060.

Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER08–1398–002.

Applicants: Smoky Hills Wind Project II, LLC.

Description: Smoky Hills Wind Project II, LLC Non-material Change in status.

Filed Date: 04/28/2009.

Accession Number: 20090428–5106.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 2009.

Docket Numbers: ER09–75–003.
Applicants: Pioneer Transmission, LLC.
Description: Pioneer Transmission, LLC submits compliance filing.
Filed Date: 04/27/2009.
Accession Number: 20090428–0059.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–506–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits a response to FERC's 3/5/09 letter seeking additional information.
Filed Date: 04/06/2009.
Accession Number: 20090408–0232.
Comment Date: 5 p.m. Eastern Time on Thursday, May 7, 2009.

Docket Numbers: ER09–585–001.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits Substitute Fifth Revised Sheet 409A *et al.* to its FERC Electric Tariff, Sixth Revised Volume 1.
Filed Date: 04/27/2009.
Accession Number: 20090428–0021.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–701–001.
Applicants: PJM Interconnection L.L.C.
Description: PJM Response to FERC Deficiency Letter.
Filed Date: 04/28/2009.
Accession Number: 20090428–5214.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 2009.

Docket Numbers: ER09–910–000; OA09–25–000; TS09–3–000.
Applicants: Cogen Technologies Linden Venture, L.L.P.
Description: Cogen Technologies Linden Venture, LLP submits a supplement to their 3/27/09 filing to provide additional information re the cost support requirements etc.
Filed Date: 04/28/2009.
Accession Number: 20090430–0048.
Comment Date: 5 p.m. Eastern Time on Thursday, May 14, 2009.

Docket Numbers: ER09–933–001.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc submits Original Sheet 23 to its FERC Electric Rate Schedule 435.
Filed Date: 04/24/2009.
Accession Number: 20090424–0126.
Comment Date: 5 p.m. Eastern Time on Friday, May 15, 2009.

Docket Numbers: ER09–1043–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits an executed Interim Interconnection Service Agreement etc.
Filed Date: 04/27/2009.
Accession Number: 20090428–0016.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–1044–000.
Applicants: Northwestern Wisconsin Electric Company.
Description: Northwestern Wisconsin Electric Company's submits FERC Rate Schedule 2.
Filed Date: 04/27/2009.
Accession Number: 20090428–0015.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–1045–000.
Applicants: Unitil Power Corporation.
Description: Unitil Power Corp. submits Amended Unitil System Agreement, Appendix 1, Section D.
Filed Date: 04/27/2009.
Accession Number: 20090428–0056.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–1046–000.
Applicants: Phelps Dodge Power Marketing, LLC.
Description: Phelps Dodge Power Marketing, LLC submits Notice of Cancellation of its market-based rate tariff.
Filed Date: 04/27/2009.
Accession Number: 20090428–0057.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–1047–000.
Applicants: South Carolina Electric & Gas Company.
Description: South Carolina Electric & Gas Company submits revisions to Attachment F and Attachment G of SCE& G's Open Access Transmission Tariff.
Filed Date: 04/27/2009.
Accession Number: 20090428–0055.
Comment Date: 5 p.m. Eastern Time on Monday, May 18, 2009.

Docket Numbers: ER09–1062–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits revised rate schedule sheets for inclusion in the rate schedules comprising Tampa Electric's bilateral interchange contracts with 16 other utilities.
Filed Date: 04/29/2009.
Accession Number: 20090430–0176.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 20, 2009.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES09–24–000.
Applicants: The Detroit Edison Company.
Description: Supplemental Information of The Detroit Edison Company.
Filed Date: 04/28/2009.
Accession Number: 20090428–5225.
Comment Date: 5 p.m. Eastern Time on Friday, May 8, 2009.

Docket Numbers: ES09–28–000.
Applicants: Entergy Mississippi, Inc.
Description: Application of Entergy Mississippi, Inc., for Authorization Under Federal Power Act Section 204.
Filed Date: 04/28/2009.
Accession Number: 20090428–5194.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–39–004; OA08–71–004.
Applicants: Xcel Energy Services Inc.
Description: Xcel Energy Services Inc. Annual Report of Penalty Assessments and Distributions in accordance with Order Nos. 890 and 890–A.
Filed Date: 04/28/2009.
Accession Number: 20090428–5221.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 19, 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. E9–10824 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–50–000]

Louisiana Public Service Commission, Complainant v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, Inc., Entergy Texas, Inc., Respondents; Notice of Complaint

May 4, 2009.

Take notice that on May 1, 2009, the Louisiana Public Service Commission (Louisiana Commission) filed a formal complaint against Entergy Corp., Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., and Entergy Gulf States Louisiana, Inc., pursuant to section 206 of the Federal Power Act 16 U.S.C. 824e and 18 CFR 386.206, alleging that Entergy Services, Inc. has included in the Opinion No. 480 bandwidth calculation unjust, unreasonable, unduly discriminatory, and imprudently incurred amounts. The Louisiana Commission also requests a change to the MSS–3 bandwidth formula to directly assign the Waterford sale/leaseback ADIT, along with other related costs, to production.

The Louisiana Commission certifies that copies of the complaint were served on the contacts for System Entergy Corp., Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., and Entergy Gulf States Louisiana, Inc., as listed on the Commission list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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 docket(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.

Comment Date: 5 p.m. Eastern Time on May 21, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10857 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC08–7–001]

Constellation Energy Commodities Group, Inc.; Notice of Filing

May 4, 2009.

Take notice that on April 21, 2009, Constellation Energy Commodities Group (Constellation) and the Texas Regional Entity (Texas RE) filed a joint settlement agreement that was approved by the North American Electric Reliability Corporation (NERC) Board of Trustees on April 13, 2009.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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 docket(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.

Comment Date: 5 p.m. Eastern Time on May 12, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–10844 Filed 5–8–09; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2009–0295; FRL–8902–9]

Agency Information Collection Activities; Proposed Collection; Comment Request; Rule for the Inclusion of Delaware and New Jersey in the Clean Air Insterstate Rule—Final Rule; EPA ICR No. 2184.03, OMB Control No. 2060–0584

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 July 10, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2009–0295 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 20460.
- *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–2009–0295. 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–2009–0295, 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 Delaware and New Jersey air pollution control agencies.

Title: Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule.

ICR numbers: EPA ICR No. 2184.03, OMB Control No. 2060–0584.

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 United States (U.S.) Environmental Protection Agency (EPA) has a final Rule to add the States of Delaware and New Jersey to the States that are subject to the Clean Air Interstate Rule (CAIR) because of their $PM_{2.5}$ impact on other States and to require that Delaware and New Jersey report all of the emissions related data required by CAIR. (Delaware and New Jersey are already affected by ozone-related requirements in CAIR.) These emissions data reporting requirements include new reporting requirements and combine these new requirements with existing requirements from the Consolidated Emissions Reporting Rule (CERR), the Emission Reporting Requirements for Ozone State Implementation Plan (SIP) Revisions Relating to Statewide Budgets for NO_X Emissions to Reduce Regional Transport of Ozone (NO_X SIP Call), the Acid Rain Program under Title IV of the CAA Amendments of 1990, and the Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule, CAIR). Each of these four existing requirements has an approved ICR in place. The current ICRs are: for the CERR, ICR #0916.10 (OMB 2060–0088), for the NO_X SIP Call, ICR #1857.03 (OMB 2060–0445), for the Acid Rain Program, ICR #1633.13 (OMB 2060–0258), and for CAIR, ICR #2152.01 (OMB 2060–0570).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 741 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: 2.

Frequency of response: Varies by task.

Estimated total average number of responses for each respondent: 370.

Estimated total annual burden hours: 2,452 hours.

Estimated total annual costs: $262,772.80. This includes an estimated burden cost of $242,593.80 and an estimated cost of $20,179.00 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: May 4, 2009.

Janice K. Wagner,

Acting Director, Clean Air Markets Division, Office and Air and Radiation.

[FR Doc. E9–10965 Filed 5–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8903–2]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for CEMEX, Inc.—Lyons Cement Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit issued by the Colorado Department of Public Health and Environment (CDPHE). Specifically, the Administrator has partially granted and partially denied the March 21, 2008 petition, submitted by Rocky Mountain Clean Air Action (Petitioner), to object to the March 1, 2008 operating permit issued to CEMEX, Inc. to operate the Lyons Cement Plant.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioners may seek judicial review of those portions of the petitions, which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the copies of the final order, the petition, and other supporting information. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for CEMEX, Inc, is available electronically at: *http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cemex_response2009.pdf*

FOR FURTHER INFORMATION CONTACT: Donald Law, Office of Partnerships and Regulatory Assistance, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7015, *law.donald@epa.gov.*

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, a Title V operating permit proposed by State

permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a Title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

On March 21, 2008, EPA received a petition from Rocky Mountain Clean Air Action requesting that EPA object to the issuance of the Title V operating permit to CEMEX, Inc. for the operation of the Lyons Cement Plant. First, the Petitioner alleges that the CEMEX, Inc. Lyons Cement Plant modified the Plant without including emission limits and standards that represent Best Achievable Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) consistent with the Prevention of Significant Deterioration (PSD) and the Nonattainment New Source Review (NA NSR) provisions. In addition, the Petitioner alleges that the Title V permit fails to include a compliance plan to bring the plant into compliance with emission limits that represent BACT and LAER. The Petitioner alleges a compliance plan is necessary and cites to the Notice of Violation (NOV) EPA issued to CEMEX on March 28, 2007. EPA issued the NOV to CEMEX alleging violations, in part, of regulations for PSD and NA NSR. Second, the Petitioner raises several allegations of PSD and NSR violations in addition to those alleged in the EPA NOV. Specifically, Petitioner alleged that there were six kiln modifications and three dryer modifications that violated PSD and NA NSR requirements.

On April 20, 2009, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: May 1, 2009.

Stephen S. Tuber,

Acting Regional Administrator, Region 8.

[FR Doc. E9–10966 Filed 5–8–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Meetings; Sunshine Act

May 6, 2009.

FCC To Hold Open Commission Meeting, Wednesday, May 13, 2009

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, May 13, 2009, which is scheduled to commence at 10 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Office of Managing Director	*Title:* Assessment and Collection of Regulatory Fees for Fiscal Year 2009 (MD Docket No. 08–65). *Summary:* The Commission will consider a Notice of Proposed Rulemaking and Order that seeks comment on the collection of regulatory fees for Fiscal Year 2009 and proposes adjustments to the existing regulatory fee schedule contained in Section 9 of the Communications Act.
2	Wireline Competition	*Title:* IP–Enabled Services (WC Docket No. 04–36). *Summary:* The Commission will consider a Report and Order concerning the requirements of interconnected VoIP providers when discontinuing service.
3	Wireline Competition	*Title:* Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244); Telephone Number Portability (CC Docket No. 95–116). *Summary:* The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking concerning the interval for porting a customer's telephone number in response to wireline-to-wireline and intermodal port requests.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com.*

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E9–11065 Filed 5–7–09; 4:15 pm]

BILLING CODE 6712–01–P

* The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

FEDERAL TRADE COMMISSION

[File No. 072 3108]

James B. Nutter & Company; Analysis of Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 8, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''Nutter, File No. 072 3108'' to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC website, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential. . . .,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*https://secure.commentworks.com/ftc-nutter*) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink: (*https://secure.commentworks.com/ftc-nutter*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at *http://www.ftc.gov/* to read the Notice and the news release describing it.

A comment filed in paper form should include the ''Nutter, File No. 072 3108'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex D), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The Federal Trade Commission Act (''FTC Act'') and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

FOR FURTHER INFORMATION CONTACT: Alain Sheer or Loretta H. Garrison, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 326-3321 or (202) 326-3043.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 5, 2009), on the World Wide Web, at (*http://www.ftc.gov/os/actions.shtm*). A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, a consent agreement from James B. Nutter & Company (''JBN'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

The Commission's proposed complaint alleges that JBN is in the business of making and servicing mortgage loans throughout the United states. In doing so, JBN routinely obtains information from or about its customers, including, but not limited to, name; address; Social Security number; financial information; employment history; credit scores; and information contained in credit reports.

The complaint further alleges that JBN engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security for

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

sensitive information from consumers and employees, in violation of the Gramm-Leach-Bliley (''GLB'') Act Safeguards Rule. In particular, JBN: (1) did not develop, implement, and maintain a comprehensive written information security program; (2) did not implement reasonable policies and procedures in areas such as employee training; (3) stored personal information in clear text on its computer network; (4) did not employ sufficient measures to prevent or detect unauthorized access to personal information on its computer network or to conduct security investigations; (5) did not assess risks to personal information it collected and stored on its computer network and in paper files; and (6) provided back-up tapes containing personal information in clear text to a third party service provider but did not require the service provider by contract to protect the security and confidentiality of the information.

According to the complaint, JBN's practices violated the Safeguards Rule by, among other things, failing to: (1) develop, implement, and maintain a comprehensive written information security program; (2) identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information; (3) design and implement information safeguards to control the risks to customer information and regularly test and monitor them; (4) investigate, evaluate, and adjust the information security program in light of known or identified risks; and (5) oversee service providers and require them by contract to implement safeguards to protect respondent's customer information.

In addition, the proposed complaint alleges that JBN disseminated privacy notices that did not comply with the GLB Privacy Rule. In particular: (1) JBN began providing notices in 2004 even though under the Rule notices were to be provided starting on July 1, 2001; and (2) the notices it provided did not: set out its security practices; accurately describe that customer information would be disclosed to third parties; or accurately inform customers that they could exercise their opt-out rights at any time during the course of their loans.

The proposed order applies to personal information from or about consumers that JBN collects in connection with its lending business. The proposed order contains provisions designed to prevent the company from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order requires JBN to establish and maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality, and integrity of such information (whether in paper or electronic format) from or about consumers. The security program must contain administrative, technical, and physical safeguards appropriate to JBN's size and complexity, the nature and scope of its activities, and the sensitivity of the information collected from or about consumers and employees. Specifically, the order requires JBN to:

- Designate an employee or employees to coordinate and be accountable for the information security program.
- Identify material internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks.
- Design and implement reasonable safeguards to control the risks identified through risk assessment, and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures.
- Develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding personal information they receive from JBN and require service providers by contract to implement and maintain appropriate safeguards.
- Evaluate and adjust its information security programs in light of the results of testing and monitoring, any material changes to operations or business arrangements, or any other circumstances that it knows or has reason to know may have material impact on its information security program.

Part II of the order prohibits JBN from violating any provision of the GLB Safeguards Rule and Privacy Rule.

Part III of the proposed order requires JBN to obtain within one year, and on a biennial basis thereafter for a period of ten (10) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) it has in place a security program that provides protections that meet or exceed the protections required by Part I of the proposed order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer and employee information has been protected.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IV requires JBN to retain documents relating to its compliance with the order. For most records, the order requires that the documents be retained for a five-year period. For the third-party assessments and supporting documents, JBN must retain the documents for a period of three years after the date that each assessment is prepared. Part V requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part VI ensures notification to the FTC of changes in company status. Part VII mandates that JBN submit a compliance report to the FTC within 60 days, and periodically thereafter as requested. Part VIII is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way. By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. E9–10959 Filed 5–8–09: 8:45 am]

BILLING CODE: 6750–01–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0055]

Federal Acquisition Regulation; Submission for OMB Review; Freight Classification Description

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR), Regulatory Secretariat (VPR) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Freight

Classification Description. A request for public comments was published in the **Federal Register** at 73 FR 74711, on December 9, 2008. No comments were received. Public comments are particularly invited on: Whether this collection of information is necessary; 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; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before June 10, 2009.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: General Services Administration (GSA) Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405. Please cite OMB Control No. 9000–0055, Freight Classification Description, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Ms. Jeritta Parnell, Procurement Analyst, Contract Policy Division, at (202) 501–4082.

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government purchases supplies that are new to the supply system, nonstandard, or modifications of previously shipped items, and different freight classifications may apply, offerors are requested to indicate the full Uniform Freight Classification or National Motor Freight Classification. The information is used to determine the proper freight rate for the supplies.

B. Annual Reporting Burden

Respondents: 2,640.
Responses per Respondent: 3.
Annual Responses: 7,920.
Hours per Response: .167.
Total Burden Hours: 1,323.
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. 9000–0055, Freight Classification Description, in all correspondence.

Dated: May 5, 2009.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E9–10974 Filed 5–8–09; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0057]

Federal Acquisition Regulation; Submission for OMB Review; Evaluation of Export Offers

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR), Regulatory Secretariat (VPR) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Evaluation of Export Offers. A request for public comments was published in the **Federal Register** at 73 FR 76003, December 15, 2008. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary; 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; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before June 10, 2009.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: General Services Administration (GSA) Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and send a copy to the Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405. Please cite OMB Control No. 9000–0057, Evaluation of Export Offers in all correspondence.

FOR FURTHER INFORMATION CONTACT: Ms. Jeritta Parnell, Procurement Analyst, Contract Policy Division, GSA, (202) 501–4082.

SUPPLEMENTARY INFORMATION:

A. Purpose

Offers submitted in response to Government solicitations must be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Offers are evaluated on the basis of shipment through the port resulting in the lowest cost to the Government. This provision collects information regarding the vendor's preference for delivery ports. The information is used to evaluate offers and award a contract based on the lowest cost to the Government.

B. Annual Reporting Burden

Respondents: 100.
Responses per Respondent: 4.
Annual Responses: 400.
Hours per Response: 25.
Total Burden Hours: 100.
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. 9000–0057, Evaluation of Export Offers in all correspondence.

Dated: May 5, 2009.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E9–10948 Filed 5–8–09; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0007]

General Services Administration Acquisition Regulation; Submission for OMB Review; GSA Form 527, Contractor's Qualifications and Financial Information

AGENCY: Office of the Chief Finance Officer, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing 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 renewal of a currently approved information collection requirement regarding GSA Form 527, Contractor's Qualifications and Financial Information. A request for public comments was published in the **Federal Register** at 73 FR 79130, December 24, 2008. No comments were received.

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; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: *Submit comments on or before:* June 10, 2009.

FOR FURTHER INFORMATION CONTACT: Norma Tolson, Accountant, Office of the Chief Financial Officer, Office of Finance, at (202) 208–0584 or via email to *norma.tolson@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 GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the Regulatory Secretariat (VPR), General Services Administration, 1800 F Street, NW., Room 4041, Washington, DC 20405. Please cite OMB Control Number 3090–0007, GSA Form 527, Contractor's Qualifications and Financial Information, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA Form 527 is used to determine the financial capability of prospective contractors as to whether they meet the financial responsibility standards in accordance with the Federal Acquisition Regulation and the General Services Administration Acquisition Manual.

B. Annual Reporting Burden

Respondents: 2,940.
Responses per Respondent: 1.2.
Total Responses: 3,528.
Hours per Response: 2.5.
Total Burden Hours: 8,820.
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. 3090–0007, GSA Form 527, Contractor's Qualifications and Financial Information, in all correspondence.

Dated: April 29, 2009.

Casey Coleman,

Chief Information Officer.

[FR Doc. E9–10949 Filed 5–8–09; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees at the Hood Building in Cambridge, Massachusetts, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On March 31, 2009, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the DOE, its predecessor agencies, and their contractors and subcontractors who worked in the Hood Building in Cambridge, Massachusetts, from May 9, 1946 through December 31, 1963, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.

This designation became effective on April 30, 2009, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on April 30, 2009, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV.*

Christine M. Branche,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. E9–10828 Filed 5–8–09; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0031]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substances Generally Recognized as Safe: Notification Procedure

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 10, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0342. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Substances Generally Recognized as Safe: Notification Procedure—(OMB Control Number 0910–0342)—Extension

Section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C.

348) establishes a premarket approval requirement for ''food additives;'' section 201(s) of the act (21 U.S.C. 321) provides an exemption from the definition off ''food additive'' and thus from the premarket approval requirement, for uses of substances that are Generally Recognized as Safe (GRAS) by qualified experts. In April 1997, FDA proposed a voluntary procedure whereby manufacturers would notify FDA about a view that a particular use (or uses) of a substance is not subject to the statutory premarket approval requirements based on a determination that such use is GRAS (62 FR 18938, April 17, 1997). Proposed §§ 170.36 and 570.36 provide a standard format for the voluntary submission of a notice. The notice would include a detailed summary of the data and information that support the GRAS determination, and the notifier would maintain a record of such data and information. FDA would make the information describing the subject of the GRAS notice, and the agency's response to the notice, available in a publicly accessible file; the entire GRAS notice would be publicly available consistent with the Freedom of Information Act and other Federal disclosure statutes.

Description of Respondents: Manufacturers of Substances Used in Food and Feed.

In the **Federal Register** of February 11, 2009 (74 FR 6894), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
170.36	25	1	25	150	3,750
570.36	5	1	5	150	750
Total					4,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
170.36(c)(v)	25	1	25	15	375
570.36(c)(v)	5	1	5	15	75
Total					450

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the proposed rule, FDA estimated that the Center for Food Safety and Applied Nutrition (CFSAN) would receive approximately 50 GRAS notices per year and that the Center for Veterinary Medicine (CVM) would receive approximately 10 GRAS notices per year. Although FDA requested comment on this estimate, the comments did not provide useful information regarding this issue. Therefore, FDA evaluated the number of notices received by CFSAN to date. CFSAN received 274 GRAS notices during the 11–year period from 1998 through 2008, for an average of approximately 25 GRAS notices per year. Based on this experience, FDA is revising its estimate of the annual number of GRAS notices submitted to CFSAN to be 25 or less. FDA also is revising its estimate of the annual number of GRAS notices submitted to CVM to be 5 or less.

Dated: May 4, 2009.

Jeffrey Shuren

Associate Commissioner for Policy.

[FR Doc. E9–10964 Filed 5–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–0733]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

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 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. Written comments should be received within 60 days of this notice.

Proposed Project

CDC Early Hearing Detection and Intervention Hearing Screening and Follow-up Survey, OMB #0920–0733—

Revision—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center on Birth Defects and Developmental Disabilities at CDC promotes the health of babies, children, and adults with disabilities. As part of these efforts the Center is actively involved in addressing hearing loss (HL) among newborns and infants. HL is a common birth defect that affects approximately 12,000 infants each year and, when left undetected, can result in developmental delays. As awareness about infant HL increases, so does the demand for accurate information about rates of screening, referral, loss to follow-up, and incidence. This information is important for helping to ensure infants and children are receiving recommended screening and follow-up services, documenting the occurrence and etiology of differing degrees of HL among infants, and determining the overall impact of infant HL on future outcomes, such as cognitive development, and family dynamics. These data will also assist state Early Hearing Detection and Intervention (EHDI) programs with quality improvement activities and provide information that will be helpful in assessing the impact of federal initiatives. The public will be able to access this information via the CDC EHDI Web site (*http://www.cdc.gov/ncbddd/ehdi/data.htm*).

Given the lack of a standardized and readily accessible source of data, the CDC EHDI program developed a survey to be used annually that utilizes uniform definitions to collect aggregate, standardized EHDI data from states and territories. The request to complete this survey is planned to be disseminated to respondents via an e-mail, which will include a summary of the request and other relevant information. Minor changes to this survey, based on respondent feedback, are planned in order to make the survey easier to complete and further improve data quality. These changes include splitting the previously combined questions about the number of infants that died and parents refused into two separate questions, adding a question about how many infants with hearing loss are receiving only monitoring services, simplifying the table for reporting type and severity of hearing loss data, and expanding the maternal race categories in the demographic section.

There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State and territory EHDI Program Coordinators	53	1	4	212

Dated: May 5, 2009.

Marilyn S. Radke,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–10937 Filed 5–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–09–08BL]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Multi-site HIV Testing in Community Mental Health Settings Serving African Americans—New—National Center for HIV, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

People with severe mental illness, including those with substance use disorders, are at increased risk of infection with human immunodeficiency virus (HIV) when compared with the general population. However, not enough is known about the risk behaviors, willingness to be tested for HIV, and prevalence of HIV among persons with severe mental illness. In addition, the interrelations among diagnosis of HIV, compliance with medical care, subsequent risk behaviors, and the course of mental illness have not been well-described. Mental health clinics are an important setting for testing and promoting prevention efforts against the transmission of HIV.

The objectives of this project are to (1) demonstrate improved access to HIV testing and linkage to care in participating mental health care settings and (2) describe the relationship between mental illness, HIV risk behaviors, and access to testing and services, in order to inform the development of optimal prevention interventions for persons with severe mental illness. Staff at selected implementation sites will offer testing for HIV to clients and administer a brief survey to assess risk behaviors, previous access to similar testing services, and mental health symptoms. This project will collect data from clients using brief surveys administered on a voluntary basis. Collection of data will provide information on client demographics; current behaviors that may facilitate HIV transmission, including sexual and drug-use behaviors; current psychiatric symptoms, determined using brief rating scales; access and barriers to HIV testing, prevention, and treatment services; and adherence to psychiatric and medical treatment regimens. CDC is requesting approval for a 2-year clearance for data collection. Data will be collected in 6 sites which provide mental health services.

The goal will be to approach 716 persons annually for participation in the study and interview a total of 600 persons. Based on the University of Pennsylvania's prior experience working in mental health settings, it is estimated that of the 716 approached for participation in the study, the response rate will be approximately 90%. Of the 644 persons approached who agree to be

surveyed, it is estimated that 95% of persons will meet the eligibility criteria and 98% will be able to provide informed consent, as determined by the consent comprehension test. Therefore, the goal will be to interview a sample of 600 persons annually for two years; 300 in each of the two project areas of Baltimore and Philadelphia. The structured interview will take approximately 20 minutes to complete. Participation is voluntary. Data collection will provide important insights into the relationship between psychiatric illness and risk behaviors for HIV.

There is no cost to the respondents other than their time. The total annualized burden hours are 313.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Approached individual	Eligibility Screener	644	1	1/60
Eligible participant	Consent Questionnaire	612	1	10/60
Consented participant	Core Questionnaire	600	1	20/60

Dated: May 5, 2009.

Marilyn S. Radke,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–10938 Filed 5–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Institutes of Health Peer Review Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institutes of Health Peer Review Advisory Committee.

Date: June 8, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: Provide technical and scientific advice and recommendations to the NIH Director, the Deputy Director for Extramural Research, and the Director of the Center for Scientific Review (CSR) on all procedures and policies related to the process of peer review by which the scientific and technical merit of NIH grant applications is assessed.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Cheryl A. Kitt, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, MSC 7776, Bethesda, MD 20892, 301–435–1112, *kittc@csr.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 04, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–10781 Filed 5–8–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA–AA–09–006—Mechanism of Alcohol-Induced Organ Damage (R01).

Date: July 13–14, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Philippe Marmillot, PhD, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Rm 2017, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: May 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–10786 Filed 5–8–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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 meetings.

The meetings 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: Center for Scientific Review Special Emphasis Panel, BMBI–NANO Competitive Revisions SEP.
Date: May 21, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Old Town Alexandria, 1767 King Street, Alexandria, VA 22314.
Contact Person: Steven J. Zullo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7849, Bethesda, MD 20892, 301–435–2810, *zullost@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Drug Discovery and Molecular Pharmacology Study Section.
Date: May 28–29, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov*.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SAT Member Conflict.
Date: June 1, 2009.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting).
Contact Person: Roberto J. Matus, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–2204, *matusr@csr.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies, Nursing Science: Adults and Older Adults Study Section.
Date: June 2–3, 2009.
Time: 8 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics, Integrated Review Group, Synthetic and Biological Chemistry B Study Section.
Date: June 2–3, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Kathryn M. Koeller, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–2681, *koellerk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Arthritis, Connective Tissue and Skin ARRA CR.
Date: June 2, 2009.
Time: 11 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Columbia Hotel, 10207 Wincopin Circle, Columbia, MD 21044.
Contact Person: Aftab A. Ansari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–594–6376, *ansaria@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Behavior Medicine: ARRA Renewal Applications.
Date: June 2, 2009.
Time: 12 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.
Contact Person: Lee S. Mann, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, VACC, ADDI, ACE and AlP Member Conflicts.
Date: June 3, 2009.
Time: 11 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Topics in Bacterial Pathogenesis.
Date: June 3, 2009.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Rolf Menzel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, 301–435–0952, *menzelro@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurogenesis and Cell Fate Study Section.
Date: June 4–5, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Lawrence Baizer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435–1257, *baizerl@csr.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies, Nursing Science: Children and Families Study Section.
Date: June 4, 2009.
Time: 8 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience, Integrated Review Group, Cellular and Molecular Biology of Glia Study Section.
Date: June 4–5, 2009.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Toby Behar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Structural Biology Applications.
Date: June 4–5, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.
Contact Person: Arnold Revzin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, (301) 435–1153, *revzina@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience, Integrated Review Group, Neural Oxidative Metabolism and Death Study Section.
Date: June 4–5, 2009.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington DC/Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.
Contact Person: Carol Hamelink, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5040H, MSC 7850, Bethesda, MD 20892, (301) 451–1328, *hamelinc@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurotransporters, Receptors, and Calcium Signaling Study Section.

Date: June 4–5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis Hotel, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Peter B. Guthrie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics, Integrated Review Group, Macromolecular Structure and Function E Study Section.

Date: June 4, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Nitsa Rosenzweig, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7760, Bethesda, MD 20892, (301) 435–1747, *rosenzweign@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics, Integrated Review Group, Macromolecular Structure and Function C Study Section.

Date: June 4–5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.

Contact Person: William A. Greenberg, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Skeletal Muscle and Exercise Physiology Study Section.

Date: June 4–5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Daniel F. McDonald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215,*mcdonald@csr.nih.gov*.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Drug Discovery and Mechanisms of Antimicrobial Resistance Study Section.

Date: June 4–5, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Guangyong Ji, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–1227, *jig@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, NSCF Revisions.

Date: June 4, 2009.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Melinda Tinkle, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, MABS Competitive Revision Review Meeting.

Date: June 4, 2009.

Time: 6 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Raymond Jacobson, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7849, Bethesda, MD 20892 301–435–0483,*jacobsonrh@csr.nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Musculoskeletal Rehabilitation Sciences Study Section.

Date: June 4–5, 2009.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Washington/Jefferson, Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–10785 Filed 5–8–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of 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, NICHD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Eunice Kennedy Shriver National Institute of Child Health & Human Development, 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, NICHD.

Date: June 5, 2009.

Open: 8 a.m. to 11:30 a.m.

Agenda: A report by the Scientific Director, NICHD, on the status of the NICHD Division of Intramural Research.

Place: National Institutes of Health, Building 31, 9000 Rockville Pike, Room 2A48, Bethesda, MD 20892.

Closed: 11:30 a.m. to 4 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, 9000 Rockville Pike, Room 2A48, Bethesda, MD 20892.

Contact Person: Owen M. Rennert, MD, Scientific Director, National Institute of Child Health, and Human Development, 9000 Rockville Pike, Building 31, Room 2A50, Bethesda, MD 20892. (301) 496–2133. *rennerto@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles,

including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/bsd/htm,* where an agenda and any additional information for the meeting will be posted when available.

(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: May 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–10801 Filed 5–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 on Alcohol Abuse and Alcoholism, Special Emphasis Panel, The Effects of Alcohol on Glial Cells (RFA–AA–09–003/004).

Date: July 8–9, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Beata Buzas, PhD, Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 2081, Rockville, MD 20852. 301–443–0800. *bbuzas@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271 Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: May 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–10783 Filed 5–8–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2004–17674]

Craft Routinely Operated Dockside

AGENCY: Coast Guard, DHS.

ACTION: Notice of policy.

SUMMARY: The Coast Guard gives notice that, in accord with a recent Supreme Court decision, it will no longer inspect permanently moored craft or issue Certificates of Inspection to such craft unless a craft demonstrates that it is a vessel, capable of being used as a means of transportation on water. This notice discusses the implications of the Supreme Court decision and responds to comments received in response to a 2004 notice that proposed a policy for permanently moored vessels.

DATES: The policy announced in this notice is effective May 11, 2009. Inspection services will continue, with State concurrence, until May 11, 2011, for permanently moored craft that currently possess a Coast Guard-issued Certificate of Inspection, and that have been designed to Coast Guard regulations, and that may not be acceptable for regulation immediately by the State having jurisdiction.

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–2004–17674 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this policy, contact Lieutenant Commander David Webb of the Coast Guard's Office of Vessel Activities (CG–543), telephone 202–372–1216. For questions on viewing the docket call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued under the authority of 46 U.S.C. 3306, which conveys authority to the Secretary of Homeland Security to implement the vessel inspection provisions of 46 U.S.C. 3301.

On June 21, 2004, the Coast Guard published a notice of proposed policy in the **Federal Register** (69 FR 34385), regarding the inspection of permanently moored vessels (PMVs). We proposed a policy of no longer issuing Certificates of Inspection (COI) to PMVs and no longer inspecting PMVs that currently have a COI, and invited public comments. In response, we received letters from 27 commenters, containing 62 comments.

While we were considering those public comments, the Supreme Court issued its decision in *Stewart* v. *Dutra Construction Company, Inc.,* 543 U.S. 481, 125 S.Ct. 1118 (2005). That case held that a dredge was a ''vessel'' under 1 U.S.C. 3. The Court decided that 1 U.S.C. 3 provides the defining criteria for determining what constitutes a vessel, wherever the U.S. Code refers to ''vessel'' as a jurisdictional criterion. In determining whether a particular craft is also a vessel, the ''question remains in all cases whether the watercraft's use 'as a means of transportation on water' is a practical possibility or merely a theoretical one.'' 543 U.S. at 496.

The Supreme Court's decision ended the prior situation, under which various circuit courts of appeal had applied different tests to determine whether a particular craft constituted a vessel, depending on the statute to be construed and the facts of the case. Under the prior situation, we attempted to apply the different tests so as to provide maximum flexibility in achieving the purpose of the particular statute being administered. After *Stewart,* however, it is clear that we must apply the single test of whether a craft is used, or is practically capable of being used, as a means of transportation on water. *Stewart* implies that a ''permanently moored vessel'' is an oxymoron, since such a craft is neither used nor practically capable of being used as transportation on water, and therefore cannot be considered a vessel. Only a vessel can be inspected by the Coast Guard under the authority of 46 U.S.C. 3301. Thus, in order to conform to *Stewart,* we have concluded that we will issue Certificates of Inspection to

craft that routinely operate dockside and do not normally get underway only if they also constitute ''vessels'' as defined in 1 U.S.C. 3 and interpreted in *Stewart.*

Discussion of Comments

In response to our June 2004 notice of proposed policy, the Coast Guard received letters from 27 commenters, containing 62 comments. Ten comments asked for greater clarity in our proposed policy, or questioned how uniformly it could be applied across the country, four comments pertained to specific craft that might be affected by the proposed policy, and two comments requested public meetings to discuss the proposed policy. We have concluded that these comments need no specific response, in light of the *Stewart* case and the consequent revision of our policy. Also, we received three comments raising concerns about the timing of any transition from Coast Guard to land-based State or local regulation. As we discuss later in this notice, we will respond to these concerns by providing temporary grandfathering for certain PMCs that currently possess a Certificate of Inspection. The remaining 43 comments are addressed under the following four subject headings.

Vessels Operating in Moorings and Not Underway

Fourteen comments expressed concern that the Coast Guard might force any vessel choosing to operate in its moorings instead of getting underway to surrender its Certificate of Inspection and become reclassified as a ''permanently moored vessel''.

In light of *Stewart,* we will not reclassify any craft as a ''permanently moored vessel.'' Existing policy documents that refer to permanently moored vessels are not aligned with *Stewart,* and for that reason we hereby cancel Chapter B.4.I of the Coast Guard Marine Safety Manual, Vol. II, and G–MOC Policy Letter 04–01 (May 25, 2004), until they can be conformed to the *Stewart* decision.

For the purposes of this document, a ''permanently moored craft'' (PMC) is a craft of design and mooring arrangement such that it does not have a practical capability of being used as transportation on the water. We will continue to inspect craft that are indeed vessels and are subject to inspection, even if they do not normally get underway. However, except for the temporarily grandfathered PMCs discussed later in this notice, we will no longer inspect or issue COIs to PMCs that are not vessels or that do not otherwise meet the statutory requirements for vessels subject to inspection.

Manning. Nineteen comments expressed concerns that a craft's loss of its COI would result in the loss of licensed and documented crew members, and that this would adversely affect passenger safety, security, and craft maintenance. We agree that inspected vessels must be crewed and operated by qualified personnel and one of the Coast Guard's missions is to ensure that these mariners possess a minimum level of safety knowledge and professional competency through a qualification and renewal process.

As previously discussed, we will continue to inspect craft that are indeed vessels and are subject to inspection, even if they do not normally get underway, and those vessels will continue to be subject to all applicable Coast Guard regulations.

Economic Costs. Five comments expressed concerns over the economic impact of requiring a permanently moored craft to comply with land-based State or local regulations. The Coast Guard is sympathetic to these concerns, but if a craft is a PMC, it is therefore not a vessel under the *Stewart* criteria and we are without authority to deem it otherwise and inspect it. Nevertheless, as we discuss later in this notice, we will provide temporary grandfathering for certain PMCs that currently possess a Certificate of Inspection.

Coast Guard Inspection Alternatives. Five comments suggested that the Coast Guard seek alternative approaches to the traditional Coast Guard inspection for certification, such as the Streamlined Inspection Program or the use of third-party inspection and certification as the basis for issuance of a Coast Guard Certificate of Inspection.

This type of approach already exists. We encourage, but do not require, the use of these programs by the operators of craft that qualify as vessels under *Stewart.* For PMCs the use of land-based structure building codes may be appropriate, but we will not object if the State or local government having jurisdiction over a PMC adopts any or all of the regulatory standards we use to issue Coast Guard Certificates of Inspection.

Statement of Policy

The following policy applies to any craft that routinely operates dockside and does not usually get underway, currently existing or built in the future. The determination of whether any specific craft is or will be a vessel as defined in 1 U.S.C. 3 and interpreted by the Supreme Court in *Stewart* will be made by the cognizant Coast Guard Officer in Charge, Marine Inspection (OCMI). The OCMI will advise the craft's owner or operator of this determination, as well as any appeal rights should the owner or operator wish to contest the OCMI's determination. If you are contemplating operating a craft, we advise you to consult with the cognizant OCMI as soon as possible in order to determine whether your craft will qualify as a vessel.

In order to be inspected and certificated as a vessel by the Coast Guard, the craft owner or operator must demonstrate, to the OCMI's satisfaction, the practical, rather than theoretical, capability of the craft to operate as a means of transportation on water. The following non-exclusive list of questions is intended to assist OCMIs and vessel owners in determining whether or not a craft possesses that capability. This list should be considered under the totality of the circumstances presented in each instance:

- Is the craft surrounded by a cofferdam, land or other structure, such that although floating, it is in a ''moat'' with no practical access to navigable water?
- Is the craft affixed to the shore by steel cables, I-beams or pilings, or coupled with land based utility connections for power, water, sewage and fuel?
- If the craft were operated in navigation, would it be thereby endangered because of its construction?
- What is the purpose, function, or mission of the craft?
- Can the craft get underway in less than eight (8) hours? If more than eight hours are required, the OCMI will determine if the delay was attributable to factors outside the owner's or operator's control, in which case the delay may be overlooked.

''Getting underway'' consists of operating in the navigation channel, at the time of inspection for certification or at least annually, and conducting propulsion tests, steering tests, and drills including the launching of rescue boats, all to the satisfaction of the OCMI. Non-self propelled craft may get underway with the assistance of an appropriate towing vessel. A craft that cannot demonstrate its ability to get underway to the satisfaction of the OCMI will be deemed a land structure and will no longer be inspected for certification by the Coast Guard, except for temporary grandfathering of certain PMCs.

A craft that has been determined to be a vessel remains subject to all applicable requirements including Coast Guard inspection and certification

requirements, and must remain in compliance with its approved plans at all times, even if it does not normally get underway but routinely engages in dockside operations. Authorized exceptions and equivalencies may be granted by the Coast Guard; for example, 46 CFR part 199 allows an OCMI to conduct a safety assessment on passenger vessels over 100 tons by using risk based decision-making principles to allow departures from traditional lifesaving equipment requirements. Sliding scale manning tables have also been found acceptable.

We recognize that the owners and operators of some PMCs currently possess, and expected to be able to renew indefinitely, a Certificate of Inspection issued by the Coast Guard. Now, these PMCs may be subject to State and local building codes or similar standards. Complying with the land-based standards may be time-consuming and costly (as much as $10 million for a casino craft, according to one comment). Therefore, with the concurrence of the State having jurisdiction over the craft, we will continue to provide inspection services for a two-year period, provided that the PMC:

- Currently possesses a Coast Guard-issued Certificate of Inspection;
- Has been designed to Coast Guard regulations; and
- May not be acceptable for regulation immediately by the State having jurisdiction.

This policy will not affect semi-submersible platforms, which are not listed as ''vessels subject to inspection'' under 46 U.S.C. 3301, but instead are inspected under 43 U.S.C. 1333 based on their work on the Outer Continental Shelf.

Dated: April 24, 2009.

Brian M. Salerno,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security, and Stewardship.

[FR Doc. E9–10971 Filed 5–8–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5309–N–01]

Notice of Availability: Program Requirements for Community Development Block Grant Program Funding Under the American Recovery and Reinvestment Act of 2009

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD announces the program requirements, submission deadlines, and waivers and alternative requirements for funding available under the Community Development Block Grant Recovery (CDBG–R) program authorized by Title XII of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5, approved February 17, 2009). The focus of CDBG–R funding is on infrastructure improvements that meet the overall goals of the American Recovery and Reinvestment Act, which are to stimulate the economy through measures that modernize the nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. Approximately $1 billion is available for CDBG–R to states and local governments. The notice establishing the program requirements, including waivers and alternative requirements, is available on the HUD Web site at: *http://www.hud.gov/recovery/cdblock.cfm*.

FOR FURTHER INFORMATION CONTACT: Stanley Gimont, Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7286, Washington, DC 20410; telephone 202–708–3587 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Dated: April 14, 2009.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E9–10968 Filed 5–6–09; 4:15 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-IA-2009-N0090; 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 June 10, 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: Hendrix College, Conway, AR, PRT-195341

The applicant requests a permit to import biological samples from kakapo (*Strigops habroptilus*) collected in the wild in New Zealand, incidental to other research activities, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Henry Doorly Zoo, Center for Conservation and Research, Omaha, NE, PRT-210155

The applicant requests a permit to import blood, scute, and post-hatch egg shell samples from wild and captive-bred Philippine crocodiles (*Crocodylus mindorensis*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Kootenai Tribe of Idaho, Bonners Ferry, ID, PRT-011646

The applicant requests re-issuance of a permit for multiple exports of white sturgeon*(Acipenser transmontanus*) fertilized eggs from a spawning facility in Bonners Ferry, Idaho, to the Kootenay Trout Hatchery in Fort Steele, British Columbia, Canada, an action addressed in the white sturgeon recovery plan, for the purpose of enhancement of the

survival of the species. This notification covers activities conducted by the applicant over a 5–year period.

Applicant: Bud A. Woodruff, Flagstaff, AZ, PRT-208672

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: Kenneth M. Huffaker, Nevada, IA, PRT-212705

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: Alan J. Schimelpfenig, Grafton, WI, PRT-193940

The applicant requests a permit to import the sport-hunted trophy of one male scimitar-horned oryx (*Oryx dammah*) culled from a captive herd in the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: April 24, 2009

Lisa J. Lierheimer

Senior Permit Biologist, Branch of Permits, Division of Management Authority

[FR Doc. E9–10976 Filed 5–8–09; 8:45 am]

BILLING CODE 4310-55-S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-IA-2009-N0095; 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 for permits to conduct certain activities with endangered species or marine mammals. Both the Endangered Species Act and the Marine Mammal Protection Act require that we invite public comment on these permit applications.

DATES: Written data, comments or requests must be received by June 10, 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.*). Submit your written data, comments, or requests for copies of the complete applications to the address shown in **ADDRESSES**.

Applicant: Fred H. Gage, Salk Institute for Biological Studies, La Jolla, CA, PRT-206206

The applicant requests a permit to acquire from Coriell Cell Repositories, Camden, NJ, in interstate commerce skin cell lines from gorilla (*Gorilla gorilla*), chimpanzee (*Pan troglodytes*), bonobo (*Pan paniscus*), marmoset (*Callimico goeldii*), and orangutan (*Pongo pygmaeus*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Peter Praschag, Turtle Conservancy (Behler Chelonian Center), Ojai, CA, PRT-210683

The applicant requests a permit to import two live, captive-born River terrapins (*Batagur baska*), three live, captive-born Spotted pond turtles (*Geoclemys hamiltonii*), and four live, captive-held Indian sawback turtles (*Pangshura tecta*) from Austria, for the purpose of enhancement of the species through scientific research.

Applicant: Carly H. Vynne, University of Washington, Seattle, WA, PRT-196074

The applicant requests a permit to import biological samples from maned wolf (*Chrysocyon brachyurus*) collected in the wild in Brazil, incidental to other research activities, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: National Institutes of Health, Laboratory of Genomic Diversity, Frederick, MD, PRT-213734

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened animals species that were previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Omaha's Henry Doorly Zoo, Omaha, NE, PRT-196694

The applicant requests a permit to import one female captive-born snow leopard (*Uncia uncia*) from Jungle Cat World Wildlife Park, Ontario, Canada, for the purpose of enhancement of the species through captive propagation and conservation education.

Applicant: Minnesota Zoological Garden, Apple Valley, MN, PRT-197528

The applicant requests a permit to import one male captive-born amur leopard (*Panthera pardus orientalis*) from Zoologicka Zahrada Olomouc, Olomouc, Czech Republic, for the purpose of enhancement of the species through captive propagation and conservation education.

Applicant: Hawthorn Corporation, Grayslake, IL, PRT-062075, PRT-064075, PRT-068236, PRT-068237, PRT-068238, PRT-068349, PRT-088955, PRT-088956, PRT-088957, PRT-088958, PRT-088959, PRT-088960, PRT-119894, PRT-120319, PRT-213635, PRT-213636, PRT-213637

The applicant requests permits to export/re-export and re-import captive-born tigers (*Panthera tigris*) to worldwide locations for the purpose of enhancement of the species through conservation education. The permit numbers and animals are: New – 213635, Madras 2; 213636, Munia; 213637, Rani; Re-issue permits – 062075, Azara; 064075, Sheeba; 068236, Krisma; 068237, Spartacus; 068238, Dimitrios; 068349, Rook; 088955, Diego; 088956, Frieda; 088957, Shaman; 088958, Shiva; 088959, Natari; 088960, Darsha; 119894, Prince; 120319, King. This notification covers activities to be conducted by the applicant over a 3–year period and the import of any potential progeny born while overseas.

The following applicants request 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: Behrooz Taher, Minneapolis, MN, PRT-208816

Applicant: Raymond L. Bunney, Mead, WA, PRT-211156

Applicant: Joseph M. Vargo, Arcadia, CA, PRT-213188

Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR Part 18). Submit your written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications to the address shown in **ADDRESSES**. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: National Marine Mammal Laboratory, Seattle, WA, PRT-212570

The applicant requests a permit for incidental harassment during aerial surveys of polar bear (*Ursus maritimus*) and walrus (*Odobenus rosmarus*) populations in the wild in Alaska for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding a copy of the above application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: May 1, 2009

Lisa J. Lierheimer

Senior Permit Biologist, Branch of Permits, Division of Management Authority

[FR Doc. E9–10977 Filed 5–8–09; 8:45 am]

BILLING CODE 4310-55-S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–AL; GP9–0185]

Notice of Public Meeting, Eastern Washington Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Eastern Washington Resource Advisory Council will meet as indicated below.

DATES: Thursday, June 11, 2009, at the BLM Spokane District Office, 1103 N. Fancher Rd., Spokane Valley, WA 99212.

SUPPLEMENTARY INFORMATION: The meeting will start at 9:30 a.m. and end at 3:30 p.m. The meeting will be open to the public and there will be an opportunity for public comments at 3 p.m. Discussion will focus on the status of the Colville National Forest Roadless Areas, Cultural Consultation, and updates on other projects of interest.

FOR FURTHER INFORMATION CONTACT: BLM Spokane District, 1103 N. Fancher Rd., Spokane Valley, WA 99212, or call (509) 536–1200.

Dated: May 5, 2009.

Robert B. Towne,

District Manager.

[FR Doc. E9–10941 Filed 5–8–09; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTL–060–01–1020–PG]

Notice of Public Meeting; Central Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting will be held May 27 & 28, 2009.

The meetings will be in the Bureau of Land Management—Lewistown Field Office conference room (920 NE. Main St.) Lewistown, Montana.

The May 27 meeting will begin at 10 a.m. with a 30-minute public comment period and will adjourn at 5 p.m.

The May 28 meeting will begin at 8 a.m. with a 30-minute public comment period and will adjourn at 3 p.m.

SUPPLEMENTARY INFORMATION: This 15-member council advises the Secretary of the Interior on a variety of management issues associated with public land management in Montana. During these meetings the council will participate in/discuss/act upon:

Oil & gas issues in central Montana;

A report from the BLM Montana State Director;

A discussion of BLM's Bison Conservation Initiative;

Field manager updates;

A stewardship agreement between BLM and the Rocky Mountain Elk Foundation;

An educational partnership;

National Public Lands Day;

The American Recovery and Reinvestment Act in central Montana;

A monument newsletter;

Fee proposals from the U.S. Forest Service;

A hunter/angler stakeholder presentation;

A visionary conversation among RAC members; and

Administrative details (next meeting agenda, location, etc.).

All RAC meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

FOR FURTHER INFORMATION CONTACT: Gary L. ''Stan'' Benes, Lewistown Field Manager, Lewistown Field Office, P.O. Box 1160, Lewistown, Montana 59457, 406/538–1900.

Dated: May 5, 2009.

Gary L. ''Stan'' Benes,

Lewistown Field Manager.

[FR Doc. E9–10940 Filed 5–8–09; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before April 25, 2009. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St., NW., 8th floor, Washington, DC

20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by May 26, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARIZONA

Pima County

Aldea Linda Residential Historic District, 4700–5000 block E. Calle Jabali, E. 22nd St., 1100 block S. Swan Rd., Tucson, 09000371

ARKANSAS

Clay County

Rector Commercial Historic District, Bounded by St. Louis and Southwestern Railroad tracks on the E. and S., S. Dodd on the W., 3rd St. on the N., Rector, 09000369

Pulaski County

Lee, Robert E., School, 3805 W. 12th St., Little Rock, 09000370

CALIFORNIA

Humboldt County

Sweasey Theater—Loew's State Theater, 412 G St., Eureka, 09000372

IDAHO

Bonneville County

Idaho Falls Downtown Historic District, W. Broadway, Park Ave., Constitution Ave., Idaho Falls, 09000373

ILLINOIS

Kankakee County

Bradley, B. Harley, House and Stable, 701 S. Harrison Ave., Kankakee, 09000374

NEW YORK

Chenango County

Eaton Family Residence—Jewish Center of Norwich, 72 S. Broad St., Norwich, 09000375

Erie County

E. & B. Holmes Machinery Company Building, 55–59 Chicago St., Buffalo, 09000376

Kings County

Beth El Jewish Center of Flatbush, 1981 Homecrest Ave., Brooklyn, 09000377

Orleans County

Gates, Benjamin Franklin, House, 13079 W. Lee Rd., Albion, 09000378

Richmond County

Jacques Marchais Center of Tibetan Art, 338 Lighthouse Ave., Staten Island, 09000379

Westchester County

Sleepy Hollow Cemetery, 540 N. Broadway, Sleepy Hollow, 09000380

NORTH CAROLINA

Mecklenburg County

Davidson Historic District, Bounded by N. Main and Beaty Sts., Catawba Ave. Mock and Concord Rds., Pat Stough and Dogwood Lns., Davidson College, Davidson, 09000381

Wake County

Wendell Boulevard Historic District, (Wake County MPS) Wendell Blvd., Mattox St., Old Zebulon Rd., Buffalo St. and Main St., Wendell, 09000382

NORTH DAKOTA

Billings County

Custer Military Trail Historic Archaeological District, Address Restricted, Medora, 09000383

Golden Valley County

Custer Military Trail Historic Archaeological District, Address Restricted, Medora, 09000383

PENNSYLVANIA

Berks County

Alleghany Mennonite Meetinghouse, 39 Horning Rd., Brecknock Township, 09000384

Franklin County

Kennedy, Robert, Memorial Presbyterian Church, 11799 Mercersburg Rd., Montgomery, 09000385

Greene County

McClelland-Grimes Farm, (Agricultural Resources of Pennsylvania MPS) 844 Craynes Run Rd., Morgan, 09000386

McClelland-Grimes Farm, (Agricultural Resources of Pennsylvania MPS) 844 Craynes Run Rd., Washington, 09000386

Luzerne County

Search, George W., House, 56 S. Main St., Shickskinny, 09000387

Philadelphia County

Center City West Commercial Historic District (Boundary Increase), Roughly bounded by the Center City West Historic District, S. 15th St., Locust St. and S. Sydenham St., Philadelphia, 09000388

SOUTH CAROLINA

Aiken County

Immanuel School, 120 York St. NE, Aiken, 09000389

Greenville County

Fountain Inn High School, 315 N. Main St., Fountain Inn, 09000390

VIRGINIA

Amherst County

Fairview, 2416 Lowesville Rd., Amherst, 09000391

Danville Independent city Schoolfield School Complex, 31 Baltimore Ave., Danville, 09000392

Gloucester County

Ware Neck Store and Post Office, 6495 VA 629, Ware Neck, 09000393

Mathews County

B. Williams & Co. Store, 1030 Williams Wharf Rd., Mathews, 09000394

Nelson County

Pharsalia, 2325 Pharsalia Rd., Tyro, 09000395

Northumberland County

Bluff Point Graded School No. 3, 2595 Bluff Point Rd., Kilmarnock, 09000396

[FR Doc. E9–10791 Filed 5–8–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Weekly Listing of Historic Properties

Pursuant to (36 CFR 60.13(b,c)) and (36 CFR 63.5), this notice, through publication of the information included herein, is to apprise the public as well as governmental agencies, associations and all other organizations and individuals interested in historic preservation, of the properties added to, or determined eligible for listing in, the National Register of Historic Places from March 23, to March 27, 2009.

For further information, please contact Edson Beall via: United States Postal Service mail, at the National Register of Historic Places, 2280, National Park Service, 1849 C St. NW., Washington, DC 20240; in person (by appointment), 1201 Eye St. NW., 8th floor, Washington DC 20005; by fax, 202–371–2229; by phone, 202–354–2255; or by e-mail, *Edson_Beall@nps.gov.*

Dated: May 5, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, Action, Date, Multiple Name

ARKANSAS

Ashley County,

Hamburg Commercial Historic District, 100–200 block of E. Adams; 100 block N. Mulberry; 201 S. Mulberry; 201 and 205 N. Main St., Hamburg, 08001333, LISTED, 3/23/09

COLORADO

Grand County,

Barger Gulch Locality B, Address Restricted, Kremmling vicinity, 08001377, LISTED, 3/25/09

GEORGIA

Burke County,

Waynesboro Historic District, Roughly bounded by Walker St., 12th St., Waters St., Corker Row, 4th St., and Jones Ave., Waynesboro, 09000153, LISTED, 3/25/09

MICHIGAN

Oakland County,

McCoy, Kittie C., House, 1455 Benstein Rd., Commerce, 08001105, LISTED, 3/25/09

NEW YORK

Allegany County,

Centerville Town Hall, Fairview Rd., Centerville, 09000154, LISTED, 3/25/09

NEW YORK

Livingston County,

Engleside, 9086 McNair Rd., Dansville vicinity, 09000156, LISTED, 3/23/09

NEW YORK

Orange County,

Echo Lawn Estate, River Rd. at Stone Gate Dr., Balmville vicinity, 09000157, LISTED, 3/23/09

NEW YORK

Orange County,

Milliken-Smith Farm, 279 Bailey Rd., Montgomery vicinity, 09000158, LISTED, 3/25/09

NORTH CAROLINA

Cleveland County,

Double Shoals Cotton Mill, 199 Old Mill Rd., Double Shoals vicinity, 08000775, LISTED, 3/24/09

OHIO

Belmont County,

Friends Boarding School and Ohio Yearly Meetinghouse Historic District, 61830 Sandy Ridge Rd., Barnesville vicinity, 09000168, LISTED, 3/25/09

VIRGINIA

Charlottesville Independent City,

Oakhurst-Gildersleeve Neighborhood Historic District, Oakhurst Circle, Gildersleeve Wood, Valley Rd., Valley Circle, and part of Maywood Ln., and Jefferson Park Ave., Charlottesville, 09000161, LISTED, 3/25/09

VIRGINIA

Pittsylvania County,

Yeatts, John and Nancy, House, VA 795, Chatham vicinity, 09000173, LISTED, 3/25/09

VIRGINIA

Rockingham County,

Bogota, 5375 Lynnwood Rd., Port Republic vicinity, 09000162, LISTED, 3/24/09

WISCONSIN

Vilas County,

Jabodon, 1460 Everett Rd., Washington, 09000164, LISTED, 3/25/09

[FR Doc. E9–10802 Filed 5–8–09; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–676]

In the Matter of: Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 7, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Lutron Electronics Co., Inc. of Coopersburg, Pennsylvania. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lighting control devices including dimmer switches and parts thereof that infringe certain claims of U.S. Patent Nos. 5,637,930 and 5,248,919 and U.S. Trademark Registration No. 3,061,804. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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.*

FOR FURTHER INFORMATION CONTACT: Benjamin Levi, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2781.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2009).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 4, 2009, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighting control devices including dimmer switches or parts thereof that infringe one or more of claims 36, 38–41, 47, 53, 54, 56, 58, 60, 65, 67–70, 76, 82, 83, 85, 87, 89, 94, 96–99, 105, 111, 112, 114, 116, 118, 178, 180, 189, and 197 of U.S. Patent No. 5,637,930 or claims 1, 2, 5–8, 11–13, 15–20, 23, 25–32, 35, 36, and 38 of U.S. Patent No. 5,248,919, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(b) Whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighting control devices including dimmer switches or parts thereof by reason of infringement of U.S. Trademark Registration No. 3,061,804, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Lutron Electronics Co., Inc., 7200 Suter Road, Coopersburg, PA 18036.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Universal Smart Electric Corp., 17795 Sky Park Circle, Suite H, Irvine, CA 92614.

(c) The Commission investigative attorney, party to this investigation, is Benjamin Levi, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 5, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–10928 Filed 5–8–09; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–407 and 731–TA–902, 904, 905 (Review) (Remand)]

Hot-Rolled Steel Products From Kazakhstan, Romania, and South Africa

AGENCY: United States International Trade Commission.

ACTION: Notice of remand proceedings.

SUMMARY: The U.S. International Trade Commission (''Commission'') hereby gives notice of the court-ordered remand of its five-year review determinations in the countervailing duty and antidumping Investigation Nos. 701–TA–407 and 731–TA–902, 904, 905 concerning hot-rolled steel products from Kazakhstan, Romania, and South Africa. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207).

DATES: May 4, 2009.

FOR FURTHER INFORMATION CONTACT: Mary Messer, Office of Investigations, telephone 202–205–3193, or Robin L. Turner, Office of General Counsel, telephone 202–205–3103, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov).* The public record of the underlying reviews (Investigation Nos. 701–TA–404–408 and 731–TA–898–902 and 904–908 (Review)) may be viewed on the Commission's electronic docket (''EDIS'') at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—In October 2007, the Commission determined that revocation of the countervailing duty order on hot-rolled steel products from South Africa, and that revocation of the antidumping duty orders on hot-rolled steel products from Kazakhstan, Romania, and South Africa, would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission's determinations were appealed to the Court of International Trade (''CIT'' or ''Court''). On March 9, 2009, the Court issued a decision remanding the matter to the Commission for further proceedings. *Nucor Corp.* v. *United States,* Slip Op. 09–16 (Ct. Int'l Trade, March 9, 2009). In its opinion, the Court affirmed the Commission's cumulation analysis, but found that the Commission's conclusions concerning likely subject import volume, likely price effects, and likely impact were unsupported by substantial evidence. The Court instructed the Commission on remand to address six issues. In particular, it instructed the Commission to: (1) Re-evaluate its finding that the ArcelorMittal companies and/or Mittal USA would limit subject imports from the Mittal Companies; (2) reassess and further explain the basis for its findings that significant imports in any region of the country are likely to have a disruptive impact on the overall U.S. market; (3) reassess and further explain the behavior of ArcelorMittal and its predecessor, the Ispat organization, with respect to their business practices in exporting to countries in which they maintain production facilities; (4) reassess and further explain certain evidence the Court perceived contrary to the Commission's conclusion on likely subject import volume; (5) reassess likely price effects in accordance with its revised volume determination and; (6) reassess its likely impact analysis in accordance with its revised volume and price effects determinations, and to explain the poor performance of the domestic industry in the latter portion of the period of review.

Participation in the proceeding.—Only those persons who were interested parties to the original reviews (i.e., persons listed on the Commission Secretary's service list) and were parties to the appeal may participate as parties in the remand proceeding as of right. Such persons need not re-file their appearance notices or protective order applications to participate in the remand proceeding. The Commission will consider permitting Mittal USA to participate as a party in the remand if it files a notice of appearance with the Commission by May 11. Business proprietary information (''BPI'') referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the original reviews.

Written submissions.—The Commission is reopening the record to obtain additional information pertinent to the issues on which the Court has directed a remand. The Commission seeks additional information regarding the operations of ArcelorMittal, its affiliates including Mittal USA, and its predecessor companies including Ispat and Ispat Inland (collectively ''Mittal''). Specifically, the Commission seeks information concerning—

(a) Mittal's policies and practices with respect to,

(b) Mittal's evaluation of the economic incentives of, and

(c) The possible market disruption of, shipping hot-rolled steel products produced by one Mittal company to the market in which another Mittal company is located, including the European Union and the United States. The specific questions are posted on the ITC's Internet site at *http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/*

completed/index.htm (under ''Hot-Rolled Steel Products'').

The information should be in the form of documents or affidavits with specific evidence (and not theories) and must pertain to the period on or before October 2, 2007, the date on which the record closed in the reviews at issue. Documents submitted must have been in existence as of that date. Affidavits may be provided only by individuals having specific knowledge of the above-described issue as of that date, and must set forth the basis of the individual's knowledge. Parties need not re-submit documents or affidavits that are already part of the record of these reviews.

No argument or commentary is permitted in these submissions.

Business proprietary information included in your submission will be so treated by the Commission and will not be disclosed except as may be required by law.

Submissions containing additional information must be submitted to the Commission no later than May 14, 2009. Questions concerning this request or other matters relating to the remand may be directed to Mary Messer (202–205–3193 or *mary.messer@usitc.gov*) of the Commission's staff. Correspondence may be sent to the above address or via FAX to 202–205–3205.

In addition, the Commission will permit the parties to file comments pertaining to the inquiries that are the subject of the CIT's remand instructions and any new factual information. Comments should be limited to no more than fifteen (15) double-spaced and single-sided pages of textual material. The parties may not submit any new factual information in their comments and may not address any issue other than the inquiries that are the subject of the CIT's remand instructions. Any such comments must be filed with the Commission no later than May 29, 2009.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult with the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

Issued: May 5, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–10929 Filed 5–8–09; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–09–014]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 14, 2009 at 1:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–462 and 731–TA–1156–1158 (Preliminary) (Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam)—briefing and vote. (The Commission is currently scheduled to transmit its determinations to the Secretary of Commerce on or before May 15, 2009; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before May 22, 2009.)
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 7, 2009.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E9–11043 Filed 5–7–09; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

United States Section; Notice of Availability of a Final Environmental Assessment and Finding of No Significant Impact for Emergency Repairs to the Presidio Flood Control Project in Presidio, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508); and the United States Section, Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, (46 FR 44083); the United States Section hereby gives notice that the Final Environmental Assessment and Finding of No Significant Impact for Emergency Repairs to the Presidio Flood Control Project in Presidio, Texas are available. A notice of finding of no significant impact dated April 2, 2009, provided a thirty (30) day comment period before making the finding final. The Notice was published in the **Federal Register** on April 2, 2009 (**Federal Register** Notice, Vol. 74, No. 62, Page 14999).

FOR FURTHER INFORMATION CONTACT: Daniel Borunda, Environmental Protection Specialist; Environmental Management Division; United States Section, International Boundary and Water Commission; 4171 N. Mesa, C–100; El Paso, Texas 79902. Telephone: (915) 832–4767, e-mail: *danielborunda@ibwc.gov.*

Background: The USIBWC operates and maintains the Presidio Flood Control Project (FCP) located along the Rio Grande within the city of Presidio, Texas. The FCP extends approximately 15.2 miles, from Haciendita, upstream of the Rio Conchos confluence, and ending downstream of Presidio near Brito Creek. In September and October 2008, the Presidio FCP levees sustained major flood damage from overtopping, under-seepage, and erosion. The USIBWC intends to repair a 3000-foot section of levee near Station 7+000 that is susceptible to under-seepage and possible levee failure. The USIBWC will remediate the levee failure by constructing a slurry-trench cut-off wall.

Recent geotechnical evaluations have identified this reach as requiring immediate attention in order to provide flood control protection to the city of Presidio in preparation of the regional 2009 monsoon season.

Availability: Electronic copies of the Final EA and FONSI are available from the USIBWC Home Page at *http://www.ibwc.state.gov*.

Dated: May 4, 2009.

Robert McCarthy,

General Counsel.

[FR Doc. E9–10942 Filed 5–8–09; 8:45 am]

BILLING CODE 7010–01–P

DEPARTMENT OF LABOR

Workforce Investment Act of 1998 (WIA); Notice of Incentive Funding Availability Based on Program Year (PY) 2007 Performance

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, in collaboration with the Department of Education, announces that eleven states are eligible to apply for Workforce Investment Act (WIA) (Pub. L. 105–220, 29 U.S.C. 2801 *et seq.*) incentive grant awards authorized by section 503 of the WIA.

DATES: The eleven eligible states must submit their applications for incentive funding to the Department of Labor by June 25, 2009.

ADDRESSEE: Submit applications to the Employment and Training Administration, Office of Performance and Technology, 200 Constitution Avenue, NW., Room S–5206, Washington, DC 20210, Attention: Karen Staha and Gail Sather, Telephone number: 202–693–3995 (this is not a toll-free number). Fax: 202–693–3490. E-mail: *staha.karen@dol.gov* and *sather.gail@dol.gov*. Information may also be found at the ETA Performance Web site: *http://www.doleta.gov/performance*.

SUPPLEMENTARY INFORMATION: Eleven (11) states (see Appendix) qualify to receive a share of the $9.7 million available for incentive grant awards under WIA section 503. These funds, which were contributed by the Department of Education from appropriations for the Adult Education and Family Literacy Act, are available for the eligible states to use through June 30, 2011, to support innovative workforce development and education activities that are authorized under title IB (Workforce Investment Systems) or title II (the Adult Education and Family Literacy Act (AEFLA)) of WIA, or under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), 20 U.S.C. 2301 *et seq.,* as amended by Public Law 109–270. In order to qualify for a grant award, a state must have exceeded its performance levels for WIA title IB and adult education (AEFLA). (Due to the lack of availability of PY 2007 performance data under the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III), the Department of Labor and the Department of Education did not consider states' performance levels under Perkins in determining incentive grants eligibility.) The goals included employment after training and related services, retention in employment, and improvements in literacy levels, among other measures. After review of the performance data submitted by states to the Department of Labor and to the Department of Education, each Department determined for its program(s) which states exceeded their performance levels (the Appendix at the bottom of this notice lists the performance of each state by program). These lists were compared, and states that exceeded their performance levels for both programs are eligible to apply for and receive an incentive grant award. The amount that each state is eligible to receive was determined by the Department of Labor and the Department of Education, based on the provisions in WIA section 503(c) (20 U.S.C. 9273(c)), and is proportional to the total funding received by these states for WIA title IB and AEFLA programs.

The states eligible to apply for incentive grant awards and the amounts they are eligible to receive are listed in the following chart:

State	Amount of award
1. Florida	$933,944
2. Illinois	1,000,916
3. Indiana	869,269
4. Iowa	779,429
5. Kansas	788,155
6. Kentucky	851,748
7. Minnesota	801,528
8. New York	1,099,410
9. North Carolina	876,709
10. Ohio	998,255
11. South Dakota	761,088

Signed in Washington, DC, this 5th day of May 2009.

Douglas F. Small,

Deputy Assistant Secretary for Employment and Training.

APPENDIX

State	Incentive grants PY 2007–FY 2008 exceeded state performance levels		
	WIA (Title IB)	AEFLA (Adult Education)	WIA Title IB; AEFLA
Alabama		X	
Alaska			
Arizona	X		
Arkansas			
California			
Colorado			
Connecticut		X	
District of Columbia			
Delaware		X	
Florida	**X**	**X**	**X**
Georgia	X		
Hawaii	X		
Idaho	X		
Illinois	**X**	**X**	**X**
Indiana	**X**	**X**	**X**
Iowa	**X**	**X**	**X**
Kansas	**X**	**X**	**X**

APPENDIX—Continued

State	Incentive grants PY 2007–FY 2008 exceeded state performance levels		
	WIA (Title IB)	AEFLA (Adult Education)	WIA Title IB; AEFLA
Kentucky	**X**	**X**	**X**
Louisiana		X	
Maine		X	
Maryland		X	
Massachusetts		X	
Michigan		X	
Minnesota	**X**	**X**	**X**
Mississippi			
Missouri	X		
Montana			
Nebraska	X		
Nevada			
New Hampshire		X	
New Jersey		X	
New Mexico			
New York	**X**	**X**	**X**
North Carolina	**X**	**X**	**X**
North Dakota			
Ohio	**X**	**X**	**X**
Oklahoma	X		
Oregon		X	
Pennsylvania		X	
Puerto Rico	X		
Rhode Island		X	
South Carolina			
South Dakota	**X**	**X**	**X**
Tennessee		X	
Texas	X		
Utah			
Vermont			
Virginia		X	
Washington		X	
West Virginia		X	
Wisconsin		X	
Wyoming	X		

States in **bold** exceeded their performance levels for both AEFLA and WIA Title IB programs.

[FR Doc. E9–10967 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 21, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 21, 2009.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 4th day of May 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 4/20/09 and 4/24/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
65816	Saint-Gobain Containers (Union)	Waxahachie, TX	04/20/09	04/17/09
65817	BAE Systems Controls, Inc. (Comp)	Irving, TX	04/20/09	04/15/09
65818	Findlay Industries, Inc. (Wkrs)	Dublin, VA	04/20/09	04/16/09
65819	Williams International (Wkrs)	Ogden, UT	04/20/09	04/13/09
65820	Swanson Group/Swanson Aviation, LLC (Wkrs)	Grants Pass, OR	04/20/09	04/15/09
65821	CTH Sherrill Occasional (Comp)	Hickory, NC	04/20/09	04/17/09
65822	DRS Laurel Technologies (Wkrs)	Johnstown, PA	04/20/09	04/18/09
65823	Valeo Electrical Systems (IUECWA)	Rochester, NY	04/21/09	04/20/09
65824	Bentex Mills, Inc. (Comp)	Greensboro, NC	04/21/09	04/20/09
65825	Caster, Inc. (Wkrs)	N. Hollywood, CA	04/21/09	04/05/09
65826	Integrated Manufacturing Technologies, Inc. (Comp)	Elgin, TX	04/21/09	04/20/09
65827	Plasma Automation (Wkrs)	Meadville, PA	04/21/09	04/20/09
65828	Foamade Industries (Wkrs)	Hillsdale, MI	04/21/09	04/13/09
65829	Sierra Pacific Industries (Comp)	Camino, CA	04/21/09	04/13/09
65830	Maggy London International Ltd (Wkrs)	New York, NY	04/21/09	03/19/09
65831	Cox Manufacturing Company, Inc. (Wkrs)	Hildebran, NC	04/22/09	04/21/09
65832	Greenville Metals, Inc. (Comp)	Transfer, PA	04/22/09	04/21/09
65833	Reed Elsevier (Wkrs)	Greensboro, NC	04/22/09	04/20/09
65834	Boise Cascade, LLC (State)	LaGrande, OR	04/22/09	04/20/09
65835	Leroy Somer (Wkrs)	Lexington, TN	04/22/09	04/21/09
65836	EDS, an HP Company (Wkrs)	Kokomo, IN	04/22/09	04/20/09
65837	Duro Textiles, LLC (Comp)	Fall River, MA	04/22/09	04/17/09
65838	C & W Industries, Inc. (Comp)	Malden, MA	04/22/09	04/21/09
65839	JCIM Subsidiary of JCI, Inc. (State)	Plymouth, MI	04/22/09	03/22/09
65840	East Coast Entertainment Productions (Comp)	Norfolk, VA	04/23/09	04/23/09
65841	John D Hollingsworth on Wheels Inc (Wkrs)	Greenville, SC	04/23/09	04/15/09
65842	Allegheny Technologies Inc (State)	Albany, OR	04/23/09	04/22/09
65843	SolarWorld Ind America (Wkrs)	Vancouver, WA	04/23/09	04/20/09
65844	Murphy Veneer (Wkrs)	White City, OR	04/24/09	04/17/09
65845	Broyhill Furniture (Wkrs)	Rutherfordton, NC	04/24/09	04/23/09
65846	Allied Manufacturing Tech (State)	Lincolnton, NC	04/24/09	04/23/09
65847	TimBar Packaging and Display (Comp)	Vernon, NY	04/24/09	04/23/09
65848	Mag Automation & Controls (Wkrs)	Machesney Park, IL	04/24/09	03/25/09
65849	Stimson Lumber Company (IAMAW)	Clatskanie, OR	04/24/09	04/13/09

[FR Doc. E9–10896 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,511]

FMC Manufacturing, LLC; Monmouth, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 6, 2009 in response to a petition filed on behalf of workers of FMC Manufacturing, LLC, Monmouth, Illinois.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 15th day of April, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10910 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,685]

Burke Industrial Supply, Inc.; Morganton, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 26, 2009 in response to a petition filed by a company official on behalf of workers of Burke Industrial Supply, Inc., Morganton, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10886 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,794]

Leggett and Platt, Inc., Whittier, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 14, 2009, in response to a petition filed on behalf of workers of Leggett and Platt, Whittier, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10865 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,089]

Brunswick Corporation, Crestliner Division, Little Falls, MN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 3, 2009 in response to a petition filed by a Minnesota state agency representative on behalf of workers at Brunswick Corporation, Crestliner Division, Little Falls, Minnesota. The workers at the subject facility produce aluminum boats.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10867 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,933]

Wolf Appliance, A Division of Sub Zero Freezer Inc., Fitchburg, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 22, 2009 in response to a petition filed by the Sheet Metal Workers, Local 565 on behalf of workers of Wolf Appliance, a division of Sub Zero Freezer Inc., Fitchburg, Wisconsin.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 13th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10866 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,103]

Dan Draexlmaier Automotive North America, Duncan, SC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 4, 2009 in response to a petition filed on behalf of workers at Dan Draexlmaier Automotive North America, Duncan, South Carolina. The workers at the subject facility are engaged in program management, sales and logistics related to the production of interior systems for automobiles.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10868 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,611]

Kreber; High Point, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 17, 2009 in response to a petition filed by a company official on behalf of workers of Kreber, High Point, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10915 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,602]

LeeMAH Electronics, San Francisco, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2009 in response to a petition filed on behalf of the workers at LeeMAH Electronics, Inc., San Francisco, California.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10914 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,590]

Johnson Controls, Inc., Pulaski, TN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 13, 2009 in response to a worker petition filed by a company official on behalf of workers of Johnson Controls, Inc., Pulaski, Tennessee.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10913 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,517]

General Motors Corporation, Warren, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 4, 2009 in response to a petition filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Local 1112, on behalf of workers at General Motors Corporation, Warren, Ohio. The workers at the subject facility assemble automobiles.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 17th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10912 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,513]

Tyrone Mining, LLC, Tyrone, NM; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 6, 2009 in response to a worker petition filed on behalf of the workers of Tyrone Mining, LLC, Tyrone, New Mexico.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10911 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,501]

R.H. Donnelley, Inc., Dunmore, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 5, 2009 in response to a worker petition filed on behalf of workers at R.H. Donnelley, Inc., Dunmore, Pennsylvania. The workers at the subject facility are engaged in activities related to the production of phonebooks.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 20th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10909 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,488]

Great Lakes Recovery Systems, Ecorse, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 4, 2009 in response to a petition filed by the United Steelworkers, Local 1299, on behalf of workers at Great Lakes Recovery Systems, Ecorse, Michigan. The workers at the subject facility produce steel alloy.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 16th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10908 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,470]

Fluidmaster, Inc., San Juan Capistrano, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 4, 2009 in response to a petition filed by a company official on behalf of workers at Fluidmaster, Inc., San Juan Capistrano, California. The workers at the subject facility produce toilet repair products.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 16th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10907 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,723]

Eagle Compressor, Hickman, KY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 1, 2009 in response to a petition filed by a company official on behalf of workers of Eagle Compressor, Hickman, Kentucky.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10921 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,773]

United States Steel, Great Lakes Works, Ecorse, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 23, 2008 in response to a worker petition filed on behalf of workers at United States Steel, Great Lakes Works, Ecorse, Michigan. The workers at the subject facility produce flat rolled steel.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10898 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,724]

Ryerson, Inc., Portland, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 1, 2009 in response to a worker petition filed on behalf of workers at Ryerson, Inc., Portland, Oregon.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10890 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,706]

R & B Fabrications, Oakwood, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2009 in response to a worker petition filed on behalf of workers at R&B Fabrications, Inc., Oakwood, Ohio.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10887 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,677]

Jeld-Wen, Inc., Klamath Falls, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 25, 2009 in response to a worker petition filed by workers of Jeld-Wen, Inc., Klamath Falls, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10885 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,598]

Lincoln Electric/Harris Products Group, Mason, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2009 in response to a petition filed on behalf of workers of Lincoln Electric/Harris Products Group, Mason, Ohio.

The petitioners have requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10882 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,580]

Sipco, Incorporated, Meadville, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 12, 2009 in response to a petition filed by a company official on behalf of workers of Sipco, Incorporated, Meadville, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 13th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10880 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,550]

Ceridian Corporation, Minneapolis, MN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 11, 2009 in response to a petition filed on behalf of workers of Ceridian Corporation, Minneapolis, Minnesota.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10877 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,537]

Avery Dennison Information And Brand Management Division, Sayre, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 10, 2009 in response to a petition filed by a company official on behalf of workers of Avery Dennison, Information and Brand Management Division, Sayre, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10875 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,705]

FLA Orthopedics, Inc., Huntersville, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 31, 2009 in response to a worker petition filed by a company official on behalf of workers of FLA Orthopedics, Inc., Huntersville, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10919 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,639]

Business Confidential; Tyco Safety Products, Westminster, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 20, 2009 in response to a petition filed by a company official on behalf of the workers of Tyco Safety Products, Westminster, Massachusetts.

The petitioners requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10917 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,754]

Chromalox Precision, Pittsburgh, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 6, 2009 in response to a petition filed on behalf of workers of Chromalox Precision, Pittsburgh, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10924 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,515]

Bayloff Stamped Products, Kinsman, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 9, 2009 in response to a petition filed by the United Steelworkers of America, Local 1–00592 on behalf of workers of Bayloff Stamped Products, Kinsman, Ohio.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10873 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,715]

Ram Rod Industries, Prentice, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 31, 2009 in response to a worker petition filed on behalf of the workers of Ram Rod Industries, Prentice, Wisconsin.

The petitioners requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10920 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,621]

Mississippi Polymers, Incorporated, Corinth, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 18, 2009 in response to a petition filed by a company official on behalf of workers of Mississippi Polymers, Incorporated, Corinth, Mississippi.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10916 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,180; TA–W–65,180A; TA–W–65,180B; TA–W–65,180C]

Moduslink Corporation, Morrisville, NC; Moduslink Corporation, Indianapolis, IN; Moduslink Corporation, Lindon, UT; Moduslink Corporation, Nashville, TN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 9, 2009 in response to a petition filed by a company official on behalf of workers of Moduslink, Morrisville, North Carolina (TA–W–65,180), Moduslink, Indianapolis, Indiana (TA–65,180A), Moduslink, Lindon, Utah (TA–W–65,180B), and Moduslink, Nashville, Tennessee (TA–W–65,180C).

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10903 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,930]

Kaiser Aluminum, Greenwood, SC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 22, 2009 in response to a petition filed on behalf of workers of Kaiser Aluminum, Greenwood, South Carolina.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10901 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,743]

Lionbridge US, Inc, Waltham, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 3, 2009 in response to a petition filed by an Oregon One Stop Operator on behalf of the workers of Lionbridge US, Inc, Waltham, Massachusetts.

Since the state official in Oregon is not a duly authorized representative of the workers in Massachusetts, the petition is deemed invalid.

Additionally, the petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 21st day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10923 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,730]

Bridgestone APM Plant 1, Carey, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 1, 2009 in response to a petition filed by three workers on behalf of the workers at Bridgestone APM Plant 1, Carey, Ohio.

The petitioners requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10922 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,684]

Convergys, Cincinnati, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 26, 2009 in response to a worker petition filed on behalf of the workers of Convergys, Cincinnati, Ohio.

The petitioners requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 20th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10918 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,431]

CWR Manufacturing Corporation, East Syracuse, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 27, 2009 in response to a petition filed by a company official on behalf of workers of CWR Manufacturing Corporation, East Syracuse, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10906 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,315]

Davis International, West Point, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 19, 2009 in response to a worker

petition filed by workers of Davis International, West Point, Mississippi.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10905 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,312]

Brown Shoe Company, Inc., Fredericktown, MO; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 19, 2009 in response to a petition filed by a United Food and Commercial Workers Local 655 union representative on behalf of workers of Brown Shoe Company, Inc., Fredericktown, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10904 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,981]

EFTEC North America LLC, Dayton, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 22, 2009 in response to a petition filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 888, on behalf of workers of EFTEC North America LLC, Dayton, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10902 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,918]

Lehman Brothers, Incorporated, New Haven, CT; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 16, 2009 in response to a petition filed by the Rapid Response Coordinator for the State of Connecticut on behalf of workers of Lehman Brothers, Incorporated, New Haven, Connecticut.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10900 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,852]

MGP Ingredients, Inc., Pekin, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 12, 2009 in response to a worker petition filed by officials of the United Food and Commercial Workers Union on behalf of workers at MGP Ingredients, Inc., Pekin, Illinois.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 15th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10899 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,360]

Meadwestvaco Corporation Consumer and Office Products Division, Enfield, CT; Notice of Termination of Investigation on Reconsideration

By application dated April 1, 2009, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of MeadWestvaco Corporation, Consumer and Office Products Division, Enfield, Connecticut (subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The Department's Notice of Affirmative Determination Regarding Application for Reconsideration was signed on April 7, 2009, and published in the **Federal Register** on April 16, 2009 (74 FR 17691).

The petitioners have requested that the request for reconsideration be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10897 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,593]

OSF Brands Inc., Plant #8, Huntingburg, IN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2009 in response to a petition filed on behalf of the workers of OSF Brands, Inc., Plant #8, Huntingburg, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10881 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,575]

Focus Products Group, Swing-A-Way, St. Louis, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 12, 2009 in response to a petition filed by a company official on behalf of workers of Focus Products Group, Swing-A-Way, St. Louis, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10879 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,570]

Pentair Water Pool and Spa, Auburn, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 12, 2009, in response to a worker petition filed on behalf of workers at Pentair Water Pool and Spa, Auburn, California.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10878 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,548]

Mine Safety Appliances, Murrysville-Soft Goods (Harness), a Subsidiary of Mine Safety Appliances, Murrysville, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 10, 2009 in response to a petition filed on behalf of workers of Mine Safety Appliances, Murrysville-Soft Goods (Harness), a subsidiary of Mine Safety Appliances, Murrysville, Pennsylvania.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10876 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,523]

Federal Mogul Corporation, Blacksburg, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 9, 2009 in response to a petition filed by the International Association of Machinists and Aerospace Workers, Local 2533 on behalf of workers of Federal Mogul Corporation, Blacksburg, Virginia.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10874 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,495]

Gerber Technology and Gerber Services, New York, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 5, 2009 in response to a petition filed by a company official on behalf of workers of Gerber Technology and Gerber Services, New York, New York.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10872 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,401]

Ingersoll Rand Industrial Technologies, Incorporated, Southern Pines, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 26, 2009 in response to a petition filed on behalf of workers of Ingersoll Rand Industrial Technologies, Southern Pines, North Carolina.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10871 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,311]

Caterpillar, Inc., Large Power Systems Division, Mossville, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 19, 2009 in response to a petition filed by the United Automobile, Agricultural Implement Workers of America International Union, Local 974 on behalf of workers of Caterpillar, Inc., Large Power Systems Division, Mossville, Illinois.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 13th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10870 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,122]

Gunderson Rail Services, LLC, dba Greenbrier Rail Services, a Subsidiary of the Greenbrier Companies, Chicago Heights, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 4, 2009 in response to a worker petition filed by workers of Gunderson Rail Services, LLC, dba Greenbrier Rail Services, a subsidiary of The Greenbrier Companies, Chicago Heights, Illinois.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 14th day of April 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10869 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,814]

Sperian Protective Gloves, USA, Buffalo, NY; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 17, 2009 in response to a petition filed by a company official on behalf of workers of Sperian Protective Gloves, USA, Buffalo, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 21st day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10895 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,750]

Chick Machine Co., Inc., Butler, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 6, 2009 in response to a petition filed by a company official on behalf of workers of Chick Machine Co., Inc., Butler, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10894 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,741]

3M Company, Columbia, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 3, 2009 in response to a petition filed by a company official on behalf of workers of 3M Company, Columbia, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10893 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,733]

Wausau Paper Specialty Products, LLC, a Subsidiary of Wasau Paper Corporation, Jay, ME; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 2, 2009, in response to a worker petition filed by the State Workforce Office on behalf of workers at Wausau Paper Specialty Products, LLC, a subsidiary of Wausau Paper Corporation, Jay, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10892 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,728]

NCI Group, Incorporated D/B/A Robertson Ceco Corp, Lockeford, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 1, 2009 in response to a petition filed by the Shop Ironworkers, Local 790 on behalf of workers of NCI Group, Incorporated doing business as Robertson Ceco Corp, Lockeford, California.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10891 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,711]

Cadmus Communications, Easton, MD; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 31, 2009 in response to a petition filed by a state agency representative on behalf of workers of Cadmus Communications, Easton, Maryland.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10889 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,707]

Paragon Store Fixtures, Big Lake, MT; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 31, 2009 in response to a worker petition filed by a company official on behalf of workers of Paragon Store Fixtures, Big Lake, Montana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10888 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,629]

Coadna Photonics, Inc., Sunnyvale, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 18, 2009 in response to a worker petition filed on behalf of the workers at CoAdna Photonics, Inc., Sunnyvale, California.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10884 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,625]

Delphi Thermal Systems, Auburn Hills, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 18, 2009 in response to a petition filed by a company official on behalf of workers of Delphi Thermal Systems, Auburn Hills, Michigan.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 10th day of April 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–10883 Filed 5–8–09; 8:45 am]

BILLING CODE 4510–FN–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

[OMB Control No. 3440–NEW]

Office of the Chief Human Capital Officer; Information Collection; Ancestry and Ethnicity Data Elements; Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Director of National Intelligence (ODNI).

ACTION: Information Collection Activities: Proposed Collection; Comment Request.

SUMMARY: In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the ODNI invites the general public and Federal agencies to comment on the standard data elements being reviewed under regular review procedures for use by the Intelligence Community agencies and elements, as defined by the National Security Act of 1947, as amended. The title of the standard data element set is ''Ancestry and Ethnicity Data Elements'', and is for the purpose of collecting ancestry and ethnicity data not otherwise captured in Standard Form (SF) 181, ''Ethnicity and Race Identification''. Data collected, obtained by responding to three questions, will assist the Intelligence Community in recruiting and retaining employees of various national, sub-national, cultural and ethnic backgrounds important to the Intelligence Community's mission. Once the standard data elements are approved, each Federal agency and element of the Intelligence Community may make the form available to every Intelligence Community job applicant to voluntarily report this information and data through use of a paper form or other agency information collection process. 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; ways to enhance the quality, utility, and clarity of the information to be collected. These data elements can be viewed on the Web site *http://www.intelligence.gov*.

DATES: Comments must be submitted on or before July 10, 2009.

FOR FURTHER INFORMATION CONTACT: The Office of the Chief Human Capital Officer, ODNI, McLean, Virginia, 703–275–3365. Please cite OMB Control No. 3440–NEW, Ancestry and Ethnicity Data

Elements. The form can be downloaded from *http://www.intelligence.gov*.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden 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 ''Ancestry and Ethnicity'' 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.

SUPPLEMENTARY INFORMATION:

A. Purpose—This request concerns a new information collection vehicle and is for the purpose of collecting ancestry and ethnicity data not otherwise captured in Standard Form (SF) 181, ''Ethnicity and Race Identification''. Data collected, obtained by responding to three questions, will assist the Intelligence Community in recruiting and retaining employees of various national, sub-national, cultural and ethnic backgrounds important to the Intelligence Community's mission.

B. Annual Reporting Burden

Respondents: 50,000.

Responses per Respondent: 3.

Hours per Response: 1 minute.

Total Burden Hours: 3 minutes.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Office of the Chief Human Capital Officer, ODNI, at 1500 Tysons Mclean Dr., McLean, Virginia 22101, or call 703–275–3365. Please cite Ancestry and Ethnicity Data Elements in all correspondence.

Dated: April 2, 2009.

Deatri L. Brewer,

DNI PRA Clearance Officer.

[FR Doc. E9–10475 Filed 5–8–09; 8:45 am]

BILLING CODE 3910–A7–P

NATIONAL MEDIATION BOARD

Submission for OMB Review; Comment Request

AGENCY: National Mediation Board (NMB).

ACTION: Notice.

SUMMARY: The Director, Office of Administration, invites comments on the submission for OMB review, in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995 and 5 CFR part 1320). This notice announces that the NMB has submitted to the Office of Management and Budget a request for clearance of six (6) information collections.

DATES: Interested persons are invited to submit comments within 30 days from the date of this publication.

ADDRESSES: Written comments should be addressed to June D. W. King, Director, Office of Administration, National Mediation Board, 1301 K Street, NW., Suite 250 East, Washington, DC 20572 or should be e-mailed to *king@nmb.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Chief Information Officer, Finance and Administration Department, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, *e.g.* new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

Dated: May 5, 2009.

June D. W. King,

Director, Office of Administration, National Mediation Board.

Request for Arbitration Panel for Airline System Boards of Adjustment

Frequency: On occasion.

Affected Public: Airline Carrier and Union Officials.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate about 80 annually.

Burden Hours: 20.

Abstract: Section 183 of the Railway Labor Act, 45 U.S.C., 183, provides that the parties to the labor-management disputes in the airline industry must have a procedure for the resolution of disputes involving the interpretation or application of provisions of the collective bargaining agreement. The Railway Labor Act mentions system board of adjustment or arbitration boards as the mechanism for resolution and is silent as to how the neutral arbitrator is to be selected if the parties are unable to agree on an individual. The National Mediation Board provides panels of arbitrators to help the parties in their selection of an arbitrator.

This form is necessary to assist the parties in this process. The parties invoke the process through the submission of this form. The brief information is necessary for the NMB to perform this important function.

Arbitration Services—Personal Data Sheet

Frequency: On occasion.

Affected Public: Arbitrators.

Reporting and Recordkeeping Hour Burden:

Responses: 25 annually.

Burden Hours: 25.

Abstract: Sections 183 and 153 of the Railway Labor Act, 45 U.S.C., 153 and 183, provide for the use of arbitrators in the resolution of disputes concerning the application or interpretation of provisions of a collective bargaining agreement in the airline and railroad industries. The NMB maintains a roster of arbitrators for this purpose. The NMB must have a means for interested individuals to apply for inclusion on this roster. This form is the application for inclusion on the NMB roster. The brief information that the NMB solicits is necessary to perform this responsibility under the Railway Labor Act.

Request for Public Law Board Member

Frequency: On occasion.

Affected Public: Carrier and Union Officials of railroads.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate 15 annually.

Burden Hours: 3.75.

Abstract: Section 153, Second, of the Railway Labor Act, 45 U.S.C. 153, Second, governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards. These special adjustment boards are referred to as public law boards (board). The statute provides that within thirty (30) days from the date a written request is made by an employee representative or carrier official for the establishment of a board, an agreement establishing such board shall be made.

If, however, one party fails to designate a member of the board, the party making the request may ask the NMB to designate a member on behalf of the other party. The NMB must designate the representative who, together with the other party constitute the public board. It will be the task of these two individuals to decide on the terms of the agreement. If these individuals are unable to decide upon the terms, the Railway Labor Act provides that one of these parties may request that the NMB designate a neutral to resolve the remaining matters which are procedural issues. Pursuant to 29 CFR 1207.2, requests for the NMB to appoint either representatives or neutrals must be made on printed forms which may be secured from the NMB.

This form is necessary for the NMB to fulfill its statutory responsibilities. Without this information, the NMB would not be able to assist the railroad labor and management representatives in resolving disputes, which is contrary to the intent of the Railway Labor Act.

Arbitration Services—Official Travel/ Referee Compensation Authorization

Frequency: On occasion.
Affected Public: Arbitrators.
Reporting and Recordkeeping Hour Burden:
Responses: Approximately 624 annually.
Burden Hours: 156.

Abstract: Section 153, First and Second of the Railway Labor Act, 45 U.S.C. 153, First and Second, provide that the NMB shall compensate arbitrators who resolve the resolves under these sections of the Act. The arbitrator must submit a written request, in advance, for authorization to be compensated for work to be performed. The arbitrator must obtain authorization before performing work. This form is the request and is necessary for the NMB to fulfill its financial responsibilities.

Arbitration Services—Pay Voucher for Personal Services

Frequency: On occasion.
Affected Public: Arbitrators.
Reporting and Recordkeeping Hour Burden:
Responses: Approximately 624 annually.
Burden Hours: 156.

Abstract: Section 153, First and Second of the Railway Labor Act, 45 U.S.C. 153, First and Second, provide that the NMB shall compensate arbitrators who resolve the resolves under these sections of the Act. After the work is performed, the arbitrator must submit a written request for compensation. This form is the vehicle used to request compensation and is necessary for the NMB to fulfill its financial responsibilities.

Neutral's Report of Activity

Frequency: On occasion.
Affected Public: Arbitrators.
Reporting and Recordkeeping Hour Burden:
Responses: Approximately 624 annually.
Burden Hours: 156.

Abstract: Section 153, First and Second of the Railway Labor Act, 45 U.S.C. 153, First and Second, provide that the parties may use an arbitrator to resolve their disputes concerning the application or interpretation of the provisions of a collective bargaining agreement. The NMB must record the decisions rendered by the arbitrators selected by the parties and compensated by the NMB. This form is used to gather that information. This brief information is necessary for the NMB to fulfill its responsibilities under the Railway Labor Act.

Requests for copies of the proposed information collection request may be accessed from *www.nmb.gov* or should be addressed to Denise Murdock, NMB, 1301 K Street NW., Suite 250 E, Washington, DC 20572 or addressed to the e-mail address *murdock@nmb.gov* or faxed to 202–692–5081. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to June D. W. King at 202–692–5010 or via Internet address *king@nmb.gov.* Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–10790 Filed 5–8–09; 8:45 am]
BILLING CODE 7550–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

NAME: Proposal Review Panel for Materials Research, Facility Operations Review Panel (1203).

DATES AND TIMES: Wednesday, May 27, 2009, 7 p.m.–8:30 p.m., Thursday, May 28, 2009, 8 a.m.–10 p.m., and Friday, May 29, 2009, 8 a.m.–3 p.m.

PLACE: California Institute of Technology, Pasadena, CA.

TYPE OF MEETING: Partially Closed.

CONTACT PERSON: Dr. Guebre X. Tessema, Program Director, National Facilities Programs, Division of Materials Research, Room 1080, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4935.

PURPOSE OF MEETING: Site Visit Review to provide advice and recommendations concerning two Midscale construction projects DMR–0520547 and DMR–0603042

AGENDA:

Wednesday, May 27

7 p.m.–8:30 p.m. Closed—Working Dinner and Executive Session.

Thursday, May 28 Series connected hybrid (DMR–0603042)

8 a.m.–11:45 a.m. Open—Presentations.

11:45 a.m.–12:15 p.m. Closed—Executive Session.

12:15 p.m.–1:15 p.m. Lunch break.

1:30 p.m.–5 p.m. Closed—Executive Session and report writing.

5 p.m.–7 p.m. Dinner.

7 p.m.–10 p.m. Closed—Executive session.

Friday, May 29 DANSE Project (DMR–0603042)

8 a.m.–11:45 a.m. Open—DANSE.

11:45 a.m.–12:15 p.m. Closed—Executive Session.

12:15 p.m.–1:15 p.m. Lunch break.

1:15 p.m.–3 p.m. Closed—Executive Session (Report Writing).

REASON FOR CLOSING: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 5, 2009.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E9–10787 Filed 5–8–09; 8:45 am]
BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034–COL, ASLBP No. 09–886–09–COL–BD01, and 52–035–COL]

Luminant Generation Company, LLC; 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 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Luminant Generation Company, LLC

(Comanche Peak Nuclear Power Plant, Units 3 and 4)

This proceeding concerns a Petition to Intervene and Request for Hearing dated April 6, 2009 from the Sustainable Energy and Economic Development Coalition, *et al.,* that was submitted in response to a February 5, 2009 Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene (74 FR 6177). Petitioners challenge the application filed by Luminant Generation Company LLC pursuant to subpart C of 10 CFR part 52 for a combined license for Comanche Peak Nuclear Power Plant, Units 3 and 4, to be located in Somervell County, Texas.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001,

Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001,

Alice C. Mignerey, Atomic Safety and Licensing Board Panel, 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 (72 FR 49,139).

Issued at Rockville, Maryland, this 4th day of May 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9–10930 Filed 5–8–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2009–3; Order No. 209]

Postal Service Price Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is conducting a review of the Postal Service's planned Standard Mail Volume Incentive Pricing Program (Summer Sale). This document invites public comment.

DATES: Comments are due May 21, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview

On May 1, 2009, the Postal Service filed with the Commission a notice announcing its intention to adjust prices for Standard Mail letters and flats pursuant to 39 U.S.C. 3622 and 39 CFR part 3010.[1] The proposed adjustment is in the form of a ''Standard Mail Volume Incentive Pricing Program'' (also known as the Summer Sale program) with a planned implementation date of July 1, 2009 and a planned expiration date of September 30, 2009. This proposal represents an innovative approach by the Postal Service to utilize greater pricing flexibility for market dominant products under the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3218 (2006).

II. Postal Service Filing

Summer Sale Program. The proposed Summer Sale program will provide a 30 percent rebate to eligible mailers on Standard Mail letters and flats volumes above a mailer specific threshold. *Id.* at 3. The threshold is calculated based on the percentage change between the mailer's volume during the current fiscal year (through March 2009) and the volume for the same period last year (trend), and applying that percentage to the volume mailed during the summer months the previous year (July 1, 2008 and September 30, 2008). *Id.* at 3–4. To discourage mailers from shifting planned October 2009 mailings into the Summer Sale program, the Postal Service will measure each mailer's October 2009 volume against the prior year's volume for that month and reduce the rebate if the mailer is found to have mailed less in October 2009. *Id.* at 4.

Eligibility for the Summer Sale program is limited to mailers who are permit holders, *i.e.,* owners of a permit imprint advance deposit account and who have a demonstrable volume of at least 1 million Standard Mail letters and flats between October 1, 2007 and March 31, 2008 for one or more permit imprint advance deposit accounts, pre-canceled stamp permits, or postage meter permits. *Id.* at 4. Mail service providers are not eligible for the program due to the significant administrative cost to the Postal Service. *Id.* at 5. However, applicants may qualify for the program with volume mailed through an account owned by a mail service provider if the applicant can adequately demonstrate that it is the owner of the mail. *Id.* at 4.

In support of the proposal, the Postal Service notes that the economy has adversely affected many postal customers, resulting in a precipitous decline in Standard Mail volume. *Id.* at 2. The Postal Service believes the Summer Sale program may help its customers increase use of Standard Mail during what is typically a low volume period for Standard Mail. *Id.* at 2–3. The Postal Service also believes it will receive intangible benefits from the proposed program, including learning information which may improve postal data systems, gathering feedback from customers, which may help fine tune future programs, and improving customer relations. *Id.* at 3.

Conformance with 39 CFR 3010. The Postal Service's proposed schedule of prices appears in Appendix A, attached to the Notice. *Id.* at 1. It also represents, in conformance with the notice requirements of 39 CFR 3010.14(a)(3), that it will issue public notice of the price changes at least 45 days before the effective date via several additional means, including issuing notice of the price changes on the Postal Service's Web site (*http://www.usps.com*), the Postal Explorer Web site (*http://www.pe.usps.com*), the *DMM* [*Domestic Mail Manual*] *Advisory,* and the *P&C* [*Producers and Consumers*] *Weekly,* and a press release announcing the changes. The Postal Service also states that it plans to provide public notice of the price changes in future issues of the *PCC* [*Postal Customer Council*] *Insider, MailPro,* the *Postal Bulletin,* and the **Federal Register.** *Id.* at 1–2. The Postal Service identifies Greg Dawson, Manager, Pricing Strategy, as the official available to provide prompt responses

[1] United States Postal Service Notice of Market-Dominant Price Adjustment, May 1, 2009 (Notice).

to requests for clarification from the Commission.

Impact on the Price Cap. The Postal Service proposes to treat the program, for purposes of the price cap, as if it were a negotiated service agreement subject to 39 CFR 3010.24. *Id.* at 8. The Postal Service signals its intent to ignore the net price decrease resulting from the program, and for purposes of the price cap, calculate revenues for the volumes as though they paid the appropriate non-discounted rates. *Id.* at 8; 39 CFR 3010.24(a). Therefore, the Postal Service makes no calculation of cap or price changes as described in 39 CFR 3010.14(b)(1) through (4). Notice at 8.

Objectives and Factors, Workshare Discounts, and Preferred Rates. The Postal Service lists the relevant objectives and factors of 39 U.S.C. 3622, and claims that the program supports several factors and is unlikely to impact the ability of Standard Mail (as a class) to cover its costs. *Id.* at 8–13. The Postal Service also asserts that, to the extent it affects workshare discounts, the program will shrink them, keeping discounts with a passthrough of 100 percent or less in compliance, and bringing passthroughs over 100 percent closer to compliance. *Id.* at 13. The Postal Service also indicates that Standard Mail letters and flats entered at nonprofit prices will be eligible for the same rebate, and since the rebate is a fixed percentage, the 60 percent differential between regular and nonprofit prices will remain unchanged. *Id.*

Mail Classification Schedule (MCS) Language. The Postal Service addresses 39 CFR 3010.14(b)(9) in Appendix A of its Notice. *Id.* at 1. This rule requires that the notice include all the changes to the product descriptions within the MCS that are necessitated by the planned price adjustments. These changes are presented based on draft MCS language being developed by the Commission in cooperation with the Postal Service. The draft MCS will be the subject of a future rulemaking, which will include the opportunity for public comment. The Postal Service provides the proposed MCS revisions in Appendix A.

III. Commission Action

The Commission establishes Docket No. R2009–3 to consider all matters related to the Notice as required by 39 U.S.C. 3622. The Commission's rules provide for a 20 day comment period starting from the date of the filing of the Notice. *See* 39 CFR 3010.13(a)(5). Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3622 and 39 CFR part 3010. Comments are due no later than May 21, 2009.

The Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding. *See* 39 U.S.C. 505. Pursuant to rule 3010.13(c), the Commission will issue its determination in this proceeding by June 4, 2009.

IV. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket No. R2009–3 to consider matters raised by the Postal Service's May 1, 2009 filing.

2. Interested persons may submit comments on the planned price adjustments. Comments are due May 21, 2009.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this Notice in the **Federal Register.**

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–10862 Filed 5–8–09; 8:45 am]

BILLING CODE 7710–FW–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Product Service Code (PSC) 9130—Liquid Propellants—Petroleum Base.

SUMMARY: The U. S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for PSC 9130—Liquid Propellants—Petroleum Base. According to a request, no small business manufacturers supply these classes of products to the Federal government. If granted, the waiver would allow otherwise qualified nonmanufacturer to supply the products of any manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program.

DATES: Comments and source information must be submitted May 26, 2009.

ADDRESSES: You may submit comments and source information to Pamela M. McClam, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela M. McClam, by telephone at (202) 205–7408; by FAX at (202) 481–4783, or by e-mail at *Pamela.mcclam@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(1). The SBA defines ''class of products'' based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS). In addition, SBA uses product service codes to identify particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule under NAICS code 324110, for Petroleum Refineries, PSC 9130—Liquid Propellants—Petroleum Base.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of products within 15 days after date of publication in the **Federal Register**.

Karen C. Hontz,

Director for Government Contracting.

[FR Doc. E9–10926 Filed 5–8–09; 8:45 am]

BILLING CODE 8025–01–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 an Open Meeting on Wednesday, May 13, 2009 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

The Commission will hear oral argument in an appeal by Thomas C. Bridge, James D. Edge, and Jeffrey K. Robles from the decision of an administrative law judge. The law judge found that Bridge, a registered representative formerly associated with A.G. Edwards, and Charles Sacco, another former A.G. Edwards registered representative who settled a related Commission proceeding against him, willfully violated Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule 10b–5 by taking action to ''continue market timing after they had been restricted from doing so'' by registered investment companies. The law judge further found that Edge, Bridge's supervisor, failed reasonably to supervise Bridge with a view to preventing his antifraud violations, and that Robles, Sacco's supervisor, failed reasonably to supervise Sacco.

For these violations, the law judge imposed the following sanctions: Bridge was ordered to cease and desist from violating or causing violations of the antifraud provisions, to disgorge approximately $40,000 plus prejudgment interest, to pay a $250,000 civil penalty, and to serve a one-year suspension from associating with a broker or dealer. Edge and Robles were both ordered to pay a $250,000 civil penalty, were barred from associating with a broker or dealer in a supervisory capacity, and were suspended from associating with a broker or dealer in any capacity for thirty days.

Among the issues likely to be argued are whether Bridge's and Sacco's conduct in connection with their market timing activity was fraudulent, whether Edge and Robles provided reasonable supervision under the circumstances, and, if so, whether and to what extent sanctions should be imposed on them.

Commissioner Casey, as duty officer, determined that no earlier notice thereof was possible.

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: May 7, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–11015 Filed 5–7–09; 11:15 am]

BILLING CODE 8010–01–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 an Open Meeting on Thursday, May 14, 2009 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

The Commission will consider custody-related matters, including whether to propose amendments to rule 206(4)–2 under the Investment Advisers Act of 1940 and related forms and rules. The proposed amendments would enhance the protections provided advisory clients when they entrust their funds and securities to an investment adviser. If adopted, the amendments would require investment advisers having custody of client funds and securities to obtain a surprise examination by an independent public accountant, and, unless the client assets are maintained with an independent custodian, obtain a review of custodial controls from an independent public accountant.

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: May 7, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–11077 Filed 5–7–09; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59861; File No. SR–NYSEArca–2009–33]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Listing and Trading of Safety First Trust Certificates Linked to the Dow Jones Industrial Average

May 5, 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 April 22, 2009, NYSE Arca, Inc. (''NYSE Arca'' 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca, through its wholly-owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities'' or the ''Corporation''), proposes to list under NYSE Arca Equities Rule 5.2(j)(7) (''Trust Certificates'') Safety First Trust Series 2009–2, Principal-Protected Trust Certificates Linked to the Dow Jones Industrial Average. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyx.com*, at the Exchange's principal office and at the Commission's Public Reference Room.

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 those statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As provided in NYSE Arca Equities Rule 5.2(j)(7), Trust Certificates are certificates representing an interest in a special purpose trust created pursuant to a trust agreement. The trust only issues Trust Certificates, which may or may not provide for the repayment of the original principal investment amount. The sole purpose of the trust is to invest the proceeds from its initial public offering to provide for a return linked to the performance of specified assets and to engage only in activities incidental to these objectives. Trust Certificates pay an amount at maturity based upon the performance of an underlying index or indexes of equity securities (''Equity Index Reference Asset''); instruments that are direct obligations of the issuing company, either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style), entitling the holder to a cash settlement in U.S. dollars to the extent that the foreign or domestic index has declined below (for a put warrant) or increased above (for a call warrant) the pre-stated cash settlement value of the index (''Index Warrants''); or a combination of two or more Equity Index Reference Assets or Index Warrants, as set forth in NYSE Arca Equities Rule 5.2(j)(7).

The Exchange proposes to list under NYSE Arca Equities Rule 5.2(j)(7) the Safety First Trust Series 2009–2, Principal-Protected Trust Certificates Linked to the Dow Jones Industrial Average (''Certificates'').[3] According to the Registration Statement, the Certificates are preferred securities of Safety First Trust Series 2009–2 (''Trust'') and will mature on a specified date in 2014 (''Maturity Date'').[4] Investors will receive at maturity for each certificate held intact (that is, that has not been exchanged by the holder, as described below) an amount in cash equal to $10 plus a ''Supplemental Distribution Amount,'' which may be positive or zero. The Supplemental Distribution Amount will be based on the percentage change of the value of the Dow Jones Industrial Average (''Index'') during the term of the Certificates. The Supplemental Distribution Amount for each Certificate will equal the product of (a) $10, (b) the percentage change in the value of the Index and (c) the Participation Rate, which is 100%–110%,[5] provided that the Supplemental Distribution Amount will not be less than zero.[6]

A holder of the Certificates has an interest in two separate securities—equity index participation securities (''Securities'') and equity index warrants (''Warrants'') of Citigroup Funding Inc.[7] The assets of the Trust will consist of the Securities and the Warrants. Beginning on the date the Certificates are issued and ending one business day prior to the Valuation Date,[8] a holder can exercise an ''exchange right.'' A holder can exercise the exchange right by providing notice to his or her broker and instructing the broker to forward that notice to the institutional trustee for the Certificates (U.S. Bank National Association), on any business day, to exchange the Certificates the investor holds for a pro rata portion of the assets of the Trust, which consist of the Securities and the Warrants. According to the Registration Statement, such holders will lose the benefit of principal protection at maturity, and this could result in their receiving substantially less than the amount of the original investment in the Certificates. In order to exercise the exchange right, the investor's account must be approved for options trading.[9]

The Securities will mature on the Maturity Date. At maturity, each Security will pay a ''Security Payment'' equal to $10 plus a ''Security Return Amount,'' which could be positive, zero or negative. If the value of the Index on the Valuation Date is greater than its value on the pricing date, the Security Return Amount for each Security will equal the product of (a) $10, (b) the percentage increase in the Index and (c) the Participation Rate, which equals 100%–110% (*e.g.*, assuming a Participation Rate of 100%, if the Index rises 30%, the Security Return Amount would be $3.00 ($10 times 0.30 times 1.00), and the Security Payment would be $13.00 ($10 plus $3.00)).

If the value of the Index on the Valuation Date is less than or equal to its value on the pricing date, the Security Return Amount for each security will equal the product of (a) $10 and (b) the percentage decrease in the Index. Thus, because the holder's participation in the depreciation of the Index is not limited by the Participation Rate, if the value of the Index on the Valuation Date is less than its value on the pricing date, investors will participate fully in the depreciation of the Index (*e.g.*, if the Index falls 30%, the Security Return Amount would be −$3.00 ($10 times −0.30) and the Security Payment would be $7.00 ($10 minus $3.00). The Security Return Amount will be used only for the purpose of determining the Security Payment for the Securities and is different from the Supplemental Distribution Amount used in determining the maturity payment on the Certificates.

The Warrants will be automatically exercised on the Maturity Date. If the value of the Index increases or does not change, the Warrants will pay zero. If the value of the Index decreases, the warrants will pay a positive amount equal to the product of (a) $10 and (b) the percentage decrease in the value of the Index.

The Certificates are similar to securities previously approved by the Commission for listing on the Exchange, including Trust Certificates issued by Citigroup Funding, Inc. based on the Index and other indexes.[10] At least one million publicly held trading units will be issued prior to listing and trading on the Exchange, with at least 400 public beneficial holders. The issuer of the Certificates, Citigroup Funding, Inc. has total assets of at least $100 million and net worth of at least $10 million. In addition, the issuer will be required to

[3] *See* the Registration Statement for Safety First Trust Series 2009–1, dated October 31, 2008 (Nos. 333–154914, 154914–07, 154914–11); Registration Statement for Safety First Trust Series 2009–2, dated March 31, 2009 (Nos. 333–157386 and 157386–01) (''Registration Statements'').

[4] The Certificates will be subject to acceleration to an earlier Maturity Date upon one of the acceleration events described in the Registration Statements.

[5] The Participation Rate will be determined at the time of issuance of the Certificates.

[6] The Trust payments will not be guaranteed pursuant to a financial guaranty insurance policy.

[7] The Securities and Warrants will not be exchange-listed and may trade over-the-counter.

[8] Capitalized terms used but not defined herein have the meanings set forth in the Registration Statements.

[9] *See* NYSE Arca Equities Rule 5.2(j)(7), Commentary .08.

[10] *See* Securities Exchange Release No. 59051 (December 4, 2008), 73 FR 75155 (December 10, 2008) (SR–NYSEArca–2008–123) (order approving Rule 5.2(j)(7) and listing on the Exchange of 14 issues thereunder). Two of the issues in SR–NYSEArca–2008–123 related to Trust Certificates based on the Index and other indexes: Safety First Trust Series 2007–3 linked to the Dow Jones Industrial Average, the Dow Jones EUROSTOXX 50 Index®, the Nikkei 225 Stock Average® and the S&P BRIC® Index; Safety First Trust Series 2006–1 Linked to the Dow Jones Industrial Average and the Nikkei 225 Stock Average®. The Certificates have similar characteristics and payout provisions to the Trust Certificates approved by the Commission in SR–NYSEArca–2008–123. In addition, the Commission has approved the listing and trading on the Exchange of Safety First Trust Series 2009–1, Principal-Protected Trust Certificates Linked to the S&P 500® Index, which have similar characteristics to the Certificates. *See* Securities Exchange Act Release No. 59747 (April 10, 2009), 74 FR 18012 (April 20, 2009) (SR–NYSEArca–2009–20).

have a minimum tangible net worth of $250,000,000, and, in the alternative, the issuer will be required to have a minimum tangible net worth of $150,000,000 and the original issue price of the Certificates combined with all of the issuer's other Trust Certificates listed on a national securities exchange or otherwise publicly traded in the United States, must not be greater than 25 percent of the issuer's tangible net worth at the time of issuance.[11] The Certificates also will be subject to the continued listing criteria of NYSE Arca Equities Rule 5.2(j)(7)[12] and will meet all other criteria of NYSE Arca Equities Rule 5.2(j)(7).

Additional information relating to Citigroup Funding, Inc., the Trust, Certificates, Securities, Warrants, exercise right, Security Return Amount, Supplemental Distribution Amount, and risks is included in the Registration Statements.

Exchange Rules Applicable to Trust Certificates

The Certificates will be subject to all Exchange rules governing the trading of equity securities. The Exchange's equity margin rules will apply to transactions in Trust Certificates. The Certificates will trade during trading hours set forth in NYSE Arca Equities Rule 7.34(a).[13]

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in Trust Certificates. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in Trust Certificates inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying securities; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[14]

Information Dissemination

The value of the Index is calculated and disseminated on at least a 15-second basis. If the Index is not being disseminated as required, the Exchange may halt trading during the day on which the interruption first occurs. If such interruption persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Quotation and last sale information will be disseminated by the Exchange via the Consolidated Tape. The value of the Index is widely disseminated by major market data vendors and financial publications.

Firewalls

Dow Jones & Company (''Dow Jones''), which publishes the Index, is not a registered broker-dealer, and Citigroup Funding, Inc. is not affiliated with Dow Jones. With respect to any index upon which the value of an issue of Trust Certificates is based that is maintained by a broker-dealer, the Exchange would require that such broker-dealer erect a ''firewall'' around personnel responsible for the maintenance of such index or who have access to information concerning adjustments to the index, and the index would be required to be calculated by a third party who is not a broker-dealer.

Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which include Trust Certificates, to monitor trading in the securities. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the securities in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange's current trading surveillance focuses on detecting when securities trade outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange may obtain information via ISG from other exchanges who are members of the ISG.[15]

In addition, the Exchange also has a generally policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading an issue of Trust Certificates and suitability recommendation requirements.

Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and exchanges of Trust Certificates; (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading an issue of Trust Certificates; (3) trading hours; and (4) trading information.

In addition, the Information Bulletin will reference that an issue of Trust Certificates is subject to various fees and expenses described in the applicable prospectus.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[16] of the Act in general and furthers the objectives of Section 6(b)(5)[17] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, 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 transaction in securities, and, in general to protect investors and the public interest. The proposed rule change will permit listing on the Exchange in a timely manner of the Certificates. The Exchange believes that the provisions of NYSE Arca Equities Rule 5.2(j)(7), together with the Exchange's applicable surveillance,

[11] The parameters relating to number of units, number of public beneficial holders and issuer assets and net worth and minimum tangible net worth are similar to those in NYSE Arca Equities Rule 5.2(j)(6)(A).

[12] Commentary .01 provides criteria for continued listing and provides that the Corporation will commence delisting or removal proceedings with respect to an issue of Trust Certificates (unless the Commission has approved the continued trading of such issue) (i) if the aggregate market value or the principal amount of the securities publicly held is less than $400,000; (ii) if the value of the index or composite value of the indexes is no longer calculated or widely disseminated on at least a 15-second basis with respect to indexes containing only securities listed on a national securities exchange, or on at least a 60-second basis with respect to indexes containing foreign country securities; or (iii) if such other event shall occur or condition exists which in the opinion of the Corporation makes further dealings on the Corporation inadvisable.

[13] Pursuant to NYSE Arca Equities Rule 7.34(a), the NYSE Arca Marketplace will have three trading sessions each day the Corporation is open for business unless otherwise determined by the Corporation:

Opening Session—begins at 1 a.m. (Pacific Time) and concludes at the commencement of the Core Trading Session. The Opening Auction and the Market Order Auction shall occur during the Opening Session.

Core Trading Session—begins for each security at 6:30 a.m. (Pacific Time) or at the conclusion of the Market Order Auction, whichever comes later, and concludes at 1 p.m. (Pacific Time).

Late Trading Session—begins following the conclusion of the Core Trading Session and concludes at 5 p.m. (Pacific Time).

[14] *See* NYSE Arca Equities Rule 7.12, Commentary .04.

[15] For a list of current members of the ISG, *see http://www.isgportal.org.*

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

serves to foster investor protection and the public interest.[18]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose 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. 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–NYSEArca–2009–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–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–NYSEArca–2009–33 and should be submitted on or before June 1, 2009.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act[20] in that it is designed to prevent fraudulent and manipulative acts and practices, 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 transaction in securities, and, in general to protect investors and the public interest.

The Commission believes that the proposal to list and trade the Certificates on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[21] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. The Exchange will disseminate quotation and last-sale data information via the Consolidated Tape. In addition, the value of the Index is calculated on at least a 15-second basis and is widely disseminated by major market data vendors and financial publications.

The Commission further believes that the proposal to list and trade the Certificates is reasonably designed to promote fair disclosure of information that may be necessary to price the Certificates. The Exchange represents that, if the value of the Index is not being disseminated as required, the Exchange may halt trading during the day on which the interruption first occurs. If such interruption persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. The Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in Trust Certificates.[22] Dow Jones, which publishes the Index, is not a registered broker-dealer, and Citigroup Funding, Inc. is not affiliated with Dow Jones. With respect to any index upon which the value of an issue of Trust Certificates is based and that is maintained by a broker-dealer, the Exchange would require that such broker-dealer erect a ''firewall'' around personnel responsible for the maintenance of such index or who have access to information concerning adjustments to the index, and the index would be required to be calculated by a third party who is not a broker-dealer. In addition, the Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.

The Commission also notes that the Trust Certificates will be subject to the requirements of NYSE Arca Equities Rule 5.2(j)(7), including the continued listing criteria thereunder. Additionally, NYSE Arca states that: (1) At least one million publicly held trading units will be issued prior to listing and trading on the Exchange, with at least 400 public beneficial holders; (2) the issuer, Citigroup Funding, Inc., has total assets of at least $100 million and a net worth of at least $10 million; and (3) the issuer will be required to have either (a) a minimum tangible net worth of $250,000,000, or (b) a minimum tangible net worth of $150,000,000 and the original issue price of the Certificates, combined with all of the issuer's other Trust Certificates listed on a national securities exchange or otherwise publicly traded in the United States, must not be greater than 25% of the issuer's tangible net worth at the time of issuance.[23]

[18] E-mail from Tim Malinowski, Director, NYSE Euronext, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated May 4, 2009.

[19] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[22] Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in Trust Certificates inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying securities; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

[23] The Commission notes that the foregoing criteria relating to the issuance and the issuer are

Further, the Exchange represents that the Certificates are equity securities subject to the Exchange's rules governing the trading of equity securities, including the Exchange's equity margin rules. In support of this proposal, the Exchange has made representations, including:

(1) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Certificates in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members of the ISG.

(2) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Certificates. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and exchanges of Trust Certificates; (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading an issue of Trust Certificates; (c) trading hours; and (d) trading information. In addition, the Information Bulletin will reference that an issue of Trust Certificates is subject to various fees and expenses described in the applicable prospectus. This approval order is based on the Exchange's representations.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[24] for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register**. The Commission notes that it has previously approved for listing and trading on the Exchange other issues of Trust Certificates issued by Citigroup Funding, Inc. based on the Index and other indexes that have similar characteristics and payout provisions to the Certificates.[25] The Commission believes that the Exchange's proposal to list and trade the Certificates does not present any novel or significant regulatory issues. The Commission believes that accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for Trust Certificates.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–NYSEArca–2009–33) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–10863 Filed 5–8–09; 8:45 am]

BILLING CODE 8010–01–P

substantially similar to the requirements applicable to Index-Linked Securities. *See* NYSE Arca Equities Rule 5.2(j)(6)(A).

[24] 15 U.S.C. 78s(b)(2).

[25] *See* Securities Exchange Release Nos. 59051 (December 4, 2008), 73 FR 75155 (December 10, 2008) (SR–NYSEArca–2008–123) (approving the listing and trading of 14 issues of Trust Certificates under NYSE Arca Equities Rule 5.2(j)(7)); and 59747 (April 10, 2009), 74 FR 18012 (April 20, 2009) (SR–NYSEArca–2009–20) (approving the listing and trading of Trust Certificates linked to the S&P 500 Index).

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6608]

Secretary of State's Determination Under the International Religious Freedom Act of 1998

SUMMARY: The Secretary of State designation of ''countries of particular concern'' for religious freedom violations.

Pursuant to Section 408(a) of the International Religious Freedom Act of 1998 (Pub. L. 105–292), as amended (the Act), notice is hereby given that, on January 16, 2009, the Secretary of State, under authority delegated by the President, has designated each of the following as a ''country of particular concern'' (CPC) under section 402(b) of the Act, for having engaged in or tolerated particularly severe violations of religious freedom: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.

The Secretary simultaneously designated the following Presidential actions for these CPCs:

For Burma, the existing ongoing arms embargo referenced in 22 CFR 126.1(a), pursuant to section 402(c)(5) of the Act;

For China, the existing ongoing restrictions on exports to China of crime control and detection instruments and equipment, under Public Law 101–246 and the Foreign Relations Authorization Act of 1990 and 1991, pursuant to section 402(c)(5) of the Act;

For Eritrea, the existing ongoing arms embargo referenced in 22 CFR 126.1(a), pursuant to section 402(c)(5) of the Act;

For Iran, the existing ongoing restrictions on United States security assistance in accordance with section 40 of the Arms Export Control Act, pursuant to section 402(c)(5) of the Act;

For North Korea, the existing ongoing restrictions to which North Korea is subject pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of the Act;

For Saudi Arabia, a waiver to ''further the purposes of the Act,'' pursuant to section 407 of the Act;

For Sudan, the use of the voice and vote of the United States to oppose any loan or other use of the funds of international financial institutions to or for Sudan, consistent with section 1621 of the International Financial Institutions Act, pursuant to section 402(c)(5) of the Act; and

For Uzbekistan, a 180-day waiver to ''further the purposes of the Act,'' pursuant to section 407 of the Act.

Dated: May 5, 2009.

Kurt D. Donnelly,

Office Director, Office of International Religious Freedom, Department of State.

[FR Doc. E9–10970 Filed 5–8–09; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

American Recovery and Reinvestment Act of 2009 Public Transportation Capital Investment Grants Program Appropriation and Allocations

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The ''American Recovery and Reinvestment Act, 2009'' (Pub. L. 111–5; ''ARRA''), signed into law by President Barack Obama on February 17, 2009, includes $8.4 billion for transit capital improvements. The Federal Transit Administration (FTA) published in the **Federal Register** the transit formula program-related provisions of the ARRA, as well as program and grant application requirements for these funds, on March 5, 2009. This notice implements the Capital Investment Grants Program provisions of the ARRA and provides program and grant application requirements for these funds, for FTA's New Starts and Small Starts programs.

DATES: FTA may de-obligate and reallocate certain undisbursed funds by May 11, 2010.

FOR FURTHER INFORMATION CONTACT: For general information about this notice contact Henrika Buchanan-Smith, Director, Office of Transit Programs, at (202) 366–2053. Please contact the appropriate FTA regional or

metropolitan office (Appendix B) for any specific requests for information or technical assistance.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview of This Notice
II. Capital Investment Grants Program
A. FY 2009 ARRA Funding Availability
B. Basis for Allocation
C. Program Requirements and Period of Availability
D. Reporting Requirements and Certifications Applicable to Recipients of ARRA Funds
E. Technical Assistance
Allocation Table for ARRA Capital Investment Grants Program
Appendix A: Grant Application Instructions
Appendix B: Regional Contact Information

I. Overview of This Notice

The American Recovery and Reinvestment Act of 2009 (ARRA) includes appropriations and tax law changes totaling approximately $787 billion to support multi-pronged efforts to stimulate the economy. Goals of the statute include the preservation and creation of jobs and promotion of economic recovery, as well as the investment in transportation, environmental protection and other infrastructure providing long-term economic benefits to the Nation.

ARRA provides $8.4 billion for public transportation. ARRA's formula transit programs—the Capital Transit Assistance program and the Fixed Guideway Infrastructure Investment program—were the subject of FTA's March 5, 2009 **Federal Register** notice. The March 5 notice further provided an overview of the ARRA's transit provisions and established the principles, policies, and procedures that would apply to all ARRA formula transit programs. Readers interested in how FTA intends to implement ARRA's formula transit program resources should refer to the March 5 notice for more information. Published separately are two discretionary program **Federal Register** notices under the ARRA Transit Capital Assistance Program: $17 million for the Tribal Transit Program (published March 23, 2009) and $100 million for a new Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Program (published March 24, 2009).

This **Federal Register** notice provides allocations of ARRA's third and largest discretionary transit capital program. The Capital Investment Grants Program makes available $750 million for FTA's discretionary New and Small Starts Programs. The basis for FTA's allocation of this funding is described within this notice, as are program grant and reporting requirements and the period of availability of Capital Investment Grants funding. This notice also includes contact information for FTA regional and metropolitan offices.

II. Capital Investment Grants Program—New Starts/Small Starts

The Capital Investment Grants Program authorizes the Secretary of Transportation to make discretionary grants as authorized under 49 U.S.C. 5309(d) and (e). This program will be implemented consistent with the requirements of the New Starts and Small Starts Programs, which provide funds for construction of major capital investments in new fixed guideway systems, extensions to existing fixed guideway systems, or, in the case of Small Starts, certain corridor-based bus projects. The $750 million provided for the program is estimated to support over 20,000 direct and indirect jobs and will expedite the delivery of new major capital rail and bus investments in several cities across the Nation. For more information about New or Small Starts project development contact Elizabeth Day, Director of the Office of Project Planning, at (202) 366–5159, or for information about published allocations contact Aaron C. James, Sr., Director of the Office of Engineering, at (202) 493–0107.

A. FY 2009 ARRA Funding Availability

The ARRA provides $750,000,000 to New Starts and Small Starts projects under the Capital Investment Grants Program. The total amount apportioned for projects is $742,500,000, after a one percent takedown for oversight and administrative expenses provided in ARRA as shown in the table below.

CAPITAL INVESTMENT GRANTS

Total Appropriation	$750,000,000
Administrative and Program Management Oversight Deduction	−$7,500,000
Total Apportioned	$742,500,000

B. Basis for Allocation

This notice allocates all ARRA funding for the Capital Investment Grants Program. In making these allocations, FTA considered both the specific direction provided in the legislation as well as Congress' and the Administration's general objectives for accountability and transparency in the administration of ARRA funds. These objectives include the prompt and fair distribution of funding, the assurance that funds are being used for authorized purposes, and that instances of waste, fraud, and abuse are avoided. FTA also wanted to ensure that projects funded with ARRA discretionary resources demonstrated merit by meeting the statutory project justification and local financial commitment criteria of the New Starts and Small Starts Programs.

ARRA provides that when FTA is selecting projects to be funded, ''priority shall be given to projects that are currently in construction or are able to obligate funds within 150 days of enactment'' of ARRA on February 17, 2009. The provisions of 49 U.S.C. 5309(d) and (e) are not waived by ARRA. Accordingly, FTA analyzed the schedules and construction cash flow needs of ten New Starts projects and one Small Starts project under construction or with Federal pay-out schedules established in their Full Funding Grant Agreements (FFGAs) or Project Construction Grant Agreement (PCGA) extending beyond Fiscal Year (FY) 2009. FTA also reviewed the capacity of these projects' existing contracts and of new contracts expected to be awarded by July 2009. The analysis showed that most of the eleven projects considered for ARRA Capital Investment Grants funding demonstrated some contract capacity to absorb additional revenues, but that projects differed in their assessed ability (based on current construction and debt payoff schedules) to rapidly make use of ARRA funding. As the contract capacity of the eleven projects combined exceeded the amount of available ARRA Capital Investment Grants resources—and because FTA could not be assured that any other project in the New Starts or Small Starts pipeline not in construction could obligate a significant amount of funding within 150 days of ARRA enactment—FTA limited its allocation of discretionary funding to this set of eleven major capital investments.

Consequently, a two-step funding allocation approach was used. In the first step, each of the eleven New Starts projects was allocated an amount equal to 40 percent of its FY 2010 scheduled pay-out, while the Pioneer Parkway EmX Bus Rapid Transit Small Starts project in Springfield, Oregon was allocated an amount equal to its entire FY 2010 pay-out of $2,940,000, thus completing the Federal funding commitment to the project. The step-one allocation totaled $457,680,000 of the available $742,500,000. In the second step, the remaining $284,820,000 was distributed proportionally among five New Starts investments in construction with projected contract expenditures in calendar year 2009 that are higher than their FY 2009 scheduled New Starts pay-out. FTA believes that by

accelerating Federal funding to these eleven projects, their sponsors will achieve one or more possible positive outcomes, including an acceleration of the schedule of construction for a project, a reduction in project finance costs, and/or the re-distribution of planned project resources to other local transit priorities.

The allocation of Capital Investment Grants Program funding is presented in the Allocation Table of this notice. The total Federal funding commitment for each project will not change. However, each FFGA's final scheduled New Starts pay-out will be reduced by the amounts allocated in this **Federal Register** notice. The allocation of ARRA Capital Investment Grants funding to liquidate New Starts and Small Starts commitments will make available anew previously committed Federal New or Small Starts commitment authority. The additional commitment authority created by this $750 million allocation totals $1.5 billion due to the statutory method for calculating commitment authority. This allocation has the benefit of maximizing commitment authority. This will allow FTA to make additional New or Small Starts commitments in the coming months and contribute to the creation of jobs associated with additional construction of new major capital transit projects. In the absence of ARRA resources and this allocation approach, the additional commitment authority to initiate new major capital transit projects would not exist.

C. Program Requirements and Period of Availability

Providing additional funding to major capital projects under the Recovery program will help New Starts and Small Starts project delivery, as well as National economy and local economies. To maximize the effectiveness of these funding decisions, FTA is requiring that all ARRA Capital Investment Grants funds be drawn down (outlayed) by May 11, 2010. FTA may de-obligate any ARRA Capital Investment Grants Program funding not drawn down by recipients within the one-year period. FTA encourages project sponsors identified in this notice to apply for ARRA funds as soon as possible. This will ensure the ability to incur costs and draw funds from the Treasury within the year, thereby sustaining and creating public transportation construction jobs.

In recognition of the difficulty that some recipients may experience in accelerating local matching resources, and to ensure the timely expenditure of ARRA funds, FTA will permit, as a condition of the grant, a deferral of the non-Federal match. Grantees may defer provision of this local match simultaneously with the Federal funds' draw down rate for up to three years after the date of the FTA ARRA grant award, with a possible extension at FTA's discretion. However, local match to all ARRA Capital Investment Grants funding must be available by the end of the project's New Starts/Small Starts pay-out period, even if this is less than three years from the date of the ARRA grant. Each grantee should work with its FTA regional office on specific wording of this condition if interested in using the deferral provision.

Since ARRA Capital Investment Grants Program funding is being administered through existing multi-year full funding grant agreements, additional information can be found in FTA Circular (5200.1A, Full Funding Grant Agreements Guidance, December 5, 2002).

D. Reporting Requirements and Certifications Applicable to Recipients of ARRA Funds

As a condition of award, grantees receiving ARRA funds will be required to report on grant activities on a routine basis. FTA grantees will be responsible for reporting up-to-date and accurate information in the milestone status report and financial status report on a quarterly basis, as well as additional data elements that are required to be reported in *http://www.recovery.gov.* Additionally, special certifications and grant conditions also will be required of ARRA grant recipients. FTA will issue additional specific guidance on reporting requirements in the near future for your information. The ARRA statutory reporting requirements and certifications are identified below:

1. Section 1511: Certifications

For covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, is required to certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification must include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and must be posted on a specified Web site. A State or local agency may not receive infrastructure investment funding from funds made available under ARRA unless this certification is made and posted.

On February 27, 2009, the United States Department of Transportation (USDOT) Secretary LaHood sent letters to all Governors providing guidance and a template for this certification and instructing them to send the Section 1511 certification and the other two certifications by the Governor described below to the Department at the following address: *TigerTeam@dot.gov*. A single certification by the Governor, based on the established planning process, and including a link to a Web site posting of the Statewide Transportation Improvement Program, which must contain the required section 1511 information for each investment, will satisfy the requirement for certification by the Governor for both Federal Highway Administration (FHWA) and FTA projects. If the 1511 certification previously submitted to DOT by the Governor does not include the project for which this funding is allocated, the mayor or other local official, as appropriate, may submit a new certification specific to the Capital Investments Grant project.

2. Section 1512. Reports on Use of Funds

Recipient Reports.—Not later than 10 days after the end of each calendar quarter, starting in October 10, 2009, each recipient that received ARRA funds from a Federal agency shall submit a report to that agency that contains—

(i) The total amount of ARRA funds received from that agency;

(ii) The amount of ARRA funds received that were expended or obligated to projects or activities; and

(iii) A detailed list of all projects or activities for which ARRA funds were expended or obligated, including—

(A) The name of the project or activity;

(B) A description of the project or activity;

(C) An evaluation of the completion status of the project or activity;

(D) An estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under ARRA, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(iv) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and

Transparency Act of 2006 (Pub. L. 109–282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

The data elements required to comply with Public Law 109–282 are: Name of entity receiving the award; the amount of the award; information on the award including transaction type, funding agency, the North American Industry Classification System Code or Catalog of Federal Domestic Assistance number (where applicable); program source; an award title descriptive of the purpose of each funding action; and employee compensation information for certain contracts under limited conditions.

The Office of Management and Budget (OMB) will collect these reports through a central Web-based reporting system and will provide further reporting instructions at a later date. Additional frequency of reporting may be required to be responsive to Congressional oversight requirements.

3. Section 1512(h) Registration

Recipients of ARRA funds that are required to report information per subsection (c)(4) must register with Central Contractor Registration database (CCR) or complete other registration requirements as determined by the Director of the Office of Management and Budget (OMB).

The reporting and registration requirements are effective with the quarter ending September 30, 2009. OMB has issued guidance requiring FTA and other Federal agencies to ensure that grantees and first tier subawardees (subrecipients and contractors) obtain a DUNS number, or update their DUNS record if necessary. OMB has also indicated that first tier subawardees will be required to register in CCR.

4. Section 1201(a) Maintenance of Effort

Not later than March 19, 2009, for each amount that is distributed to a State or its agency from an appropriation in ARRA for a covered program, the Governor of that State was required to certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor was required to submit to the Secretary of Transportation a statement identifying the amount of funds the State planned to expend from State sources as of February 17, 2009, during the period of February 17, 2009 through September 30, 2010, for the types of projects that are funded by the appropriation.

This requirement applies only to State funding for transportation projects eligible for ARRA funding. DOT will treat this maintenance of effort requirement through one consolidated certification from the Governor to the Secretary, which must include State funding for transit projects, as well as highway and other transportation modal projects. As of March 19, 2009, all States and the District of Columbia had submitted the required maintenance of effort certification. The Department is currently reviewing these certifications for adequacy.

5. Section 1201(c)(2): Periodic Reports

For amounts received under each covered program by a grant recipient under ARRA, the grant recipient shall include in the periodic reports information tracking:

(A) The amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) The number of projects that have been put out to bid under the appropriation;

(C) The number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) The number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) The number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) The number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since February 17, 2009 and

(G) The actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period of February 17, 2009 through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of ARRA.

Each grant recipient is required to submit the first of the periodic reports including the Section 1201(c)(2) data required above by May 18, 2009 and is required to submit updated reports not later than August 16, 2009; February 17, 2010; February 17, 2011; and February 17, 2012.

DOT had developed a standard reporting form for these reports. FTA will provide further reporting instructions before the reports are due. Grantees will be required to report direct jobs, but the department will generate data on indirect and indirect jobs through the use of economic models and factors applied to the data provided in the grant awards and other information reported by the grantee. All States have acted to accept transportation funds.

6. Section 1607

Section 1607 requires that the Governor certify within 45 days of enactment (April 3, 2009) that, for funds provided, the state will request and use funds provided by this Act and the funds will be used to create jobs and promote economic health. If the Governor does not provide this certification, then the state legislature may act to accept the funds. All states have acted to accept transportation funds.

7. Section 1609

Under section 1609(c), FTA is required to report to certain congressional committees every 90 days following enactment of ARRA on the status and progress of projects funded or proposed for funding under the Act with respect to compliance with the National Environmental Policy Act (NEPA) and its implementing regulations. FTA may request assistance from grant recipients in compiling this quarterly report.

8. Other Reporting

To satisfy the needs for transparency and accountability related to funding appropriated under the ARRA, grantees may be required to provide additional information not yet specified in response to requests from the Office of Management and Budget (OMB), the Congressional Budget Office (CBO), the Government Accountability Office (GAO), or the DOT Inspector General (IG). FTA will inform grantees if and when such additional reports are required.

E. Technical Assistance

FTA headquarters and regional staff are pleased to answer your questions and provide any technical assistance you may need to apply for FTA ARRA funds and to manage the grants you receive. In addition to this notice, Questions and Answers regarding FTA's implementation of the ARRA, and additional resources may be viewed via the FTA Web site *http://www.fta.dot.gov/economicrecovery.*

Further, all FTA circulars are posted on our Web site, including: C4220.1F, Third Party Contracting Requirements, dated November 1, 2008; and C5010.1D, Grant Management Guidelines (November 1, 2008). In addition, FTA has developed a toll-free hotline for civil rights-related ARRA inquiries. The number is 866–525–5561 and is available at *http://www.fta.dot.gov/civil_rights.html.* You may also contact the regional civil rights officer at the Regional Office listed in Appendix B.

Issued in Washington, DC, this 6th day of May, 2009.

Matthew J. Welbes,

Acting Deputy Administrator.

FEDERAL TRANSIT ADMINISTRATION

ALLOCATION TABLE

AMERICAN RECOVERY AND REINVESTMENT ACT 2009 CAPITAL INVESTMENT PROGRAM ALLOCATIONS - NEW STARTS

(The total available amount for a program is based on funding made available under the ARRA Grants for Public Transit, 2009 - P.L. 111-5)

STATE	EARMARK ID	PROJECT LOCATION AND DESCRIPTION	ALLOCATION
AZ	D2009-ERNS-001	Phoenix-Central Phoenix/East Valley Light Rail	$36,000,000
CA	D2009-ERNS-002	Los Angeles – Metro Gold Line Eastside Extension	66,740,000
CO	D2009-ERNS-003	Denver-West Corridor Light Rail Transit	40,000,000
NY	D2009-ERNS-004	New York -Long Island Rail Road East Side Access	195,410,000
NY	D2009-ERNS-005	New York-Second Avenue Subway Phase I	78,870,000
OR	D2009-ERNS-006	Portland-South Corridor I-205/Portland Mall LRT	32,000,000
OR	D2009-ERNS-007	Springfield-Pioneer Parkway EmX BRT	2,940,000
TX	D2009-ERNS-008	Dallas-Northwest/Southeast Light Rail Transit Minimum Operable Segment	78,390,000
UT	D2009-ERNS-009	Salt Lake City- Mid Jordan Light Rail Transit	90,890,000
VA	D2009-ERNS-011	Northern Virginia-Dulles Corridor Metrorail - Extension to Wiehle Ave.	77,260,000
WA	D2009-ERNS-012	Seattle-University Link Light Rail Transit Extension	44,000,000
	TOTAL ALLOCATION		**$742,500,000**

Appendix A

Instructions for Preparing a Grant Application Using ARRA Funds

1. Pre-Application Stage

Note: To streamline the grant development process, ARRA grants may receive official grant numbers and be submitted before all traditional pre-application requirements are complete. However, ARRA grants may not be awarded until all pre-application requirements have been satisfied.

a. *Planning.* Project activities to be funded must be included in a Federally-approved Statewide Transportation Improvement Program (STIP) for capital and/or operating projects. Unified Planning Work Program (UPWP) FTA will not require that planning requirements be completed before the *submission* of grant applications for ARRA funding. However, project planning requirements must be complete and properly documented before grant award.

b. *Environmental Determination.* The impact that a proposed FTA assisted project will have on the environment shall be evaluated and documented in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. section 4321 *et seq.*). All projects allocated Capital Investment (New Starts) funding under the ARRA should have a ROD or FONSI on file.

c. *Annual Submission of Certifications and Assurances.* A grant applicant applying for assistance under Federal Transit Programs including ARRA programs must submit certifications and assurances that are applicable to the grant applicant's active and new grants during the fiscal year. A grantee that has already submitted a FY 2009 Certifications and Assurances does not need to resubmit these assurances.

d. *Civil Rights Submissions.* Civil Rights submissions that may be required include a Title VI Plan, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program, and ADA Paratransit Plan. Typically, FTA's Regional Civil Rights Officer must verify that all required Civil Rights submissions are current at the time that the grant application is entered into TEAM. For ARRA funds, the grant number will be assigned before civil rights reviews are complete, but the grant will not be awarded with pending civil rights requirements. In addition, it may be necessary to verify compliance with specific Title VI, EEO, DBE and ADA requirements as part of the grant review and approval process. Please work closely with your Regional Civil Rights officer to ensure no delays in the award of a grant.

2. Application Stage (Team Information)

Applications for ARRA New Starts funds must be submitted electronically through the Transportation Electronic Award Management (TEAM) System. Each ARRA program funding request must be applied for in its own grant (*i.e.,* ARRA Capital Assistance Formula funds may not be applied for in the same grant as ARRA Fixed Guideway Modernization funds or ARRA Capital Investment funds). Further, ARRA funds cannot be commingled in a grant application with New Starts funds apportioned under SAFETEA–LU.

ARRA Capital Investment grants should be developed using the newly created Section code in TEAM. ARRA program codes appear in the color red in the TEAM dropdown menu. The red is only to distinguish the ARRA section codes from other FTA program codes. A Capital Investment (New Starts) ARRA grant should be developed using the following section code:

36—New Start-Economic Recovery.

Information that should be entered into TEAM when preparing an application includes:

a. *Recipient Information.* Applicants should enter or update all required information about the organization in the appropriate fields in TEAM, including recipient address, contact information, union information, urbanized area identification number (UZA), Congressional district(s), DUNS number, etc. The information shall be current and accurate for each grant and periodically updated as changes occur.

b. *Project Information.* Applicants should identify the project start/end date, program date, Executive Order 12372 review date, metropolitan planning organization (MPO) concurrence date (if applicable), and grant project costs. The ''brief project description'' field should include information that can be used to report the type of infrastructure investment such as: Construction of Light Rail System.

(1) *Project Description.* This information must be in sufficient detail for FTA to obtain a general understanding of the nature and purpose of the planned activities. There is a project description field as well as a specific text field for this information associated with each activity line item. Project activities shall be sufficiently described to assist the reviewer in determining eligibility under the program.

(2) *Program Date and Page of STIP or Unified Planning Work Program (UPWP).* All projects must be included in the current STIP. The STIP is jointly approved by FTA and FHWA. FTA funds cannot be obligated unless the STIP is approved by FTA. The application should note the page(s) in the most recently approved STIP on which the project(s) contained in the application are listed. The electronic system has a field designated ''program date'' where the date of the most recent FTA/FHWA STIP approval should be entered.

In the case of ARRA grants, FTA regional offices will continue to process grants while awaiting STIP amendment actions. Grant numbers will be assigned before the inclusion of the STIP date in the grant application if the grantee is awaiting formal STIP action or approval.

c. *Budget.* The appropriate scopes and activity line items (ALI) should be used when developing the project budget. All sources of funds shall be identified and confirmed. All rolling stock procurements shall include vehicle description and fuel type; expansion activities shall include a brief discussion of the expanded service. The project budget should reflect the precise activities for which the grant funds will be used. As a streamlining measure, FTA is not requiring that grantees include any non-add scopes in the project budget when purchasing activities that are categorized as ITS, ADA, or security.

d. *Project Milestones.* Estimated completion dates for all milestones should be provided and updated quarterly. If milestones are not pre-populated by the TEAM system for a particular activity line item (ALI) , use the add function to add milestones for that ALI to the grant application. At a minimum, activities that will require a contract award should have milestones tracking (1) the date the RFP is issued; (2) the anticipated date of contract award; and (3) the date the contract will be completed. Activity line items that are not contracted out should minimally include (1) the date the activity is initiated and (2) the anticipated completion date.

It is critical that milestones for ARRA grant activities are updated and monitored quarterly. Quarterly reports must be submitted 10 days after the end of each quarter.

e. *Environmental Findings.* The application must include a proposed classification of each ALI that is an independent project with discrete transit utility, in accordance with the FTA/FHWA environmental impact procedures. (*See* 23 CFR 771.115 and 771.117.) The date of the ROD or FONSI for the New Start project should be listed in the Environmental Findings.

f. *Fleet Status.* A fleet status report does not need to be included in the ARRA Capital Investment grant application. Fleet information should be contained in the fleet management plan.

g. *Application Submission.* Once FTA deems (1) the TEAM application template completed, (2) the activities eligible, and (3) the budget complete and firm, FTA will assign a grant number. At this point, the grant is ready to be pinned and submitted in TEAM by the designated recipient/grantee. As previously stated, ARRA grants may be submitted prior to the completion of all pre-application requirements such as: Civil Rights documentation, Planning, ARRA required certifications. This concurrent review process is a departure from FTA's standard operating procedures and only applies to grants for ARRA program funds.

Note: Although ARRA program grants can be officially submitted to FTA for review and approval, grant funds can not be awarded or obligated until all applicable federal requirements including the Section 1511 certification required under ARRA have been met.

h. *Certification of Labor Protective Arrangements.* ARRA Capital Investment grants will be sent to DOL, as soon as the budget is confirmed, budget details are included in the grant, and the application is officially submitted for processing. DOL procedures have minimum wait times built in for replies or objections by management and unions. Accordingly, a grantee's prompt response to DOL communications regarding the grant before the expiration of the minimum wait period could result in the grant being certified before the end of the allowable processing period.

i. *Grant Approval.* Once FTA staff determines through a final review of the application that FTA program requirements have been met and that the ARRA section 1511 certification is made and submitted to DOT for posting to the DOT Recovery Web site, FTA will reserve the funds and obligate the grant.

j. *Grant Execution.* After FTA has awarded the grant, the applicant must execute the award before funds can be drawn down from the grant. Before executing ARRA grants, the grantee will be prompted to select both the rationale for the investment and the purpose of the investment from menus that have been established in the reservation screen. ARRA grants that include activities funded using pre-award authority will require the submission of a Financial Status Report before grant execution.

Application Checklist

Part I—Recipient Information

1. Is the Grantee Contact & Other Information current and complete?

2. Are Annual Certifications & Assurances pinned?

3. Is UZA/Congressional District information entered and accurate?

4. Is Union Contact information entered and accurate?

5. Has Civil Rights Program Documentation been approved by FTA?

6. Has the applicants DUNS Number been entered in the appropriate field?

Part II—Project Details

1. Does the Project Description include adequate descriptive information of funded projects?
2. Are the project activities included in the grant eligible to be funded using ARRA Capital Investment Program funds?

Part III—Project Information

1. Has the grant been identified as a new application or amendment?
2. Start/End date entered?
3. Has the Program Date (STIP or UPWP date) been entered?
4. Have Control Totals been entered?
5. Does the brief project description field adequately articulate what is being funded (*Example:* Construction of Light Rail System, Bus Rapid Transit Vehicles, and etc.)?
6. If pre-award authority is applicable, has ''yes'' been selected?
7. Has the EO 12372 Review field been completed, if applicable?

Part IV—Budget

1. Are ALI codes entered under the appropriate scope codes?
2. Is grant for up to 80% Federal funds?
3. Does the funding amount entered in the budget match financial information entered in the control totals in the ''Project Information'' field?
4. Does the rolling stock (vehicle) line item contain accurate information such as?
   a. Description of vehicles purchased.
   b. Fuel Type.
5. Have details been entered into the ''Extended Budget Descriptions?''
   a. Has descriptive information been added in the details section of each ALI that identifies the items being funded using the line item?

Part V—Project Milestones

1. Are milestones listed for each ALI? (If an ALI does not have milestones, they should be added.)
2. Have estimated completion dates been entered?

Part VI—Environmental Findings (NEPA)

1. Has an environmental finding been entered for each ALI?

Appendix B

FTA Regional and Metropolitan Offices

Richard H. Doyle, Regional Administrator, Region 1—Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142–1093. Tel. 617–494–2055. *States served:* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Robert C. Patrick, Regional Administrator, Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102. Tel. 817–978–0550. *States served:* Arkansas, Louisiana, Oklahoma, New Mexico and Texas.
Brigid Hynes-Cherin, Regional Administrator, Region 2—New York, One Bowling Green, Room 429, New York, NY 10004–1415. Tel. No. 212–668–2170. *States served:* New Jersey, New York ..... New York Metropolitan Office, Region 2—New York, One Bowling Green, Room 428, New York, NY 10004–1415. Tel. 212–668–2202.	Mokhtee Ahmad, Regional Administrator, Region 7—Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106. Tel. 816–329–3920. *States served:* Iowa, Kansas, Missouri, and Nebraska.
Letitia Thompson, Regional Administrator, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124. Tel. 215–656–7100. *States served:* Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia. Philadelphia Metropolitan Office, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124. Tel. 215–656–7070. Washington, DC Metropolitan Office, 1990 K Street, NW., Room 510, Washington, DC 20006. Tel. 202–219–3562.	Terry Rosapep, Regional Administrator, Region 8—Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228–2583. Tel. 720–963–3300. *States served:* Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Yvette Taylor, Regional Administrator, Region 4—Atlanta, 230 Peachtree Street, NW., Suite 800, Atlanta, GA 30303. Tel. 404–865–5600. *States served:* Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.	Leslie T. Rogers, Regional Administrator, Region 9—San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105–1926. Tel. 415–744–3133. *States served:* American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands. Los Angeles Metropolitan Office, Region 9—Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017–1850. Tel. 213–202–3952.
Marisol Simon, Regional Administrator, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606. Tel. 312–353–2789. *States served:* Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Chicago Metropolitan Office, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606. Tel. 312–353–2789.	Rick Krochalis, Regional Administrator, Region 10–Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174–1002. Tel. 206–220–7954. *States served:* Alaska, Idaho, Oregon, and Washington.

[FR Doc. E9–10963 Filed 5–8–09; 8:45 am]
BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2009–0095]

Technical Report on the Effectiveness of Amber Rear Turn Signals for Reducing Rear Impacts

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments on technical report.

SUMMARY: This purpose of this report is to determine the effect of rear turn signal color on the likelihood of being involved in a rear-end crash. Federal Motor Vehicle Safety Standard No. 108 allows rear turn signals to be either red or amber in color. The primary conclusion is that amber rear turn signals are 5.3% more effective than red rear turn signals at preventing involvement in crashes where a careful driver would typically use the turn signals. The result is shown to be statistically significant and consistent with other published analyses on the influence of rear turn signal color.

DATES: Comments must be received no later than September 6, 2009

ADDRESSES:

Report: The technical report is available on the Internet for viewing in PDF format at *http://www-nrd.nhtsa.dot.gov/Pubs/811115.PDF.* You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Kirk Allen (NVS–431), National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Comments: You may submit comments [identified by Docket Number NHTSA–2009–0095] by any of the following methods:

- *Federal eRulemaking Portal: Go to http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

You may call Docket Management at 202–366–9826.

Instructions: For detailed instructions on submitting comments, see the Procedural Matters section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kirk Allen, Statistician, Evaluation Division, NVS–431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53–457, 1200 New Jersey Avenue, SE, Washington, DC 20590. Telephone: 202–366–9308. E-mail: *kirk.allen@dot.gov.*

For information about NHTSA's evaluations of the effectiveness of existing regulations and programs: Visit the NHTSA Web site at *http://www.nhtsa.dot.gov* and click ''NCSA'' near the upper right corner on the home page; then click ''Regulatory Evaluation'' under ''Browse Topics'' on the ''NCSA'' page.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 108 allows rear turn signals to be either red or amber in color. Previous work on this subject includes laboratory experiments and analyses of crash data that suggest amber rear turn signals are beneficial. The present study was designed around the concept of ''switch pairs''—make-models of passenger vehicles were identified that had switched rear turn signal color, and crash involvement rates were computed before and after the switch. This method should control for extraneous factors related to vehicle and driver characteristics. Crash data from NHTSA's State Data System was used in the analysis. The principal finding of the report is that amber signals show a 5.3% effectiveness in reducing involvement in two-vehicle crashes where a lead vehicle is rear-struck in the act of turning left, turning right, merging into traffic, changing lanes, or entering/leaving a parking space. The advantage of amber rear turn signals is shown to be statistically significant.

Procedural Matters

How can I influence NHTSA's thinking on this subject?

NHTSA welcomes public review of the technical report. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2009–0095) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Anyone is able to search the electronic form of all 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 (65 FR 19477) or you may visit *http://regulations.gov.*

Please send two paper copies of your comments to Docket Management, fax them, or use the Federal eRulemaking Portal. The mailing address is U. S. Department of Transportation, Docket Management Facility, M–30, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The fax number is 1–202–493–2251. To use the Federal eRulemaking Portal, go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

We also request, but do not require you to send a copy to Kirk Allen, Statistician, Evaluation Division, NVS–431, National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue, SE., Washington, DC 20590 (or e-mail them to *kirk.allen@dot.gov*). He can check if your comments have been received at the Docket and he can expedite their review by NHTSA.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete

submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to U.S. Department of Transportation, Docket Management Facility, M–30, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit them via the Federal eRulemaking Portal.

Will the agency consider late comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How can I read the comments submitted by other people?

You may read the materials placed in the docket for this document (*e.g.,* the comments submitted in response to this document by other interested persons) at any time by going to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. You may also read the materials at the Docket Management Facility by going to the street address given above under **ADDRESSES**. The Docket Management Facility is open between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

James F. Simons,

Director, Office of Regulatory Analysis and Evaluation.

[FR Doc. E9–10858 Filed 5–8–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—New (VRE)]

Agency Information Collection (Evaluation of VA's Vocational Rehabilitation and Employment (VR&E) Program) Activities Under OMB Review

AGENCY: Office of Policy and Planning, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Policy, Planning and Preparedness (OPP&P), Department of Veterans Affairs, has submitted the collection of information as abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2009.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control 2900—New (VRE)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900—New (VRE).

SUPPLEMENTARY INFORMATION:

Title: Evaluation of VA's Vocational Rehabilitation and Employment (VR&E) Program.

OMB Control Number: 2900—New (VRE).

Type of Review: New collection.

Abstract: The evaluation requires information that is not available in VA administrative files and therefore surveys will be conducted of program participants and non-participants and counselors who assist them. Focus groups will be conducted with dependents of program participants. In addition, interviews will be conducted with officials of State vocational rehabilitation programs to conduct an inventory of these programs that are also available to disabled veterans. This evaluation is part of an ongoing assessment of the effectiveness of programs conducted to fulfill the requirements of Public Law 103–62, the Government Performance and Results Act of 1993, and Title 38, 527, Evaluation and Data Collection. This evaluation will provide information to support VA policy, planning, and quality improvement decisions.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 10, 2009, at pages 6695–6696.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 10,118 hours.

Estimated Average Burden per Respondent: 24 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 25,240.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10792 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—New (uSPEQ)]

Agency Information Collection (uSPEQ Consumer Survey Experience (Rehabilitation)) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2009.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, Office of Information

and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900—New (uSPEQ)'' in any correspondence.

For Further Information or a Copy of the Submission Contact: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900—New (uSPEQ).''

SUPPLEMENTARY INFORMATION:

Title: uSPEQ Consumer Survey Experience (Rehabilitation), VA Form 10–0467.

OMB Control Number: 2900—New (uSPEQ).

Type of Review: New collection.

Abstract: uSPEQ (pronounced *you speak*) survey will be used to gather input from veterans regarding their satisfaction with VA's rehabilitation programs. VA will use the data collected to continue quality improvement, informed programmatic development, and to identify rehabilitation program strengths and weaknesses.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 24, 2009 at page 8307.

Affected Public: Individuals and households.

Estimated Annual Burden: 32,000 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 384,000.

Dated: May 6, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10793 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–0470)]

Proposed Information Collection (Veterans Industries Consumer Satisfaction Survey); Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to evaluate veterans' experiences with Veterans Industries Vocational Rehabilitation program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 10, 2009.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov*. Please refer to ''OMB Control No. 2900—New (10–0470)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Mary Stout at (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Industries Consumer Satisfaction Survey, VA Form 10–0470.

OMB Control Number: 2900—New (10–0470).

Type of Review: New collection.

Abstract: The data collected on VA Form 10–0470 will be used by VA to gain a better understanding of veterans' satisfaction with Veteran Industries Rehabilitation agency's services. It is intended to provide a model as a national norm, so that agencies could evaluate their performances against a standard.

Affected Public: Individuals or households.

Estimated Annual Burden: 40.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 120.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10794 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0609]

Agency Information Collection (Survey of Veteran Enrollees' Health and Reliance Upon VA) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2009.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0609'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0609.

SUPPLEMENTARY INFORMATION:

Title: Office of Information and Regulatory Affairs, VA Form 10–21034g.

OMB Control Number: 2900–0609.

Type of Review: New collection.

Abstract: Public Law 104–262, The Veterans Health Care Eligibility Reform Act of 1996, requires VA implement a priority-based enrollment system. VA must enroll veterans by specified priorities as far down the priorities as the available resources permit. The number of priority levels to which VHA will be able to deliver care will be a function of annual funding levels and utilization of health care services by enrollees. Additionally, eligibility reform has brought about the ever-increasing need for VA to plan and budget for the evolving clinical care needs of its extremely dynamic enrollee population at risk of need or use of VA care.

There is no valid, recent information available in administrative databases on all enrollees' health status, income, and their reliance upon the VA system. The magnitude of changes each year in enrollees, their characteristics, and system policies make annual surveys necessary to capture this critical information for input into VHA's Health Care Services Demand Model. The survey will provide VA with current information for sound decisions that affect the entire VA health care delivery system and the veterans it serves. VA Form 10–21034g will be used to provide the survey data on morbidity and reliance that is critical to obtaining accurate projections of VA's ability to service veterans who are seeking VA health care services. The projections will also be used to support VA's Capital Asset Realignment for Enhanced Services initiative and will also served as the basis for VA's new emphasis on population-based budget formulation, policy scenario testing, and strategic planning.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 24, 2009, at page 8305.

Affected Public: Individuals or Households, and Federal Government.

Estimated Annual Burden: 14,400 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 42,200.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10795 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–21092a–c)]

Proposed Information Collection (Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to evaluate chronic gastrointestinal disorders in Persian Gulf War Veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 10, 2009.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov.* Please refer to ''OMB Control No. 2900—New (10–21092a–c)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 273–8664 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092a.

b. VA Research Consent Form (Cases), VA Form 10–2109b.

c. VA Research Consent Form (Control), VA Form 10–2109c.

OMB Control Number: 2900—New (10–21092a–c).

Type of Review: New collection.

Abstract: Military troops who were deployed in the first Persian Gulf War returned with persistent gastrointestinal symptoms, typical of diarrhea-predominant irritable bowl syndrome (IBS). The data collected from the survey will assist VA in determining whether chronic gastrointestinal illness in Persian Gulf Veterans was caused by the presence of bacteria in the intestines and whether eradication of these bacteria reduces symptoms of chronic diarrhea.

Affected Public: Individuals or households.

Estimated Total Annual Burden:

a. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092a—3,000 hours.

b. VA Research Consent Form (Cases), VA Form 10–2109b—41 hours.

c. VA Research Consent Form (Control), VA Form 10–2109c—31 hours.

Estimated Average Burden Per Respondent:

a. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092a—45 minutes.

b. VA Research Consent Form (Cases), VA Form 10–2109b—15 minutes.

c. VA Research Consent Form (Control), VA Form 10–2109c—10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents:

a. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092a—4,000.

b. VA Research Consent Form (Cases), VA Form 10–2109b—165.

c. VA Research Consent Form (Control), VA Form 10–2109c—189.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst,

Enterprise Records Service.

[FR Doc. E9–10796 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (21–526b)]

Proposed Information Collection (Veteran's Supplemental Claim Application) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to assist veterans in reopening a previously denied disability compensation claim or to request an increase in benefit and/or claim for a new service-connected condition.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 10, 2009.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–New (21–526b)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veteran's Supplemental Claim Application, VA Form 21–526b.

OMB Control Number: 2900–New (21–526b).

Type of Review: New collection.

Abstract: Veterans who were denied a claim under Application for Compensation or Pension and wish to request an increase in benefit and/or a claim for a new service-connected condition must complete VA Form 21–526b to file a supplemental claim for disability compensation or to reopen a previously denied claim. VA will use the data to assist veterans in their claim for compensation.

Affected Public: Individuals or households.

Estimated Annual Burden: 16,667.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 200,000.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10797 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VR&E Service)]

Proposed Information Collection (VR&E Employment of Individuals With Severe Injuries Study); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine whether Vocational Rehabilitation and Employment Service program is meeting the needs of severely disabled veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 10, 2009.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov*; or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–New (VR&E Service)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each

collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Vocational Rehabilitation and Employment (VR&E) Service Employment of Individuals with Severe Injuries Study.

OMB Control Number: 2900—New (VR&E Service).

Type of Review: New collection.

Abstract: The mission of the VR&E program is to provide vocational rehabilitation services that will assist veterans to obtain and keep suitable employment consistent with their capabilities and interests or to achieve independence in their activities of daily living. The study will be used to determine whether the VR&E program is meeting the needs of severely disabled veterans and whether rehabilitation services are effective as they can be by identifying the factors that hinder and assist achieving long-term career employment for severely disabled veterans.

Affected Public: Individuals or Households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 200.

Dated: May 5, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–10798 Filed 5–8–09; 8:45 am]

BILLING CODE A320–01–P

Federal Register

Monday,
May 11, 2009

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735) and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The **Unified Agenda of Federal Regulatory and Deregulatory Actions** (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda.

Editions of the Unified Agenda prior to fall 2007 were printed in their entirety in the **Federal Register**. Beginning with the fall 2007 edition, the Internet is the basic means for conveying Regulatory Agenda information to the maximum extent legally permissible. The complete Unified Agenda for spring 2009, which contains the regulatory agendas for 56 Federal agencies, is available to the public at **http://reginfo.gov**.

The spring 2009 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules which are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MI), General Services Administration, 1800 F Street NW., Suite 3039, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MI), General Services Administration, 1800 F Street NW., Suite 3039, Washington, DC 20405, (202) 482-7340. You may also send comments to us by e-mail at:

RISC@gsa.gov

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS

Page

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What Is the Unified Agenda? 21859
II. Why Is the Unified Agenda Published? 21860
III. How Is the Unified Agenda Organized? 21861
IV. What Information Appears for Each Entry? 21862
V. Abbreviations 21863
VI. How Can Users Get Copies of the Plan and the Agenda? 21864

AGENCY AGENDAS

Cabinet Departments

Department of Agriculture 21865
Department of Commerce 21887
Department of Energy 21915
Department of Health and Human Services 21919
Department of Homeland Security 21943
Department of Housing and Urban Development 21953
Department of Justice 21957
Department of Labor 21961
Department of Transportation 21969

Other Executive Agencies

Environmental Protection Agency 21991
General Services Administration 22001
National Foundation on the Arts and the Humanities
National Endowment for the Arts 22005
Small Business Administration 22007

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation) 22013

Independent Regulatory Agencies

Federal Communications Commission 22017
Federal Reserve System 22063
National Credit Union Administration 22067
Nuclear Regulatory Commission 22069
Securities and Exchange Commission 22073

INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATORY AND DEREGULATORY ACTIONS

I. What Is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. To further the objective of using modern technology to deliver better service to the American people for lower cost, beginning with the fall 2007 edition, the Internet is the basic means for conveying Regulatory Agenda information to the maximum extent legally permissible. The complete Unified Agenda is available to the public at **http://reginfo.gov**. The online Unified Agenda offers flexible search tools and will soon offer access to the entire historic Unified Agenda database.

The spring 2009 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules which are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at **http://reginfo.gov**.

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866,

as well as move the Agenda process toward the goal of e-Government, at a substantially reduced printing cost compared with prior editions. The current format does not reduce the amount of information available to the public, but it does limit most of the content of the Agenda to online access. The complete online edition of the Unified Agenda includes regulatory agendas from 56 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at **http://reginfo.gov**.

Department of Defense

Department of Education

Department of the Interior

Department of State

Department of the Treasury

Department of Veterans Affairs

Agency for International Development

Architectural and Transportation Barriers Compliance Board

Commission on Civil Rights

Commodity Futures Trading Commission

Committee for Purchase From People Who Are Blind or Severely Disabled

Consumer Product Safety Commission

Corporation for National and Community Service

Court Services and Offender Supervision Agency for the District of Columbia

Equal Employment Opportunity Commission

Farm Credit Administration

Farm Credit System Insurance Corporation

Federal Deposit Insurance Corporation

Federal Energy Regulatory Commission

Federal Housing Finance Agency

Federal Maritime Commission

Federal Mediation and Conciliation Service

Federal Trade Commission

National Aeronautics and Space Administration

National Archives and Records Administration

National Endowment for the Humanities

National Indian Gaming Commission

National Science Foundation

Office of Government Ethics

Office of Management and Budget

Office of Personnel Management

Pension Benefit Guaranty Corporation

Postal Regulatory Commission

Railroad Retirement Board

Selective Service System

Social Security Administration

Surface Transportation Board

The Regulatory Information Service Center (the Center) compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866. The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why Is the Unified Agenda Published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a

regulation with federalism implications, which either preempt State law or impose nonstatutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104-4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''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 . . . in any 1 year . . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104-121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 et seq.), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How Is the Unified Agenda Organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage* — actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.
2. *Proposed Rule Stage* — actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.
3. *Final Rule Stage* — actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.
4. *Long-Term Actions* — items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.
5. *Completed Actions* — actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any

combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register Thesaurus of Indexing Terms**. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What Information Appears for Each Entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation — a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority — an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104-121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major - whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104-121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates — whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority — the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation — the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline — whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract — a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable — the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 03/00/10 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required — whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected — the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected — whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts — whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism — whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''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.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan — whether the rulemaking was included in the agency's current regulatory plan published in fall 2008.

Agency Contact — the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, e-mail address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL — the Internet address of a site that provides more information about the entry.

Public Comment URL — the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the governmentwide e-rulemaking site, **http://www.regulations.gov**.

Additional Information — any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public — the estimated gross compliance cost of the action.

Affected Sectors — the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects — an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs — one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2008 edition of **The Regulatory Plan** have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need — a description of the need for the regulatory action.

Summary of the Legal Basis — a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives — a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits — a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks — a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM — An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR — The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO — An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR — The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY — The Federal fiscal year runs from October 1 to September 30.

NPRM — A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.) — A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 110-4 is the fourth public law of the 110th Congress.

RFA — A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN — The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No. — The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different

sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda

USC — The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, each title covering a broad area of Federal law.

VI. How Can Users Get Copies of the Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. Telephone: (202) 512-1800 or 1-866-512-1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of **The Regulatory Plan** and the **Unified Agenda of Federal Regulatory and Deregulatory Actions** since fall 1995 are available in electronic form at **http://reginfo.gov**, along withflexible search tools. During 2009, searchable access to the entire historic Unified Agenda database back to 1983 will be added to the site.

In accordance with regulations for the **Federal Register**, the Government Printing Office's GPO Access website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at **http://www.gpoaccess.gov/ua/index.html**.

Dated: April 22 , 2009.

John C. Thomas,

Executive Director.

[FR Doc. E9–10283 Filed 05–08–09;8:45 am]

BILLING CODE 6820–27–S

Federal Register

Monday,
May 11, 2009

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2009

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866 ''Regulatory Planning and Review.''

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at www.reginfo.gov. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: March 6, 2009.

Michael Poe,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals, (TM-01-08)	0581–AB97

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2	National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03)	0581–AC69
3	Mushroom Promotion, Research and Consumer Information Order (FV-08-702)	0581–AC82

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	National Organic Program: Access to Pasture (TM-05-14)	0581–AC57
5	Dairy Import Assessments (DA-08-07)	0581–AC87

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
6	National Organic Program, Sunset (2011) (Crops and Processing) (TM-07-14)	0581–AC77

USDA

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
7	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)	0581–AC26
8	Specialty Crop Block Grant Program (Farm Bill)	0581–AC88

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
9	Farm Loan Programs Loan Making Activities	0560–AI03
10	Conservation Loan Guarantee Program	0560–AI04
11	Loan Servicing; Farm Loan Programs	0560–AI05

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
12	Emergency Forest Restoration Program	0560–AH89
13	Biomass Crop Assistance Program	0560–AH92

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
14	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs **(Rulemaking Resulting From a Section 610 Review)**	0579–AB24
15	Animal Welfare; Regulations and Standards for Birds	0579–AC02
16	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment **(Rulemaking Resulting From a Section 610 Review)**	0579–AC03
17	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31
18	Tuberculosis in Cattle; Import Requirements for Roping Steers	0579–AC50
19	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579–AC68
20	Scrapie in Sheep and Goats	0579–AC92

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
21	Phytosanitary Certificates for Imported Fruits and Vegetables	0579–AB18
22	Phytophthora Ramorum; Quarantine and Regulations	0579–AB82
23	Boll Weevil; Quarantine and Regulations	0579–AB91
24	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579–AB97
25	Standards for Permanent, Privately Owned Horse Quarantine Facilities **(Section 610 Review)**	0579–AC00
26	National Veterinary Accreditation Program **(Rulemaking Resulting From a Section 610 Review)**	0579–AC04
27	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579–AC05
28	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579–AC06
29	Citrus Canker; Quarantine of the State of Florida	0579–AC07
30	User Fees; Export Certification for Plants and Plant Products	0579–AC22
31	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579–AC36
32	Light Brown Apple Moth Quarantine	0579–AC71
33	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579–AC74

USDA

Animal and Plant Health Inspection Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
34	Importation of Grapes From Chile Under a Systems Approach	0579–AC82
35	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579–AC85
36	Sirex Woodwasp; Quarantine and Regulations	0579–AC86

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
37	Plant Pest Regulations; Update of Current Provisions **(Section 610 Review)**	0579–AA80
38	Foot-and-Mouth Disease; Payment of Indemnity	0579–AB34
39	Tuberculosis in Cattle; Import Requirements **(Section 610 Review)**	0579–AB44
40	Minimum Age Requirements for the Transport of Animals	0579–AC14
41	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals	0579–AC41
42	Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona	0579–AC63
43	Handling of Animals; Contingency Plans	0579–AC69
44	Bovine Tuberculosis	0579–AC73

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
45	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579–AB84
46	Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas	0579–AC38
47	Import/Export User Fees	0579–AC59
48	Revision of Regulations for the Movement of Fruits and Vegetables From Hawaii and U.S. Territories Into the Continental United States	0579–AC70

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
49	Guaranteed Single-Family Housing	0575–AC18

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
50	Federal-State Interstate Shipment Cooperative Inspection Program	0583–AD37

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
51	Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products	0583–AC46

USDA

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
52	Special Areas; State-Specific Inventoried Roadless Area Management: Colorado	0596–AC74

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
53	Voluntary Labeling Program for Designated Biobased Products	0503–AA35
54	Designation of Biobased Items for Federal Procurement, Round 7	0503–AA36

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Renewable Energy—Clarify Requirements for Construction/Development of Energy Program Projects **(Rulemaking Resulting From a Section 610 Review)**	0570–AA69

Department of Agriculture (USDA) — Prerule Stage
Agricultural Marketing Service (AMS)

1. NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR THE ORGANIC CERTIFICATION OF WILD CAPTURED AQUATIC ANIMALS, (TM–01–08)

Legal Authority: 7 USC 6501 to 6522

Abstract: The Agricultural Marketing Service (AMS) is revising regulations pertaining to labeling of agricultural products as organically produced and handled (7 CFR part 205). The term ''aquatic animal'' will be incorporated in the definition of livestock to establish production and handling standards for operations that capture aquatic animals from the wild. Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Fax: 202 205–7808
Email: richard.mathews@usda.gov

RIN: 0581–AB97

Department of Agriculture (USDA) — Proposed Rule Stage
Agricultural Marketing Service (AMS)

2. NATIONAL ORGANIC PROGRAM: DAIRY REPLACEMENT ANIMALS (LIVESTOCK) (TM–07–03)

Legal Authority: 7 USC 6501

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced products. Since implementation of the NOP, some members of the public have advocated for amending the regulations for sourcing dairy replacement animals. They have asserted that the current regulatory language on sourcing dairy replacement animals lacks clarity, has established an inequitable two track system, and has harmed organic dairy producers by creating an environment that has prevented the development of a market for organic dairy replacement animals. They seek amendment to the regulations to require that once a dairy operation has converted to organic production all future animals be organic from the last third of gestation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: Yes

USDA—AMS

Proposed Rule Stage

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Fax: 202 205–7808
Email: richard.mathews@usda.gov

RIN: 0581–AC69

3. MUSHROOM PROMOTION, RESEARCH AND CONSUMER INFORMATION ORDER (FV–08–702)

Legal Authority: 7 USC 6101 to 6112

Abstract: The Farm Bill of 2008 amends the Mushroom Promotion, Research and Consumer Information Act of 1990 by changing the number of regions for nominations purposes from four to three; adjusting the number of pounds required to appoint members to the Mushroom Council; and to allow for the development of good agricultural and good handling practices.

Timetable:

Action	Date	FR Cite
NPRM	04/07/09	74 FR 15677
NPRM Comment Period End	05/07/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sonia Jimenez, Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, South Building, P.O. Box 96456, Washington, DC 20050–6456
Phone: 202 720–9915
Fax: 202 205–2800
Email: sonia.jimenez@usda.gov

RIN: 0581–AC82

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Final Rule Stage

4. NATIONAL ORGANIC PROGRAM: ACCESS TO PASTURE (TM–05–14)

Legal Authority: 7 USC 6501 et seq

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced agricultural products. Since implementation of the NOP, some members of the public have advocated for a more explicit regulatory standard on the relationship between livestock, particularly dairy animals, and grazing land. They have asserted the current regulatory language on access to pasture for ruminants and temporary confinement based on an animal's stage of production, when applied together, do not provide a uniform requirement for the pasturing of ruminant animals that meet the principles underlying an organic management system for livestock and livestock products that consumers expect. Comments received as a result of the proposed rule will assist in determining the Agency's next steps in rulemaking on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/06	71 FR 19131
ANPRM Comment Period End	06/12/06	
NPRM	10/24/08	73 FR 63583
NPRM Comment Period End	12/23/08	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Fax: 202 205–7808
Email: richard.mathews@usda.gov

RIN: 0581–AC57

5. DAIRY IMPORT ASSESSMENTS (DA–08–07)

Legal Authority: 7 USC 4501 to 4513

Abstract: The Agricultural Marketing Service is establishing a dairy import assessment program as required by law. This action is in conformance to the Food, Conservation, and Energy Act of 2008 (Farm Bill). The Farm Bill mandates that the Dairy Promotion and Research Order be amended to implement an assessment on imported dairy products to fund promotion and research, and allow for importer representation on the National Dairy Promotion and Research Board.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Whitney Rick, Promotion and Research Branch Chief, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–6909
Fax: 202 720–0285
Email: whitney.rick@usda.gov

RIN: 0581–AC87

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Long-Term Actions

6. NATIONAL ORGANIC PROGRAM, SUNSET (2011) (CROPS AND PROCESSING) (TM–07–14)

Legal Authority: 7 USC 6501

Abstract: The Agricultural Marketing Service (AMS) is amending regulations pertaining to the National List of Allowed and Prohibited Substances. As required by the National Organic Foods Production Act of 1990, the allowed use of the 12 synthetic and non-synthetic substances in organic production and handling will expire on September 12, 2001. The AMS published an advance notice of proposed rulemaking to make the public aware of this requirement. AMS believes that public comment is

essential in the review process to determine whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/08	73 FR 13795
ANPRM Comment Period End	05/13/08	
NPRM	10/00/10	
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews
Phone: 202 720–3252
Fax: 202 205–7808
Email: richard.mathews@usda.gov

RIN: 0581–AC77

Department of Agriculture (USDA) Agricultural Marketing Service (AMS) — Completed Actions

7. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS–07–0081)

Legal Authority: 7 USC 1621 to 1627, Agricultural Marketing Act of 1946

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed implementation of mandatory Country of Origin Labeling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. The FY 2006 Agriculture Appropriations Bill further delayed the implementation date for other covered commodities until September 30, 2008.

Completed:

Reason	Date	FR Cite
Final Action	01/15/09	74 FR 2657
Final Action Effective	03/16/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Erin Morris
Phone: 202 720–5131
Email: erin.morris@usda.gov

RIN: 0581–AC26

8. SPECIALTY CROP BLOCK GRANT PROGRAM (FARM BILL)

Legal Authority: 7 USC 1621

Abstract: The Agricultural Marketing Service is establishing regulations to administer the Special Crop Block Grant Program (SCBGP) to enhance the competitiveness of specialty crops. The interim final rule is intended to establish eligibility and application requirements, the review and approval process, and grant administration procedures for SCBGP. The SCBGP is authorized under section 101 of the Specialty Crops Competitiveness Act (7 U.S.C. 1621 note) and amended under the Food, Conservation, and Energy Act of 2008. Section 101 direction the Secretary of Agriculture to make grants available to States.

Completed:

Reason	Date	FR Cite
Interim Final Rule Comment Period End	11/03/08	
Final Action	03/27/09	74 FR 13313
Final Action Effective	03/30/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Trista Etzig
Phone: 202 690–4942
Email: trista.etzig@usda.gov

RIN: 0581–AC88

BILLING CODE 3410—02—S

Department of Agriculture (USDA) Farm Service Agency (FSA) — Proposed Rule Stage

9. FARM LOAN PROGRAMS LOAN MAKING ACTIVITIES

Legal Authority: PL 110–246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion involved in the implementation. The sections being implemented are: 5001, Direct Loans; 5005, Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program Down Payment Loan Program; 5101, Farming Experience as an Eligibility Requirement; 5201, Eligibility of Equine Farmers and Ranchers for Emergency Loans; 5301, Beginning Farmer and Rancher Individual Development Accounts Pilot Program; and 5501, Loans to Purchase Highly Fractionated Land.

A Beginning Farmer and Rancher Individual Development Accounts 5-year pilot program will be established in at least 15 States. The program entails FSA making grants to qualified nonprofit organizations who then deliver the program to eligible participants. Grantees must match 50 percent of the grant received. Under the program, qualified, low-income beginning farmers or prospective beginning farmers would establish saving accounts with a monthly deposit plan administered by the grantees. The program funds must match the participants' deposits at a minimum of 100 percent and a maximum of 200 percent. Participants must use the savings account funds toward the purchase of farmland, livestock, or similar farm start-up/operating expenses. The program must be operated by and in conjunction with

USDA—FSA

Proposed Rule Stage

FSA farm loan programs. The initial applications for the program must be approved no more than one year after the law is enacted. The program is not mandatory; an appropriation of up to $5 million annually is authorized to fund the program.

Individual tribal members will be allowed to qualify for Indian Land Acquisition loans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572
Phone: 202 205–5851
Fax: 202 720–5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560–AI03

10. CONSERVATION LOAN GUARANTEE PROGRAM

Legal Authority: PL 110–246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion in how several of the provisions are implemented. The section being implemented is 5002, Conservation Loan and Loan Guarantee. Implementation of this provision will create a new direct and guaranteed loan program directed at assisting farmers in implementing conservation practices.

The rule establishes a new loan and loan guarantee program to finance qualifying conservation projects. All guarantees will be at 75 percent of the loan amount. The applicant must have an acceptable conservation plan that includes the project(s) to be financed. Preference is given to beginning farmer and socially disadvantaged applicants, conversion to sustainable or organic production practices, and compliance with highly erodible land conservation requirements. Eligibility for the program is not restricted to those who cannot get credit elsewhere. The program is not mandatory; appropriations are authorized.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572
Phone: 202 205–5851
Fax: 202 720–5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560–AI04

11. LOAN SERVICING; FARM LOAN PROGRAMS

Legal Authority: PL 110–246

Abstract: The 2008 Farm Bill requires several changes to the Farm Service Agency (FSA) Farm Loan Program (FLP) loan servicing regulations. An overall plan will be established to insure that borrowers can be transitioned to private credit in the shortest timeframe practicable. At present, FSA monitors the status of all borrowers to determine if graduation is possible. The 2008 Farm Bill emphasizes this responsibility and insures that FSA uses all the tools available to graduate borrowers to commercial credit as soon as they can financially do so. In 2007, over 2,500 direct borrowers (about 3.7 percent of the portfolio) graduated to commercial credit. FSA believes graduation will continue in the 3 to 5 percent range and is dependant on the overall farm economy.

The right of an FSA borrower-owner to purchase leased property under Homestead Protection will be extended beyond the borrower-owner to the immediate family. Currently, FSA only has 38 properties in Homestead Protection.

Acceleration and foreclosure will be suspended on borrowers who file a claim of program discrimination against the Department or have a claim pending. Interest accrual and offset will also be suspended during the time of the moratorium. If the borrower does not prevail in the claim, the interest which would have accrued during the moratorium will be due and offset on the account will be reestablished.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572
Phone: 202 205–5851
Fax: 202 720–5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560–AI05

Department of Agriculture (USDA)
Farm Service Agency (FSA)

Long-Term Actions

12. EMERGENCY FOREST RESTORATION PROGRAM

Legal Authority: PL 110–246

Abstract: We are adding a new subpart to the regulations in 7 CFR part 701 to implement the Emergency Forest Restoration Program (EFRP) which was authorized by the 2008 Farm Bill. EFRP will provide cost-share funding to owners of nonindustrial private forest land to restore the land after the land is damaged by a natural disaster. The damaged land must have had a tree cover immediately before the natural disaster. The 2008 Farm Bill authorized such funds as may be necessary to be appropriated to carry out this program; the appropriated amounts are to remain available until expended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder
Phone: 202 205–5851
Fax: 202 720–5233

USDA—FSA

Long-Term Actions

Email: deirdre.holder@wdc.usda.gov

RIN: 0560–AH89

13. BIOMASS CROP ASSISTANCE PROGRAM

Legal Authority: PL 110–246

Abstract: We are adding a new regulation to implement the Biomass Crop Assistance Program (BCAP) as required by the 2008 Farm Bill. We will collaborate with USDA/Rural Development (RD), private industry, agricultural and forest land owners to support the evaluation and selection of BCAP project areas. BCAP project areas must include a commitment to use local production; evidence of sufficient equity (if the facility is not operational at the time of proposal); anticipated economic impacts; opportunities for local ownership; the participation rate by beginning and socially disadvantaged farmers and ranchers; the impact on soil, water, and related resources; and the variety in biomass production approaches. FSA will partner with RD, which has capability and responsibility, including the potential for providing funding for proposed biomass conversion facility, regarding BCAP project area evaluation and selection. After BCAP project area selection, FSA, acting on behalf of the Commodity Credit Corporation (CCC), may enter into contracts with BCAP project area producers for a term of up to 5 years for annual and perennial crops and up to 15 years for woody biomass.

Timetable:

Action	Date	FR Cite
Notice	10/01/08	73 FR 57047
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder
Phone: 202 205–5851
Fax: 202 720–5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560–AH92

BILLING CODE 3410—05—S

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

14. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979, and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	06/00/09	
NPRM Comment Period End	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234
Phone: 301 734–7833

RIN: 0579–AB24

15. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

Legal Authority: 7 USC 2131 to 2159

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	
NPRM Comment Period End	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Darrel Styles, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234
Phone: 301 734–0658

RIN: 0579–AC02

16. IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING RISK ASSESSMENT (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This action would establish a new category in the regulations governing the importation of nursery stock, also known as plants for planting. This category would list taxa of plants for planting whose importation is not authorized pending risk assessment. We would allow foreign governments to request that a pest risk assessment be conducted for a taxon whose importation is not authorized pending risk evaluation. After the pest risk assessment was completed, we would conduct rulemaking to remove the taxon from the proposed category if determined appropriate by the risk assessment. We are also proposing to expand the scope of the plants regulated in the plants for planting regulations to include non-vascular plants. These changes would

allow us to react more quickly to evidence that a taxon of plants for planting may pose a pest risk while ensuring that our actions are based on scientific evidence.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Arnold T. Tschanz, Senior Risk Manager, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231
Phone: 301 734–5306

RIN: 0579–AC03

17. INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 31 USC 9701

Abstract: This rulemaking would revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to bring the regulations into alignment with provisions of the Plant Protection Act. The revisions would also update the regulations in response to advances in genetic science and technology and our accumulated experience in implementing the current regulations. This is the first comprehensive review and revision of the regulations since they were established in 1987. This rule would affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement	01/23/04	69 FR 3271
Comment Period End	03/23/04	
Notice of Availability of Draft Environmental Impact Statement	07/17/07	72 FR 39021
Comment Period End	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened	01/16/09	74 FR 2907
NPRM Comment Period End	03/17/09	
NPRM; Notice of Public Scoping Session	03/11/09	74 FR 10517
NPRM Comment Period Reopened	04/13/09	74 FR 16797
NPRM Comment Period End	06/29/09	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Turner, Director, Policy Coordination Division, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737–1236
Phone: 301 734–5720

RIN: 0579–AC31

18. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS FOR ROPING STEERS

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This document will withdraw a proposed rule that we published on August 24, 2004 (69 FR 51960 to 51962, APHIS Docket No. 03-081-3). In our August 2004 proposed rule, we proposed to require that steers and spayed heifers with any evidence of horn growth that are entering the United States meet the same tuberculosis testing requirements as sexually intact animals entering the United States. Instead of proposing provisions specific to cattle imported for use at rodeos, as our August 2004 proposal did, APHIS is considering broader changes to the tuberculosis regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/04	69 FR 43283
Interim Final Rule Effective	08/19/04	
Interim Final Rule Comment Period End	09/20/04	
Interim Rule; Withdrawal	08/12/04	69 FR 49783
Interim Rule; Withdrawal Effective	08/12/04	
NPRM	08/24/04	69 FR 51960
NPRM Comment Period End	10/25/04	
NPRM; Withdrawal	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Francisco Collazo–Mattei, Assistant Director, Ruminant Health Programs, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737
Phone: 301 734–6954

RIN: 0579–AC50

19. BOVINE SPONGIFORM ENCEPHALOPATHY; IMPORTATION OF BOVINES AND BOVINE PRODUCTS

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the regulations regarding the importation of bovines and bovine products. Under this rulemaking, countries would be classified as either negligible risk, controlled risk, or undetermined risk for bovine spongiform encephalopathy (BSE). Some commodities would be allowed importation into the United States regardless of the BSE classification of the country of export. Other commodities would be subject to importation restrictions or prohibitions based on the type of commodity and the BSE classification of the country. The criteria for country classification and commodity import would be closely aligned with those of the World Organization for Animal Health.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National

USDA—APHIS

Proposed Rule Stage

Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 40, Riverdale, MD 20737–1231
Phone: 301 734–7837

RIN: 0579–AC68

20. • SCRAPIE IN SHEEP AND GOATS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks, increasing the use of genetic testing as a means of assigning risk levels to animals, reducing movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and simplifying, reducing, or removing certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would change the definition of high-risk animal, which will change the types of animals eligible for indemnity, and to pay higher indemnity for certain pregnant ewes and early maturing ewes. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235
Phone: 301 734–6954

RIN: 0579–AC92

Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

21. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule will require that a phytosanitary certificate accompany noncommercial consignments of fresh fruits and vegetables imported into the United States by air passengers.

Timetable:

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
NPRM; Availability of Risk Assessment	05/24/06	71 FR 29846
NPRM; Availability of Risk Assessment Comment Period End	07/24/06	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evelia Sosa, Senior Staff Officer, Quarantine Policy Analysis and Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1236
Phone: 301 734–8295

RIN: 0579–AB18

22. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will amend the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in December 2004 that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action will also update conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restrict the interstate movement of all other nursery stock from nurseries in quarantined areas. We are also updating the list of plants regulated because of P. ramorum and the list of areas that are quarantined for P. ramorum and making other miscellaneous revisions to the regulations. These actions are necessary to prevent the spread of P. ramorum to noninfested areas of the United States. We will continue to update the regulations through additional rulemakings as new scientific information on this pathogen becomes available.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/07	72 FR 8585
Interim Final Rule Effective	02/27/07	
Interim Final Rule Comment Period End	04/30/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jonathan Jones, National Phytophthora Ramorum Program Manager, Pest Detection and Management Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737
Phone: 301 734–8247

RIN: 0579–AB82

23. BOLL WEEVIL; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will establish domestic boll weevil regulations that will restrict the interstate movement of regulated articles within regulated areas and from regulated areas into or through nonregulated areas in commercial cotton producing States. The regulations will help prevent the artificial spread of boll weevil into noninfested areas of the United States

and the reinfestation of areas from which the boll weevil has been eradicated.

Timetable:

Action	Date	FR Cite
NPRM	10/31/06	71 FR 63707
NPRM Comment Period End	01/02/07	
NPRM Comment Period Extended	12/20/06	71 FR 76224
NPRM Comment Period End	02/01/07	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Grefenstette, National Coordinator, Boll Weevil Eradication Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 138, Riverdale, MD 20737
Phone: 301 734–8676

RIN: 0579–AB91

24. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL–RISK REGIONS AND IMPORTATION OF COMMODITIES; UNSEALING OF MEANS OF CONVEYANCE AND TRANSLOADING OF PRODUCTS

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 and 4332

Abstract: In a final rule published in the Federal Register on January 4, 2005, we amended the regulations regarding the importation of animals and animal products to establish a category of regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States via live ruminants and ruminant products and byproducts, and added Canada to this category. We also established conditions for the importation of certain live ruminants and ruminant products and byproducts from such regions. This rule will amend the regulations to broaden who is authorized to break seals on means of conveyances carrying certain ruminants of Canadian origin. Additionally, it will amend the regulations regarding the transiting through the United States of certain ruminant products from Canada to allow for direct transloading of the products from one means of conveyance to another in the United States under Federal supervision. These actions will contribute to the humane treatment of ruminants shipped to the United States from Canada and remove an impediment to international trade, without increasing the risk of the BSE disease agent entering the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/05	70 FR 71213
Interim Final Rule Comment Period End	01/27/06	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Karen A. James–Preston, Director, Technical Trade Services, Animal Products, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231
Phone: 301 734–4356

RIN: 0579–AB97

25. STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will establish standards for the approval of permanent, privately owned quarantine facilities for horses. We are taking this action because regional and seasonal demand for quarantine services for horses often exceeds the space available at existing facilities. Allowing imported horses to be quarantined in permanent, privately owned quarantine facilities that meet these newly proposed criteria facilitates the importation of horses while continuing to protect against the introduction of communicable diseases of horses.

Timetable:

Action	Date	FR Cite
NPRM	12/13/06	71 FR 74827
NPRM Comment Period End	02/12/07	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ellen Buck, Veterinary Medical Officer, Import/Export Animals, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231
Phone: 301 734–8364

RIN: 0579–AC00

26. NATIONAL VETERINARY ACCREDITATION PROGRAM (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 8301 to 8317; 15 USC 1828

Abstract: This rulemaking will amend the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the current single category, to add requirements for supplemental training and renewal of accreditation, and to offer accreditation specializations. These changes are intended to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent.

Timetable:

Action	Date	FR Cite
NPRM	06/01/06	71 FR 31109
NPRM Comment Period End	07/31/06	
Supplemental NPRM	02/27/07	72 FR 8634
Supplemental NPRM Comment Period End	04/30/07	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Agency Contact: Todd Behre, Program Manager, National Veterinary Accreditation Program, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737
Phone: 301 734–6188

RIN: 0579–AC04

27. CITRUS CANKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This rulemaking will establish provisions under which

eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective	06/08/06	
Interim Final Rule Comment Period End	08/07/06	
Affirmation of Interim Final Rule	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Poe, Senior Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231 Phone: 301 734–4387

RIN: 0579–AC05

28. AGRICULTURAL INSPECTION AND AQI USER FEES ALONG THE U.S./CANADA BORDER

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

Abstract: This action will amend the foreign quarantine and user fee regulations by removing the exemptions from inspection for fruits and vegetables grown in Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international air passengers entering the United States from Canada. As a result of this action, all agricultural products imported from Canada will be subject to inspection, and commercial conveyances, as well as airline passengers arriving on flights from Canada, will be subject to inspection and user fees. We are taking this action in part because we are not recovering the costs of our current inspection activities at the U.S./Canada border. In addition, our data show an increasing number of interceptions on the U.S./Canada border of prohibited material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal diseases into the United States. These findings, combined with additional Canadian airport preclearance data on interceptions of ineligible agricultural products approaching the U.S. border from Canada, strongly indicate that we need to expand and strengthen our pest exclusion and smuggling interdiction efforts at that border. In order to do this and to recover the costs of our existing inspection activity, we need to collect user fees from commercial conveyances and international air passengers entering the United States from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/25/06	71 FR 50320
Interim Final Rule Comment Period End	11/24/06	
Interim Final Rule Effective	11/24/06	
Delay of Effective Date	11/22/06	71 FR 67436
Delay of Effective Date	02/26/07	72 FR 8261
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan S. Green, Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737 Phone: 301 734–8261

RIN: 0579–AC06

29. CITRUS CANKER; QUARANTINE OF THE STATE OF FLORIDA

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will amend the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and amend the requirements for the movement of regulated articles from Florida now that the eradication of citrus canker in Florida is no longer being carried out as an objective. It will also amend the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export. These changes are necessary in light of the Department's determination that the established eradication program was no longer a scientifically feasible option to address citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/06	71 FR 43345
Interim Final Rule Effective	08/01/06	
Interim Final Rule Comment Period End	10/02/06	
Technical Amendment	01/12/07	72 FR 1415
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Poe, Senior Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231 Phone: 301 734–4387

RIN: 0579–AC07

30. USER FEES; EXPORT CERTIFICATION FOR PLANTS AND PLANT PRODUCTS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

Abstract: This rulemaking will amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. We are increasing these user fees for fiscal years 2009 through 2012 to reflect the anticipated costs associated with providing these services during each year. This action adds a new user fee for Federal export certificates for plants and plant products that an exporter obtains from a State or county cooperator in order to recover our costs associated with that service. Finally, the action will make several nonsubstantive changes to the regulations for clarity. These changes will enable us to properly recover the costs of providing export certification services for plants and plant products.

Timetable:

Action	Date	FR Cite
NPRM	06/12/07	72 FR 32223
NPRM Comment Period End	08/13/07	
Final Rule	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marcus McElvaine, Senior Import Specialist, PIM, PPQ,

Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1236
Phone: 301 734–4382

Kris Caraher, User Fee Section Head, Financial Management Division, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737–1232
Phone: 301 734–5901

RIN: 0579–AC22

31. IMPORTATION OF POULTRY AND POULTRY PRODUCTS FROM REGIONS AFFECTED WITH HIGHLY PATHOGENIC AVIAN INFLUENZA

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza other than subtype H5N1. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1. The new restrictions will be almost identical to those imposed on articles from regions with exotic Newcastle disease.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/09	
Interim Final Rule Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Julia Punderson, Senior Staff Veterinarian, NCIE, Animal Health Policy and Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737
Phone: 301 734–4356

RIN: 0579–AC36

32. LIGHT BROWN APPLE MOTH QUARANTINE

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: We are quarantining 9 counties in California and the entire State of Hawaii because of the light brown apple moth and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the light brown apple moth into noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/09	
Interim Final Rule Comment Period End	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deborah McPartlan, Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737–1236
Phone: 301 734–5356

RIN: 0579–AC71

33. VIRAL HEMORRHAGIC SEPTICEMIA; INTERSTATE MOVEMENT AND IMPORT RESTRICTIONS ON CERTAIN LIVE FISH

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will establish regulations to restrict the interstate movement and importation into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain fresh and saltwater fish. In 2005 and 2006, viral hemorrhagic septicemia was detected in freshwater fish in several of the Great Lakes and related tributaries. The disease has been responsible for several large-scale die-offs of wild fish in the Great Lakes region. This action is necessary to prevent further introductions into, and dissemination within, the United States of viral hemorrhagic septicemia.

Timetable:

Action	Date	FR Cite
Interim Final Rule (IFR)	09/09/08	73 FR 52173
Interim Final Rule Comment Period End	11/10/08	
IFR; Delay of Effective Date	10/28/08	73 FR 63867
Interim Final Rule Effective	01/09/09	
IFR; Delay of Effective Date	01/02/09	74 FR 1
Amended Interim Final Rule	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: P. Gary Egrie, Senior Staff Veterinary Medical Officer, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737–1231
Phone: 301 734–6188

Peter Merrill, Senior Staff Veterinarian, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231
Phone: 301 734–8364

RIN: 0579–AC74

34. IMPORTATION OF GRAPES FROM CHILE UNDER A SYSTEMS APPROACH

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a

Abstract: This action would amend the fruits and vegetables regulations to allow fresh table grapes from Chile to be imported into the continental United States under a systems approach. Currently, as a condition of entry, all table grapes from Chile must be fumigated with methyl bromide as a risk-mitigation measure for Brevipalpus chilensis. Under this proposal, we would allow a combination of risk-mitigation measures, or systems approach, to be employed in lieu of methyl bromide fumigation. The systems approach would provide an alternative to methyl bromide while continuing to provide protection against the introduction of quarantine pests into the United States.

USDA—APHIS — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/27/08	73 FR 50577
NPRM Comment Period End	10/27/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alex Belano, Chief, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231
Phone: 301 734–5333

RIN: 0579–AC82

35. CITRUS GREENING AND ASIAN CITRUS PSYLLID; QUARANTINE AND INTERSTATE MOVEMENT REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking will establish regulations that designate the State of Florida and one parish in Louisiana as quarantined areas for citrus greening, and Alabama, Florida, Guam, Hawaii, Puerto Rico, Louisiana, Mississippi, Texas, 3 counties in South Carolina, and portions of 2 counties in California as quarantined areas for Asian citrus psyllid, a vector of a bacterium that causes citrus greening. It would also establish restrictions on the interstate movement of regulated articles from the quarantined areas, as well as treatments under which Asian citrus psyllid host material may be moved interstate from a quarantined area. These actions follow the discovery of citrus greening and/or Asian citrus psyllid in the quarantined areas, and are necessary in order to prevent the spread of the disease and its vector to noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/09	
Interim Final Rule Comment Period End	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Poe, Senior Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231
Phone: 301 734–4387

RIN: 0579–AC85

36. SIREX WOODWASP; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 to 136a

Abstract: This rulemaking will quarantine counties in Michigan, New Jersey, New York, Ohio, Pennsylvania, and Vermont because of the Sirex woodwasp and establish restrictions on the interstate movement of regulated articles from these quarantined areas. This action is necessary on an emergency basis to prevent the artificial spread of this plant pest to noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/09	
Interim Final Rule Comment Period End	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lynn Evans–Goldner, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231
Phone: 301 734–7228

RIN: 0579–AC86

Department of Agriculture (USDA) — Long-Term Actions
Animal and Plant Health Inspection Service (APHIS)

37. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS (SECTION 610 REVIEW)

Legal Authority: 7 USC 450; 7 USC 7711 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: APHIS plans to amend its plant pest regulations to align them more closely with the Plant Protection Act and to update them in response to advances in science and technology and our accumulated experiences in implementing the regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/96	61 FR 50767
ANPRM Comment Period End	12/26/96	
NPRM	10/09/01	66 FR 51340
NPRM Comment Period End	02/06/02	
Withdrawal and Reproposal	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Robert Flanders
Phone: 301 734–5930

RIN: 0579–AA80

38. FOOT–AND–MOUTH DISEASE; PAYMENT OF INDEMNITY

Legal Authority: 7 USC 8301 to 8317

Abstract: This rule would amend the regulations for the cooperative control and eradication of foot-and-mouth disease (FMD) and other serious diseases, including both cooperative programs and extraordinary emergencies. The purpose of this rule is to remove possible sources of delay in eradicating foot-and-mouth disease, should an occurrence of that disease occur in this country, so that eligible claimants will be fully compensated while at the same time protecting the U.S. livestock population from the further spread of this highly contagious disease.

Timetable:

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21934
NPRM Comment Period Extended	06/28/02	67 FR 43566
NPRM Comment Period End	07/01/02	
NPRM Comment Period End	07/31/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark Teachman
Phone: 301 734–8073

RIN: 0579–AB34

39. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS (SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the regulations regarding the importation of animals into the United States to establish several levels of risk classifications to be applied to foreign regions with regard to tuberculosis and to establish requirements governing the importation of cattle and captive bison based on each risk classification. These changes are necessary to help ensure that cattle and captive bison infected with tuberculosis are not imported into the United States.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kelly Rhodes
Phone: 301 734–4356

RIN: 0579–AB44

40. MINIMUM AGE REQUIREMENTS FOR THE TRANSPORT OF ANIMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for other regulated animals, despite the risks associated with the early transport of these species. The rule would also provide an exemption to allow animals to be transported without their mothers for medical treatment and for scientific research before reaching the minimum age and weaning requirement, provided certain conditions are met. Establishing minimum age requirements for the transport of animals and providing for the transport of animals that have not met the minimum age requirements are necessary to help ensure the humane treatment of these animals.

Timetable:

Action	Date	FR Cite
NPRM	05/09/08	73 FR 26344
NPRM Comment Period End	07/08/08	
NPRM Comment Period Reopened	07/31/08	73 FR 44671
NPRM Comment Period Extended	09/02/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn
Phone: 301 734–7833

RIN: 0579–AC14

41. ANIMAL WELFARE; CLIMATIC AND ENVIRONMENTAL CONDITIONS FOR TRANSPORTATION OF WARMBLOODED ANIMALS OTHER THAN MARINE MAMMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations regarding transportation of live animals other than marine mammals by removing the current ambient temperature requirements for various stages in the transportation of those animals. The action would replace those requirements with a single performance standard under which the animals would be transported under climatic and environmental conditions that are appropriate for their welfare. The regulations currently require that ambient temperatures be maintained within certain ranges during transportation, but animals may be transported at ambient temperatures below the minimum temperatures if their consignor provides a certificate signed by a veterinarian certifying that the animals are acclimated to temperatures lower than the minimum temperature. This proposal would make acclimation certificates for live animals other than marine mammals unnecessary. This rule would replace a previously published proposed rule, which we are withdrawing as part of this document, that would have required that the acclimation certificate for a dog or cat be signed by the owner of the dog or cat being transported rather than by a veterinarian. This rulemaking does not address marine mammals due to their unique requirements for care and handling. We believe that establishing a single performance standard would ensure that warmblooded animals other than marine mammals are transported in climatic and environmental conditions that are not detrimental to their welfare while allowing for variations in climatic and environmental conditions that are suitable for individual animals.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 413
NPRM Comment Period End	03/03/08	
NPRM Comment Period Reopened	03/18/08	73 FR 14403
NPRM Comment Period End	04/17/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tracy L. Bowman
Phone: 301 734–6328

RIN: 0579–AC41

42. IMPORTATION OF CATTLE FROM MEXICO; ADDITION OF PORT AT SAN LUIS, ARIZONA

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will amend the regulations regarding the importation of cattle from Mexico by adding San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States. A new facility for the handling of animals is to be constructed on the Mexican side of the border at the port of San Luis, AZ, that will be equipped with facilities necessary for the proper chute inspection, dipping, and testing that are required for such cattle under the regulations. The rule will also amend the regulations to remove provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas. The statutory requirement that limited the admission of those cattle to the State of Texas has been repealed. These changes make an additional port of entry available and relieve restrictions on the movement of imported Mexican cattle within the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/29/08	73 FR 5132
NPRM Comment Period End	03/31/08	
Final Rule	01/02/09	74 FR 1

USDA—APHIS

Long-Term Actions

Action	Date	FR Cite
Final Rule Effective; but the Amendment to 93.427(b)(2) Effective Date Is Delayed Indefinitely	01/02/09	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Betzaida Lopez
Phone: 301 734–8364

RIN: 0579–AC63

43. HANDLING OF ANIMALS; CONTINGENCY PLANS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. We are proposing these requirements because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action would heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Timetable:

Action	Date	FR Cite
NPRM	10/23/08	73 FR 63085
NPRM Comment Period End	12/22/08	
NPRM Comment Period Extended	12/19/08	73 FR 77554
NPRM Comment Period End	02/20/09	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jodie Kulpa–Eddy
Phone: 301 734–7833

RIN: 0579–AC69

44. BOVINE TUBERCULOSIS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking would amend the bovine tuberculosis regulations by removing from incorporation by reference the Bovine Tuberculosis Eradication Uniform Methods and Rules, 1999, and including in 9 CFR part 77 all Federal requirements. We are also proposing a number of substantive changes to the requirements in order to enhance our bovine tuberculosis eradication efforts. The proposed changes include, but are not limited to, tightening certain tuberculosis surveillance and reporting requirements; strengthening the quarantine and quarantine-release requirements; setting minimum testing ages, depending upon the status of the State or zone of origin and/or the purpose of movement, when testing is required for interstate movement of cattle and bison; adding new requirements to prevent the spread of tuberculosis from wildlife to cattle and bison; adding new requirements for interstate movement of dairy cattle; strengthening the requirements for individual cattle and bison that are to be added to accredited herds; and providing for the interstate movement of commuter herds. Finally, we would reorganize 9 CFR part 77 to make the regulations clearer and easier to use.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Charles W. Hench
Phone: 970 494–7378

RIN: 0579–AC73

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

45. INTERSTATE MOVEMENT OF SHEEP AND GOATS; APPROVED LIVESTOCK FACILITIES, IDENTIFICATION, AND RECORDKEEPING REQUIREMENTS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking will amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by APHIS. These will include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' approval will be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The standards and other conditions will be based, in part, on recently implemented 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. This rule will provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

Completed:

Reason	Date	FR Cite
Final Action	04/01/09	74 FR 14703
Final Action Effective	05/01/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Sutton
Phone: 301 734–6954

RIN: 0579–AB84

46. CITRUS CANKER; INTERSTATE MOVEMENT OF REGULATED NURSERY STOCK FROM QUARANTINED AREAS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This rulemaking will amend the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area and remove calamondin plants from a protocol allowing the limited interstate movement of calamondin and kumquat plants. We decided to provide for the interstate movement of calamondin and kumquat plants based on their apparent resistance to citrus canker. However, we have since discovered calamondin plants affected with citrus canker. This action is necessary to clarify our regulations and to address the risk associated with the interstate

USDA—APHIS

Completed Actions

movement of regulated nursery stock from areas quarantined for citrus canker.

Completed:

Reason	Date	FR Cite
Final Rule	04/09/09	74 FR 16097
Final Rule Effective	05/11/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Poe
Phone: 301 734–4387

RIN: 0579–AC38

47. IMPORT/EXPORT USER FEES

Legal Authority: 5 USC 5542; 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 3701; 31 USC 3716 and 3717; 31 USC 3719; 31 USC 3720A

Abstract: This rulemaking would amend the regulations concerning user fees for import- and export-related services that we provide for animals, animal products, birds, germplasm, organisms, and vectors. We are proposing increases in those fees for fiscal years 2009 through 2013 in order to ensure that the fees accurately reflect the anticipated costs of providing these services each year. By publishing the annual user fee changes in advance, users can incorporate the fees into their budget planning. The user fees pay for the actual cost of providing these services.

Completed:

Reason	Date	FR Cite
Final Rule	03/30/09	74 FR 13999
Final Rule Effective	04/29/09	
Correction	04/21/09	74 FR 18115

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Inez Hockaday
Phone: 301 734–7517

Kris Caraher
Phone: 301 734–5901

RIN: 0579–AC59

48. REVISION OF REGULATIONS FOR THE MOVEMENT OF FRUITS AND VEGETABLES FROM HAWAII AND U.S. TERRITORIES INTO THE CONTINENTAL UNITED STATES

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking will revise and reorganize the regulations pertaining to the interstate movement of fruits and vegetables from Hawaii and the territories to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, and make various editorial and nonsubstantive changes to the regulations to make them easier to use. It will also make substantive changes to the regulations including establishing criteria within the regulations that, if met, will allow us to approve certain new fruits and vegetables for interstate movement in the United States and to acknowledge pest-free areas in Hawaii and U.S. territories expeditiously, and remove the listing in the regulations of some specific commodities as regulated articles. These changes are intended to simplify and expedite our processes for approving certain regulated articles for interstate movement and acknowledging pest-free areas while continuing to allow for public participation in the processes. This final rule does not allow for the interstate movement of any specific new fruits or vegetables, nor does it alter the conditions for interstate movement of currently approved fruits or vegetables. These changes will make our domestic interstate movement regulations more consistent with our fruits and vegetables import regulations. The changes in this final rule will not alter the manner in which the risk associated with a regulated article interstate movement request is evaluated, nor will they alter the manner in which those risks are ultimately mitigated.

Completed:

Reason	Date	FR Cite
Final Action	01/16/09	74 FR 2770
Final Action Effective	02/17/09	
Technical Amendment	04/07/09	74 FR 15640

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David B. Lamb
Phone: 301 734–8758

RIN: 0579–AC70

BILLING CODE 3410—34—S

Department of Agriculture (USDA)
Rural Housing Service (RHS)

Final Rule Stage

49. GUARANTEED SINGLE–FAMILY HOUSING

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

Abstract: The Guaranteed Single-Family Housing program will provide better clarity and consistency within the program. The action is taken to update the regulations to current mortgage industry standards and provide more guidance on program oversight and monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End	02/14/00	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Joaquin Tremols, Acting Director, Single–Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–1465
Fax: 202 205–2476
Email: joaquin.tremols@wdc.usda.gov

RIN: 0575–AC18

BILLING CODE 3410—XV—S

Department of Agriculture (USDA) — Proposed Rule Stage
Food Safety and Inspection Service (FSIS)

50. FEDERAL–STATE INTERSTATE SHIPMENT COOPERATIVE INSPECTION PROGRAM

Legal Authority: PL 110–246 (section 11015)

Abstract: FSIS is proposing regulations to implement a new voluntary Federal-State cooperative inspection program under which State-inspected establishments with 25 or fewer employees would be eligible to ship meat and poultry products in interstate commerce. State-inspected establishments selected to participate in this program would be required to comply with all Federal standards under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). These establishments would receive inspection services from State inspection personnel that have been trained and certified to assist with enforcement of the FMIA and PPIA. Meat and poultry products produced under the program that have been inspected and passed by selected State-inspection personnel would bear a Federal mark of inspection. FSIS is proposing these regulations in response to the Food, Conservation, and Energy Act, enacted on June 18, 2008 (the 2008 Farm Bill). Section 11015 of 2008 Farm Bill provides for the interstate shipment of State-inspected meat and poultry product from selected establishments and requires that FSIS promulgate implementing regulations no later than 18 months from the date of its enactment

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rachel Edelstein, Director, Policy Issuances Division, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–5627
Fax: 202 690–0486
Email: rachel.edelstein@fsis.usda.gov

RIN: 0583–AD37

Department of Agriculture (USDA) — Final Rule Stage
Food Safety and Inspection Service (FSIS)

51. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY–TO–EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products, and measures, including testing, to control Listeria monocytogenes in RTE products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Comment Period Extended	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective	10/06/03	
Interim Final Rule Comment Period End	01/31/05	
NPRM Comment Period Reopened	03/24/05	70 FR 15017
NPRM Comment Period End	05/09/05	
Final Action	09/00/09	
Affirmation of Interim Final Rule	03/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205–0495
Fax: 202 401–1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583–AC46

BILLING CODE 3410—DM—S

Department of Agriculture (USDA) — Final Rule Stage
Forest Service (FS)

52. SPECIAL AREAS; STATE–SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: COLORADO

Legal Authority: Not Yet Determined

Abstract: On April 11, 2007, Governor of Colorado Ritter submitted a petition under the provisions of the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28) to promulgate regulations, in cooperation with the State, for the management of inventoried roadless areas within the State of Colorado. After review and recommendation by the Roadless Area Conservation National Advisory Committee, the Secretary accepted the Governor's petition and initiated a

USDA—FS — Final Rule Stage

proposed rulemaking for inventoried roadless areas in Colorado. The proposed rulemaking would manage Colorado's inventoried roadless areas by prohibiting road building and tree cutting, with some exceptions, on 4.1 million acres of inventoried roadless areas in Colorado. The 4.1 million acres reflect the most updated IRA boundaries for Colorado, which incorporate planning rule revisions since 2001 on several Colorado national forests. Inventoried roadless areas that are allocated to ski area special uses (approximately 10,000 acres) would also be removed from roadless designation. Road construction and reconstruction plus timber harvesting would be prohibited in inventoried roadless areas, with some exceptions, on the Arapaho-Roosevelt, Grand Mesa-Uncompahgre, Gunnison, Manti-La Sal, Pike-San Isabel, Rio Grande, Routt, San Juan, and White River National Forests in Colorado. Exceptions to the prohibitions would be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs.

Web site: http://roadless.fs.fed.us

Timetable:

Action	Date	FR Cite
NPRM	07/25/08	73 FR 43544
NPRM Comment Period End	10/23/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lorrie Parker, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250–0003
Phone: 202 205–6560
Fax: 202 205–6539
Email: lsparker@fs.fed.us

RIN: 0596–AC74

BILLING CODE 3410—11—S

Department of Agriculture (USDA) — Proposed Rule Stage
Office of the Secretary (AgSEC)

53. VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS

Legal Authority: PL 110–246

Abstract: The purpose of the program is to provide a ''USDA Certified Biobased Product'' label for use on biobased products meeting certain criteria to be established in the proposed rule, to specify those criteria for gaining use of the label, establish a system to make the label available to manufacturers and vendors of biobased products, and to establish the labeling program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, Biopreferred Program, Departmental Administration, Department of Agriculture, 342 Reporters Building, 300 7th St. SW, Washington, DC 20250
Phone: 202 205–4008
Fax: 202 720–8972
Email: ronb.buckhalt@da.usda.gov

RIN: 0503–AA35

54. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 7

Legal Authority: PL 110–246

Abstract: Designates bath products; concrete and asphalt cleaners, including microbial and non-microbial concrete and asphalt cleaners as subcategories; corrosion removers; dishwashing detergents; floor cleaners and protectors; hair cleaning products, including shampoos and conditioners as subcategories; microbial cleaners; oven and grill cleaners; slide way lubricants; and thermal shipping containers, including durable and non-durable thermal shipping containers as subcategories.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, Biopreferred Program, Departmental Administration, Department of Agriculture, 342 Reporters Building, 300 7th St. SW, Washington, DC 20250
Phone: 202 205–4008
Fax: 202 720–8972
Email: ronb.buckhalt@da.usda.gov

RIN: 0503–AA36

BILLING CODE 3410—90—S

Department of Agriculture (USDA) — Proposed Rule Stage
Rural Business—Cooperative Service (RBS)

55. RENEWABLE ENERGY—CLARIFY REQUIREMENTS FOR CONSTRUCTION/DEVELOPMENT OF ENERGY PROGRAM PROJECTS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

Abstract: The Rural Business-Cooperative Service (Agency) is amending its regulation for clarity. This regulation provides financial assistance to agricultural producers and rural small businesses for the purpose of purchasing and installing renewable energy systems and energy efficiency improvements in rural areas. Financial assistance to any single entity may be provided as a direct loan, guaranteed loan or grant, or a combination of a loan and grant. The current regulations were implemented in July of 2005. In reviewing the program, it has become evident that some of the language in the existing regulation was misinterpreted by field offices and

applicants. With a relatively new program like this, it takes some time to get applications completed and the program reviewed before one realizes the need for corrections to Instruction language.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Larry Fleming, Senior Architect, Department of Agriculture, STOP 0761, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–8547
Fax: 202 690–4335
Email: larry.fleming@wdc.usda.gov

RIN: 0570–AA69

[FR Doc. E9–10266 Filed 05–08–09; 8:45 am]

BILLING CODE 3410–XY–S

Federal Register

Monday,
May 11, 2009

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2009 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2008 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's spring 2009 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2009, through March 31, 2010.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Jennifer K. Nist, Chief Counsel for Regulations, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of January 8, 2009, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2009 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entireRegulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Commerce's Regulatory Plan.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The Department's spring 2009 regulatory agenda follows.

Michael A. Levitt,

Assistant General Counsel for Legislation and Regulation.

DOC

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
56	Commercial Availability of Fabric and Yarn	0625–AA59

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648–AR63
58	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648–AS25
59	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648–AS49
60	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico	0648–AS65
61	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648–AT31
62	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648–AT58
63	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment	0648–AV31
64	Certification of Nations Whose Fishing Vessels Are Engaged in IUU Fishing or Bycatch of Protected Living Marine Resources	0648–AV51
65	Collection and Use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits	0648–AV76
66	Amendment 17 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan.	0648–AW11
67	Amendment 15B to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan	0648–AW12
68	Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands	0648–AW15
69	Amendment 7 to the South Atlantic Shrimp Fishery Management Plan	0648–AW19
70	Marine Mammal Protection Act Stranding Regulation Revisions	0648–AW22
71	Revise Regulations Governing the North Pacific Groundfish Observer Program	0648–AW24
72	Amendment 3 to the Northeast Skate Complex Fishery Management Plan	0648–AW30
73	Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Amendment 18 to the Pelagics Fishery Management Plan; Shallow-Set Longline Swordfish Fishery	0648–AW49
74	Fisheries in the Western Pacific; Compensation to Northwestern Hawaiian Islands Bottomfish and Lobster Fishermen Due to Fishery Closure in the Papahanaumokuakea Marine National Monument	0648–AW52
75	Atlantic Highly Migratory Species; Atlantic Shark Management Measures	0648–AW65
76	Amendment 4 to the Atlantic Herring Fishery Management Plan	0648–AW75
77	Halibut Charter Vessel Moratorium	0648–AW92
78	Allowable Modifications to the Turtle Excluder Device (TED) Requirements	0648–AW93
79	Regulatory Amendment (No. 3) to Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan	0648–AW95
80	Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan	0648–AX05
81	Atlantic Highly Migratory Species; 2009 North and South Atlantic Commercial Quotas	0648–AX07
82	Amendment 29 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico	0648–AX39
83	Amendment 85 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648–AX42
84	Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs Arbitration Regulations	0648–AX47
85	U.S. Citizen Definition	0648–AX52
86	2009 Specifications and Management Measures for the Spiny Dogfish Fishery Management Plan	0648–AX57
87	Reef Fish Amendment 31 To Reduce the Number of Loggerhead Sea Turtles by the Eastern Gulf of Mexico Bottom Longline Fishery	0648–AX67
88	2009 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures	0648–AX69
89	Reef Fish Amendment 30B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico: Measure to Establish the Edges Seasonal-Area Closure	0648–AX73
90	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act	0648–AV15
91	Marine Mammal Protection Act Permit Regulation Revisions	0648–AV82
92	Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon	0648–AV94
93	Harbor Porpoise Take Reduction Plan Measures	0648–AW51
94	Rule to Revise Leatherback Critical Habitat	0648–AX06

DOC

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
95	Revisions to the Scientific Research Activity, Exempted Fishing, and Exempted Educational Activity Regulations	0648–AR78
96	Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries	0648–AS71
97	Modifying Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught By the Non-American Fishing Act Trawl Catcher Processor Sector	0648–AV32
98	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure	0648–AV53
99	American Lobster Data Collection and Broodstock Protection Measures	0648–AV77
100	Establish a Permit Fee Collection Framework Under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP)	0648–AW50
101	Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region	0648–AW64
102	Amendment 27 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs	0648–AW73
103	Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab	0648–AW97
104	Atlantic Highly Migratory Species (HMS); 2009 Atlantic Bluefin Tuna Quota Specifications and Management Measures	0648–AX12
105	Amendment 92 to the Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish and Amendment 82 to the Fishery Management Plan for Gulf of Alaska Groundfish	0648–AX14
106	One-Fish Daily Bag Limit for the Guided Sport Charter Vessel Fishery for Halibut in Regulatory Area 2C	0648–AX17
107	Amendment 90 to the Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish and Amendment 78 to the Fishery Management Plan for Gulf of Alaska Groundfish	0648–AX25
108	2009 Atlantic Bluefish Specifications	0648–AX49
109	Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory	0648–AH26
110	Atlantic Pelagic Longline Take Reduction Plan	0648–AV65
111	Designation of Critical Habitat for the Endangered U.S. Distinct Population Segment (DPS) of Guided Smalltooth Sawfish	0648–AV74
112	Rulemaking to Designate Critical Habitat for the Gulf of Maine Distinct Population Segment of Atlantic Salmon	0648–AW77
113	Rulemaking to Designate Critical Habitat for the Threatened Southern Distinct Population Segment of North American Green Sturgeon	0648–AX04

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
114	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648–AK26
115	Bering Sea and Aleutian Islands Amendment 73 and Gulf of Alaska Amendment 77 Groundfish Fishery Management Plans to Revise Management Authority of Dark Rockfish	0648–AU20
116	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648–AU28
117	Framework 4 to the Fishery Management Plan for Monkfish	0648–AU34
118	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648–AU36
119	Approval of Operations Plan for the Georges Bank Fixed Gear Sector for 2007-2008	0648–AU61
120	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648–AU79
121	Revision to Allowable Bycatch Reduction Devices for the Gulf of Mexico Shrimp Fishery	0648–AV14
122	Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands	0648–AV28
123	Guidance for Annual Catch Limits and Accountability Measures to End Overfishing	0648–AV60
124	Rule to Implement a Minimum Possession Size Limit on Spiny Lobster (Panulirus argus)	0648–AV61
125	General Provisions for Domestic Fisheries; Specifications for Boarding Ladders	0648–AV78
126	Gulf Reef Fish Amendment 30B	0648–AV80
127	Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 4 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S.	0648–AV98
128	Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan: Limited Entry Program for the Pacific Whiting Fishery	0648–AW08
129	Revise Maximum Retainable Amounts (MRA) of Groundfish in the Gulf of Alaska Arrowtooth Flounder Fishery	0648–AW40
130	Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska	0648–AW54
131	Amendment to the Bottlenose Dolphin Take Reduction Plan	0648–AW68
132	Referendum Procedures for a Potential Gulf of Mexico Grouper and Tilefish Individual Fishing Quota (IFQ) Program	0648–AW85

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
133	Interim Action to Reduce Fishing Mortality and Maintain Stock Rebuilding; Northeast Multispecies Fishery	0648–AW87
134	Seabird Avoidance Requirements Revisions for Hook-and-Line Vessels in International Pacific Halibut Commission Regulatory Area 4E	0648–AW94
135	Regulatory Amendment to Exempt Dinglebar Fishermen in the Gulf of Alaska from Vessel Monitoring System Requirements	0648–AX01
136	2009 Atlantic Mackerel, Squid, and Butterfish Specifications and Management Measures	0648–AX16
137	Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Main Hawaiian Islands; 2008-09 Bottomfish Total Allowable Catch	0648–AX22
138	Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures	0648–AX24
139	2009 Pacific Halibut Fisheries; Catch Sharing Plan	0648–AX44
140	Virginia Modified Pound Net Leader Inspection Program	0648–AU98
141	Endangered and Threatened Species; Designation of Critical Habitat for Elkhorn and Staghorn Corals	0648–AV35

Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
142	Examination of Patent Applications That Include Claims Containing Alternative Language	0651–AC00
143	Fiscal Year 2009 Revision of Request for Continued Examination, Eighteen-Month Publication, and Other Miscellaneous Cost-Recovery Patent Fees	0651–AC29

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
144	Fiscal Year 2009 Changes to Patent Cooperation Treaty Search Fees	0651–AC28

Department of Commerce (DOC) — Long-Term Actions

International Trade Administration (ITA)

56. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

Legal Authority: PL 106–200, sec 112(b)(5)(B); PL 106–200, sec 211; EO 13191; PL 107–210, sec 3103

Abstract: This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Janet Heinzen

Phone: 202 482–4006
Email: janet__heinzen@ita.doc.gov

RIN: 0625–AA59

Department of Commerce (DOC) — Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

57. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHORE–BASED PACIFIC WHITING FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: The Pacific Fishery Management Council (Pacific Council) at their October 21-25, 1996, meeting in San Francisco, California addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast salmon and groundfish fishery management plans (FMPs).

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thom Barry, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AR63

58. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Fishing Quotas in the tilefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS25

59. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES

Legal Authority: 16 USC 971; 16 USC 1801 et seq

Abstract: This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment Period End	10/12/04	
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AS49

60. FISHERY MANAGEMENT PLAN FOR REGULATING OFFSHORE MARINE AQUACULTURE IN THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

Abstract: The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf Exclusive Economic Zone. Management actions include: (1) Types of aquaculture permits required; (2) duration aquaculture permits are effective; (3) conditions for permit issuance; (4) species allowed for aquaculture; (5) allowable aquaculture

systems; (6) siting requirements and conditions; (7) restricted access zones for aquaculture facilities; (8) recordkeeping and reporting requirements; and (9) biological reference points and status determination criteria; and (10) framework procedures for modifying status determination criteria and regulatory measures.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AS65

61. AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION

Legal Authority: 16 USC 5101 et seq

Abstract: The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American Lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End	06/09/05	
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT31

62. AMENDMENT 10 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: This action would implement a rebuilding program for butterfish.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT58

63. SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT

Legal Authority: 16 USC 1801 et seq

Abstract: The purpose of this action is to develop an ecosystem-based approach to resource management. The South Atlantic Council plans to develop a Fishery Ecosystem Plan (FEP) Comprehensive Amendment, which would modify all its Fishery Management Plans (FMPs). The initial amendment would include the following actions: (1) various actions to comply with new essential fish habitat requirements; (2) establishment of deep water coral Habitat Areas of Particular Concern, with possible gear limitations, such as the establishment of allowable trawl areas; and (3) other possible actions necessary to implement ecosystem-based fishery management.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AV31

64. CERTIFICATION OF NATIONS WHOSE FISHING VESSELS ARE ENGAGED IN IUU FISHING OR BYCATCH OF PROTECTED LIVING MARINE RESOURCES

Legal Authority: 16 USC 1801 et seq; 16 USC 1826d to 1826k

Abstract: The National Marine Fisheries Service is establishing a process of identification and certification to address illegal, unreported, or unregulated (IUU) activities and bycatch of protected species in international fisheries. Nations whose fishing vessels engage, or have been engaged, in IUU fishing or bycatch of protected living marine resources would be identified in a biennial report to Congress, as required under Section 403 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006. NMFS would subsequently certify whether identified nations have taken appropriate corrective action with respect to the activities of its fishing vessels, as required under Section 403 of MSRA.

Timetable:

Action	Date	FR Cite
ANPRM	06/11/07	72 FR 32052
NPRM	01/14/09	74 FR 2019
NPRM Comment Period End	05/14/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christopher Rogers, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–9090
Email: christopher.rogers@noaa.gov

RIN: 0648–AV51

65. COLLECTION AND USE OF TAX IDENTIFICATION NUMBERS FROM HOLDERS OF AND APPLICANTS FOR NATIONAL MARINE FISHERIES SERVICE PERMITS

Legal Authority: 31 USC 7701; 16 USC 1801 et seq; 16 USC 1361 et seq; 16 USC 1531 et seq

Abstract: In conformance with the Debt Collection Improvement Act of 1996 (Debt Collection Act), the National Marine Fisheries Service (NMFS) will issue a rule to require that each existing holder of and future applicant for a permit, license, endorsement, authorization, transfer or like instrument issued by the agency to provide a Taxpayer Identification Number (TIN) (business' employer identification number or individual's social security number) and Date of Incorporation or Date of Birth, as appropriate. Under the Debt Collection Act, NMFS is required to collect the TIN to report on and collect any delinquent non-tax debt owed to the Federal Government. NMFS plans to use Date of Incorporation or Date of Birth information for administrative aspects of permitting procedures with appropriate confidentiality safeguards pursuant to the Privacy Act. The rule will specify (a) the particular uses that may be made of the reported TIN, (b) the effects, if any, of not providing the required information, (c) how the information will be used to ascertain if the permit holder or applicant owes delinquent non-tax debt to the Government pursuant to the Debt Collection Act, (d) the effects on the permit holder or applicant when such delinquent debts are owed, and (e) the agency's intended communications with the permit holder or applicant regarding the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit issuance or renewal. The rule will amend existing agency permit regulations and contain all appropriate modified and new collections-of-information pursuant to the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AV76

66. AMENDMENT 17 TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN.

Legal Authority: 16 USC 1801

Abstract: Amendment 17 is intended to: establish management reference points (MSY, OY) for red snapper; establish a rebuilding plan (rebuilding timeframe and rebuilding strategy) for red snapper; specify Annual Catch Limits (ACL), Annual Catch Targets (ACT), and Accountability Measures (AM) for 10 species undergoing overfishing; and modify management measures to ensure future catch is equal to or below the ACL.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW11

67. AMENDMENT 15B TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Amendment 15B would assess the practicability of prohibiting the sale of recreationally caught fish; assess the practicability of changes to the renewal period on commercial snapper grouper permits; assess the practicability of allowing one-to-one transfer of commercial permits from an individual to a family-held corporation; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental take on sea turtles and smalltooth sawfish; update management reference points for golden tilefish; and define allocation for snowy grouper and black sea bass.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW12

68. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801

Abstract: St. Croix queen conch landings by commercial fishermen alone have exceeded sustainable harvest levels since the 2000-2001 fishing season. In 2005-2006, the commercial harvest was over four times sustainable levels. Additionally, there is an unknown but significant recreational harvest. Overfishing of queen conch has led to resource collapse in other regions and in some cases, long-term resource loss. According to the NMFS Report on the Status of the U.S. Fisheries for 2006, queen conch is overfished and

undergoing overfishing. Under current fishing practices, reductions in mortality are not expected to be sufficient in the queen conch fishery. Without a reduction in mortality, queen conch are not expected to achieve the rebuilding goals established in the Sustainable Fisheries Amendment of 2005. Therefore, a change in fishing practices is needed to help achieve the necessary reductions in queen conch fishing mortality.

Timetable:

Action	Date	FR Cite
Notice of Intent	10/11/07	72 FR 58057
NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW15

69. AMENDMENT 7 TO THE SOUTH ATLANTIC SHRIMP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: The South Atlantic Fishery Management Council is proposing to take action to maintain a viable rock shrimp fishery in the South Atlantic region. Actions in the amendment would: 1) Remove the 15,000-pound landing requirement; 2) reinstate all endorsements lost due to not meeting the landing requirement in one of four consecutive calendar years; 3) reinstate limited access endorsements for vessel owners who renewed their open access permit in the year in which they failed to renew their limited access endorsement; 4) rename the limited access endorsement and the open access permit of the existing permit system to reduce confusion; and 5) require all South Atlantic shrimp permit holders to provide economic data if selected.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW19

70. MARINE MAMMAL PROTECTION ACT STRANDING REGULATION REVISIONS

Legal Authority: 16 USC 1379; 16 USC 1382; 16 USC 1421

Abstract: The National Marine Fisheries Service (NMFS) is considering proposing changes to its implementing regulations (50 CFR section 216) governing the taking of stranded marine mammals under section 109(h), section 112(c), and title IV of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display. This action will be analyzed under the National Environmental Policy Act with an Environmental Assessment.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period End	03/31/08	
NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David Cottingham, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2322
Email: david.cottingham@noaa.gov

RIN: 0648–AW22

71. REVISE REGULATIONS GOVERNING THE NORTH PACIFIC GROUNDFISH OBSERVER PROGRAM

Legal Authority: 118 Stat 110; 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 108–199

Abstract: This rulemaking would revise Federal regulations relevant to numerous administrative and procedural requirements applicable to observer providers, observers, and industry participating in the North Pacific Groundfish Observer Program. Specifically, this action would: modify the current permit issuance process so that observer and observer provider permit issuance is a discretionary National Marine Fisheries Service (NMFS) decision; amend current Federal regulations addressing observer behavior involving drugs, alcohol, and physical sexual conduct to remove NMFS oversight of observer behavior that does not affect job performance; require that observer providers submit policies related to these activities and continue to notify NMFS upon learning of an incident; revise Federal regulations so that observer providers are allowed to provide observers or technical staff for purposes of exempted fishing permits, scientific research permits, or other scientific research activities; revise the definition of ''fishing day'' in Federal regulations; require observer providers to annually submit detailed economic information to NMFS; specify a date by which observers who have collected data in the previous fishing year would be required to be available for debriefing; and implement housekeeping issues related to errors or clarifications in existing regulations at 50 CFR 679.50.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW24

72. AMENDMENT 3 TO THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: Amendment 3 is intended to address the overfished status of winter, thorny, and smooth skates, and end overfishing of thorny skates. It will establish a rebuilding program for winter and smooth skates, and modify the Skate FMP to reduce fishing mortality on the entire skate complex. Additionally, Amendment 3 will implement annual catch limits and accountability measures, consistent with the requirements of the reauthorized Magnuson-Stevens Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AW30

73. FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC PELAGIC FISHERIES; AMENDMENT 18 TO THE PELAGICS FISHERY MANAGEMENT PLAN; SHALLOW–SET LONGLINE SWORDFISH FISHERY

Legal Authority: 16 USC 1801

Abstract: Amendment 18 would remove the annual limit on the number of fishing gear deployments (sets) for the Hawaii-based pelagic longline fishery. The amendment would also revise the current maximum limit on the number of physical interactions that occur annually between loggerhead sea turtles and vessels registered for use under Hawaii longline limited access permits while shallow-setting. Other measures currently applicable to the fishery would remain unchanged. Amendment 18 is intended to increase opportunities for the shallow-set fishery to sustainably harvest swordfish and other fish species, without jeopardizing the continued existence of sea turtles and other protected resources.

Timetable:

Action	Date	FR Cite
NPRM	03/20/09	74 FR 11518
NPRM Comment Period End	05/18/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944–2207

RIN: 0648–AW49

74. FISHERIES IN THE WESTERN PACIFIC; COMPENSATION TO NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH AND LOBSTER FISHERMEN DUE TO FISHERY CLOSURE IN THE PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT

Legal Authority: PL 110–161

Abstract: The Consolidated Appropriations Act of 2008 authorizes the Secretary of Commerce to provide compensation to bottomfish and lobster fishery participants who will be displaced by the 2011 fishery closure resulting from the establishment by Presidential Proclamation of the Papahanaumokuakea Marine National Monument, Northwestern Hawaiian Islands. The National Marine Fisheries Service (NMFS) (designee of the Secretary) is required to promulgate regulations to implement a voluntary capacity reduction program that: (1) identifies eligible participants as those individuals holding Federal fishing permits for lobster or bottomfish in the designated waters within the monument; (2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits; and (3) at the option of each eligible permit holder, provides an optional mechanism for additional compensation based on the value of the fishing vessel and gear of eligible participants who decide to receive these additional funds, provided that the vessels of such participants will not be used for fishing. For this purpose, $6,697,500 is authorized to be appropriated to the NMFS for FY 2008.

Timetable:

Action	Date	FR Cite
NPRM	04/07/09	74 FR 15685
NPRM Comment Period End	05/04/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944–2207

RIN: 0648–AW52

75. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: This rule would evaluate the management measures for small coastal sharks (SCS) based on the results of the 2007 SCS stock assessment. This rulemaking could consider, among other things, commercial quotas and trip limits, recreational minimum size and bag limits, time/area closures, and the public display quota. In addition, this rule would implement a rebuilding plan for blacknose sharks. To the extent that blacknose sharks are caught in fisheries that are not targeted highly migratory species fisheries, the National Marine Fisheries Service (NMFS) will work with the appropriate Regional Fishery Management Council, Interstate Commission, and States to implement regulations through their processes to rebuild blacknose sharks. This action is necessary in light of recent stock assessments, which have determined that blacknose sharks are overfished with overfishing occurring. As needed, this rule may include others items to clarify existing regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent	05/07/08	73 FR 25665
Notice of Scoping Meetings and Extension of Comment Period	07/02/08	73 FR 37932
Notice of Intent Comment Period End	08/05/08	

Action	Date	FR Cite
Notice of Intent Comment Period Extended—Second Extension	10/29/08	73 FR 64307
Notice of Intent Comment Period Extension End	10/31/08	
Second Extension Comment Period End	11/14/08	
NPRM	10/00/09	
NPRM Comment Period End	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Margo Schulze–Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–0234
Email: margo.schulze-haugen@noaa.gov

RIN: 0648–AW65

76. AMENDMENT 4 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: The goal of Amendment 4 is to improve catch monitoring and ensure compliance with the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSRA). The management measures developed in this amendment may address one or more of the following objectives: (1) to implement measures to improve the long-term monitoring of catch (landings and bycatch) in the herring fishery; (2) to implement annual catch limits and accountability measures consistent with the MSRA; (3)to implement other management measures as necessary to ensure compliance with the new provisions of the MSRA; (4) to develop a sector allocation process or other limited access privilege program for the herring fishery; and (5) in the context of objectives 1-4 (above), to consider the health of the herring resource and the important role of herring as a forage fish and a predator fish throughout its range.
The New England Fishery Management Council will develop conservation and management measures to address the issues identified above and meet the goals/objectives of the amendment. Any conservation and management measures developed in this amendment also must comply with all applicable laws.

Timetable:

Action	Date	FR Cite
NOI To Prepare an EIS	05/08/08	73 FR 26082
NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AW75

77. HALIBUT CHARTER VESSEL MORATORIUM

Legal Authority: 16 USC 773–773k

Abstract: This action would implement a moratorium on the entry of additional charter vessels into the guided sport fishery for Pacific halibut in waters of International Pacific Halibut Commission regulatory areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). If approved, this moratorium would limit the number of charter vessels that may participate in the guided sport fishery for halibut in these areas. NMFS would issue a moratorium permit to a licensed charter vessel fishing business owner based on his or her past participation in the charter vessel fishery for halibut and to a Community Quota Entity representing specific rural communities. All moratorium permit holders would be subject to limits on the number of permits they could hold and on the number of charter vessel anglers who could catch and retain halibut on the permitted charter vessel. This action is proposed to achieve the halibut fishery management goals of the North Pacific Fishery Management Council. The intended effect is to curtail growth of fishing capacity in the guided sport fishery for halibut.

Timetable:

Action	Date	FR Cite
NPRM	04/21/09	74 FR 18178
NPRM Comment Period End	06/05/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW92

78. ALLOWABLE MODIFICATIONS TO THE TURTLE EXCLUDER DEVICE (TED) REQUIREMENTS

Legal Authority: 16 USC 1531 et seq

Abstract: NMFS proposes to revise the TED requirements to allow new materials and modifications to existing approved TED designs. Specifically, proposed allowable modifications include the use of flat bar, box pipe, and oval pipe for use in currently approved TED grids; an increase in mesh size on escape flaps from 1-5/8 inches to 2 inches; the use of the Boone single straight cut and triangular escape openings; specifications on the use of TED grid brace bars; and the use of the Chauvin Shrimp Kicker to improve shrimp retention.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Barnette, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 551–5794

RIN: 0648–AW93

79. REGULATORY AMENDMENT (NO. 3) TO CORRECT AND CLARIFY AMENDMENT 13 AND SUBSEQUENT FRAMEWORKS OF THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: This action would make corrections and clarifications to the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan, as well as subsequent groundfish actions. These corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to

maintain consistency with the intent of Amendment 13 and subsequent actions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AW95

80. AMENDMENT 11 TO THE ATLANTIC MACKEREL, SQUID, BUTTERFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 11 may consider: (1) limited access in the Atlantic mackerel (mackerel) fishery; (2) implementation of annual catch limits (ACLs) and accountability measures (AMs) for mackerel and butterfish required under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA); (3) updating of the description and identification of essential fish habitat (EFH) for all life stages of mackerel, Loligo squid, Illex squid, and butterfish (including gear impacts on Loligo squid egg EFH); and (4) possible limitations on at-sea processing of mackerel.

Timetable:

Action	Date	FR Cite
Notice of Intent	08/11/08	73 FR 46590
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AX05

81. ATLANTIC HIGHLY MIGRATORY SPECIES; 2009 NORTH AND SOUTH ATLANTIC COMMERCIAL QUOTAS

Legal Authority: 16 USC 1801 et seq

Abstract: This rule would establish the 2009 fishing season quotas for North and South Atlantic swordfish based on recent updated landings information and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This rule is necessary to ensure that current swordfish quotas account for underharvests and reserve transfer from the 2008 fishing year, consistent with regulations at 50 CFR part 635 and ICCAT recommendations that establish the U.S. North and South Atlantic swordfish allocations. This rule will also include other minor regulatory clarifications, eliminate an existing sunset provision in the Madison-Swanson and Steamboat Lumps time/area closure, and establish a small time/area closure in the Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Margo Schulze–Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–0234
Email: margo.schulze-haugen@noaa.gov

RIN: 0648–AX07

82. • AMENDMENT 29 TO THE FISHERY MANAGEMENT PLAN FOR REEF FISH RESOURCES OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801

Abstract: Grouper and tilefish species in the Gulf of Mexico are managed under the reef fish fishery management plan. Past management practices under the plan have contributed to overcapitalization in these fisheries, which the Council now seeks to address. The amendment creates an IFQ program to further control effort in the commercial grouper and tilefish fisheries in the Gulf of Mexico. The IFQ program was supported by over 80% of all eligible fishermen voting in a referendum for the IFQ program. The proposed rule would implement the IFQ program, establish design elements for the program, and allow consolidation of commercial permit landings history through permit stacking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AX39

83. • AMENDMENT 85 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801; 16 USC 3631; 16 USC 773; PL 108–199; PL 109–479

Abstract: Amendment 85 to the FMP would remove a provision that restricts participation of Central Gulf of Alaska Rockfish Program catcher processors (CPs) in Bering Sea and Aleutian Islands (BSAI) groundfish fisheries. The participation restriction was developed to prevent rockfish program CPs from unfairly benefiting from their rockfish harvesting privileges by increasing effort in BSAI fisheries that remained subject to a race for fish. Since the implementation of the rockfish program, most BSAI groundfish target species have been allocated among participating sectors, and most CPs in the rockfish program received exclusive privileges for harvesting these BSAI species. Consequently, the July stand down may no longer be required as a protection measure for other BSAI participants and its removal would enable the rockfish program CPs to more efficiently manage their harvesting activities. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

Timetable:

Action	Date	FR Cite
Notice of Availabilty	03/24/09	74 FR 12300
NPRM	04/06/09	74 FR 15420

Action	Date	FR Cite
NPRM Comment Period End	05/21/09	
Notice of Availability Comment Period End	05/26/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX42

84. • AMENDMENT 30 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRABS ARBITRATION REGULATIONS

Legal Authority: 16 USC 1862; PL 109–241; PL 109–479

Abstract: The proposed action would implement Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to make minor modifications to the arbitration system used to settle price and other disputes among harvesters and processors in the Bering Sea/Aleutian Islands crab rationalization program

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
NOA for PR	04/00/09	
NOA Public Comment Period End	06/00/09	
PR Comment Period End	06/00/09	
Final Rule	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX47

85. • U.S. CITIZEN DEFINITION

Legal Authority: 16 USC 1801 et seq

Abstract: The current definition of ''U.S. Citizen'' at 50 CFR section 679.2 is critical for permits and licenses, some of which are intended to be issued only to, and held only by, persons who are U.S. citizens. The current definition for general applicability refers only to individual persons and lacks reference to non-individuals, such as corporations, partnerships, or associations. For consistency and to avoid confusion among permit applicants, NMFS proposes to revise the definition of U.S. Citizen.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
NPRM Comment Period End	05/00/09	
Final Action	06/00/09	
Final Action Effective	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX52

86. • 2009 SPECIFICATIONS AND MANAGEMENT MEASURES FOR THE SPINY DOGFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801

Abstract: This action would set the 2009 fishing year annual quota and possession limit for the spiny dogfish fishery on the Atlantic coast of the U.S. consistent with the rebuilding program in the Spiny Dogfish Fishery Management Plan (FMP). The quota is divided semi-annually, with quota period 1 (May 1 through October 31) being allocated 57.9% of the annual quota, and quota period 2 (November 1 through April 30) being allocated 42.1%.

Timetable:

Action	Date	FR Cite
NPRM	03/19/09	74 FR 11706
NPRM Comment Period End	04/03/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jamie Goen, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115
Phone: 206 526–4646
Email: jamie.goen@noaa.gov

RIN: 0648–AX57

87. • REEF FISH AMENDMENT 31 TO REDUCE THE NUMBER OF LOGGERHEAD SEA TURTLES BY THE EASTERN GULF OF MEXICO BOTTOM LONGLINE FISHERY

Legal Authority: 16 USC 1801

Abstract: In September 2008, NOAA's National Marine Fisheries (NMFS) released a report based on observer data that indicated the total number of loggerhead sea turtle takes by the eastern Gulf of Mexico reef fish bottom longline fishery was much greater than that authorized in the most recent biological opinion. In response, the Gulf of Mexico Fishery Management Council (Council) requested NMFS take emergency action to reduce the number of takes by the fishery during the short term while the Council develops long-term measures in Amendment 31. Measures being considered include: 1) modifying baits; 2) area, season, and depth restrictions; 3) reducing effort through a longline endorsement program; and 4) using observers or electronic monitoring to close the fishery once a sea turtle take threshold has been met.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AX67

88. • 2009 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS RECREATIONAL MANAGEMENT MEASURES

Legal Authority: 16 USC 1801 et seq

Abstract: This rulemaking will propose and implement recreational management measures for the summer flounder, scup, and black sea bass 2009 recreational fisheries. The final rule will contain implementing regulations that specify the minimum fish size, possession limit, and fishing season for the three species.

Timetable:

Action	Date	FR Cite
NPRM	04/01/09	74 FR 14760
NPRM Comment Period End	05/01/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AX69

89. ● REEF FISH AMENDMENT 30B TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO: MEASURE TO ESTABLISH THE EDGES SEASONAL–AREA CLOSURE

Legal Authority: 16 USC 1801

Abstract: A proposed rule for Amendment 30B was published on November 18, 2009 (73 FR 68390). Unfortunately, the proposed rule was in error relative to the time period ''The Edges'' seasonal-area closure would be closed to fishing. Rather than a 4-month closure, as supported by Amendment 30B and correctly stated in the proposed rule's preamble, the codified text would have established a year-round closure. However, other actions in the final rule for Amendment 30B need to be implemented soon so that states can enact similar regulations for state waters. Therefore, measures to establish ''The Edges'' seasonal-area closure from January 1 through April 30 consistent with the intent of Amendment 30B have been removed from the final rule associated with RIN 0648-AV80 and will be developed through a second rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/17/09	74 FR 17812
NPRM Comment Period End	05/04/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AX73

90. PROTECTIVE REGULATIONS FOR KILLER WHALES IN THE NORTHWEST REGION UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT

Legal Authority: 16 USC 1361 et seq; 16 USC 1531 to 1543

Abstract: The National Marine Fisheries Service (NMFS) is considering whether to propose regulations to protect killer whales (Orcinus orca) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now considering whether to propose regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101; November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this ANPR encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts. NMFS requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect killer whales from the effects of these activities.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/07	72 FR 13464
ANPRM Comment Period End	06/20/07	
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332
Fax: 301 427–2520
Email: jim.lecky@noaa.gov

RIN: 0648–AV15

91. MARINE MAMMAL PROTECTION ACT PERMIT REGULATION REVISIONS

Legal Authority: 16 USC 1374

Abstract: The National Marine Fisheries Service (NMFS) is considering changes to its implementing regulations (50 CFR part 216) governing the issuance of permits for scientific research and enhancement activities under section 104 of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to streamline and clarify general permitting requirements and requirements for scientific research and enhancement permits, simplify procedures for transferring marine mammal parts, possibly apply the General Authorization (GA) to research activities involving Level A harassment of non-endangered marine mammals, and implement a ''permit application cycle'' for application submission and processing of all marine mammal permits. NMFS intends to write regulations for marine mammal photography permits and is considering whether this activity should be covered by the GA.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339

Action	Date	FR Cite
ANPRM Comment Period Extended	10/15/07	72 FR 58279
ANPRM Comment Period End	11/13/07	
ANPRM Comment Period Extended End	12/13/07	
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7235

RIN: 0648–AV82

92. RULEMAKING TO ESTABLISH TAKE PROHIBITIONS FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

Legal Authority: 16 USC 1531 to 1543

Abstract: Under section 4(d) of the Federal Endangered Species Act (ESA), the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This rulemaking would establish an ESA 4(d) rule representing regulations that NMFS believes necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon). The 4(d) rule would apply the prohibitions listed under ESA section 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) for the Southern DPS and apply ESA section 9(a)(1)(B) and (a)(1)(C) prohibitions (called the ''take prohibitions'') to specific activities that take Southern DPS fish or alter its habitat in a manner detrimental to the continued existence of the species. The 4(d) rule would include exceptions to the take prohibitions for activities conducted in a way that NMFS deems adequate to protect or conserve the Southern DPS.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1401
Fax: 301 427–2523
Email: marta.nammack@noaa.gov

RIN: 0648–AV94

93. HARBOR PORPOISE TAKE REDUCTION PLAN MEASURES

Legal Authority: 16 USC 1361 et seq

Abstract: The National Marine Fisheries Service is preparing a proposed rule to reduce the number of harbor porpoise taken in sink gillnet fisheries in the Gulf of Maine and Mid-Atlantic. The Harbor Porpoise Take Reduction Plan implemented measures to reduce the incidental capture of harbor porpoises in sink gillnets to below the stock's Potential Biological Removal level (PBR) in 1999. Measures include: management areas in which deterrent devices (pingers) are required on gillnets, gear modifications, and seasonal closures. Between 2001 and 2005, incidental takes of harbor porpoise showed an increasing trend, and currently takes exceed PBR. The proposed rule will implement measures developed through discussions with the Harbor Porpoise Take Reduction Team, which was reconvened in 2007 when it was clear that existing measures were not sufficient to keep porpoise bycatch to below PBR. For the Gulf of Maine, this action would expand pinger use in Massachusetts Bay to include November; establish Stellwagen Bank Management Area, requiring pingers November-May; establish Coastal Gulf of Maine Consequence Closure Area and require closure in October and November only if, after the most current two years, the average bycatch rate exceeds the trigger rate of .031, identified from observed compliant boats from the Mid-Coast, Massachusetts Bay, and Stellwagen Bank Management Areas; create Southern New England Management Area (includes current Cape Cod South Management Area); require pingers from December-May; establish Cape Cod South Expansion and Eastern Cape Cod Consequence Closure Areas; and require closure from February-April only if, after the most current two years, the average bycatch rate exceeds the trigger rate of 0.023, identified from observed compliant vessels fishing in the Southern New England Management Area. For the Mid Atlantic, this action would establish Mudhole South Management Area. Close from February 1-March 15; and modify tie-down requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
NPRM Comment Period End	06/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Melissa Andersen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2322
Email: melissa.andersen@noaa.gov

RIN: 0648–AW51

94. RULE TO REVISE LEATHERBACK CRITICAL HABITAT

Legal Authority: 16 USC 1531 et seq

Abstract: The National Marine Fisheries Service (NMFS), announces a rule to revise leatherback turtle (Dermochelys coriacea) critical habitat under the Endangered Species Act of 1973, as amended (ESA). The leatherback is currently listed as endangered throughout its range, and critical habitat consists of Sandy Point Beach and adjacent waters, St. Croix, U.S. Virgin Islands. This rule would revise critical habitat to include waters along the U.S. West Coast.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910
Phone: 301 713–1431
Fax: 301 713–0376

RIN: 0648–AX06

Department of Commerce (DOC) — Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

95. REVISIONS TO THE SCIENTIFIC RESEARCH ACTIVITY, EXEMPTED FISHING, AND EXEMPTED EDUCATIONAL ACTIVITY REGULATIONS

Legal Authority: 16 USC 1801 et seq

Abstract: The National Marine Fisheries Service amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/21/07	72 FR 72657
NPRM Comment Period Extended	03/18/08	73 FR 14428
NPRM Comment Period End	03/20/08	
Comment Period End	04/04/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AR78

96. FISHERIES IN THE WESTERN PACIFIC; PELAGIC FISHERIES; SQUID JIG FISHERIES

Legal Authority: 16 USC 1801 et seq

Abstract: This action would designate pelagic squid as a management unit species under the Western Pacific Pelagics Fishery Management Plan, and establish permitting and reporting requirements.

Timetable:

Action	Date	FR Cite
Notice of Availability	08/11/08	73 FR 46581
NPRM	08/28/08	73 FR 50751
Notice Comment Period End	10/10/08	
NPRM Comment Period End	10/14/08	
Final Action	11/21/08	73 FR 70600
Collection of Information Approval	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944–2207

RIN: 0648–AS71

97. MODIFYING MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUNDFISH SPECIES CAUGHT BY THE NON–AMERICAN FISHING ACT TRAWL CATCHER PROCESSOR SECTOR

Legal Authority: 16 USC 1801

Abstract: The National Marine Fisheries Service issues this action to amend regulations specifying the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by non-American Fishery Act trawl catcher processors. This action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation of MRAs for groundfish species that are closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation for several species in the Bering Sea and Aleutian Islands. This action is intended to promote the goals and objectives of the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area.

Timetable:

Action	Date	FR Cite
NPRM	03/13/09	74 FR 7209
NPRM Comment Period End	03/16/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AV32

98. MAGNUSON–STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT (MSRA) ENVIRONMENTAL REVIEW PROCEDURE

Legal Authority: 16 USC 1801

Abstract: Section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) (Pub. L. 109-479) requires NOAA Fisheries to revise and update agency procedures for complying with the National Environmental Policy Act (NEPA) in context of fishery management actions. It further requires that NOAA Fisheries consult with the Council on Environmental Quality (CEQ) and the Regional Fishery Management Councils (Councils), and involve the public in the development of the revised procedures. The MSRA provides that the resulting procedures will be the sole environmental impact assessment procedure for fishery management actions, and that they must conform to the time lines for review and approval of fishery management plans and plan amendments; and integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public. NOAA Fisheries is currently consulting with the councils, the Public and CEQ to develop a proposed procedure.

Timetable:

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27997
NPRM Comment Period End	06/13/08	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steve Leathery, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2239

Email: steve.leathery@noaa.gov

RIN: 0648–AV53

99. AMERICAN LOBSTER DATA COLLECTION AND BROODSTOCK PROTECTION MEASURES

Legal Authority: 16 USC 5101 et seq

Abstract: NMFS is considering the implementation of management measures in the Federal lobster fishery, consistent with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster. These proposed management measures include: 100 percent mandatory dealer reporting requirements for Federal lobster dealers; implementation of a maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female lobsters in several LMAs in the Federal American lobster fishery.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/07	72 FR 53978
ANPRM Comment Period End	10/22/07	
NPRM	10/06/08	73 FR 58099
NPRM Comment Period End	11/20/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AV77

100. ESTABLISH A PERMIT FEE COLLECTION FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES (HMS FMP)

Legal Authority: 16 USC 1801

Abstract: This action would establish the authority to collect permit fees under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. This rule would amend the FMP regulations under 50 CFR 660.707 to establish a permit fee collection framework for HMS commercial and recreational charter vessels operating off the West Coast. The action is consistent with and implements elements of the NMFS Permit Fee National Policy Directive 30-120.

Timetable:

Action	Date	FR Cite
NPRM	12/19/08	73 FR 77589
NPRM Comment Period End	01/20/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AW50

101. AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

Legal Authority: 16 USC 1801

Abstract: The need for action through Amendment 16 is to end overfishing of gag and vermilion snapper. Species in the fishery management unit are assessed on a routine basis and stock status may change as new information becomes available. In addition, changes in management regulations, fishing techniques, and social/economic structure can result in shifts in the percentage of harvest between user groups over time. More specifically, these proposed actions for gag and vermilion snapper would: implement measures to end overfishing of gag and vermilion snapper; allow the Regional Administrator to make adjustments to commercial and recreational management measures based on the reduction in harvest needed to achieve yield at Foy pending the outcome of a new benchmark assessment for vermillion snapper; specify the total allowable catch and define interim allocations for gag and vermilion snapper; update management reference points for gag and vermilion snapper; and reduce bycatch of snapper grouper species.

Timetable:

Action	Date	FR Cite
Notice of Availability	12/24/08	73 FR 79037
NPRM	02/06/09	74 FR 6257
Notice of Availability Comment Period End	02/23/09	
NPRM Comment Period End	03/09/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW64

102. AMENDMENT 27 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 27 to the Fishery Management Plan (FMP) would amend the FMP to allow processors to modify use caps that limit the amount of individual processor quota (IPQ) shares that may be used by persons processing crab. Specifically, Amendment 27 would allow persons holding IPQ shares to process their crab at processing facilities they do not own through contractual arrangements with the facility owners to have their crab custom processed at that facility. Any crab processed under such a custom processing arrangement would not be applied against the IPQ use cap of the facility owners. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

Timetable:

Action	Date	FR Cite
NPRM	09/19/08	73 FR 54346
NPRM Comment Period End	11/03/08	
Final Rule	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National

Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW73

103. AMENDMENT 28 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB

Legal Authority: 16 USC 1862; PL 109–241; PL 109–479

Abstract: This action would implement Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to allow unlimited post-delivery transfers of shares to cover overages within the crab fishing year ending June 30. Under the crab rationalization program, harvesters receive annual allocations of individual fishing quota that provide an exclusive privilege to harvest a specific number of pounds of crab from a fishery. Any harvest in excess of an individual fishing quota allocation is a regulatory violation punishable by confiscation of crab or other penalties. Precisely estimating of catch at sea during the fishery is difficult and costly due to variation in size of crab, and sorting and measurement requirements. Overages can result from inadvertent mistakes by participants attempting to accurately estimate catch. A provision allowing for post-delivery transfer of individual fishing quota to cover overages could reduce the number of inadvertent violations, allowing for more complete harvest of allocations, and reduce enforcement costs without increasing the risk of overharvest of allocations.

Timetable:

Action	Date	FR Cite
Notice of Availability	11/25/08	73 FR 71598
NPRM	12/12/08	73 FR 75661
Notice of Availability Comment Period End	12/25/08	
NPRM Comment Period End	01/26/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW97

104. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2009 ATLANTIC BLUEFIN TUNA QUOTA SPECIFICATIONS AND MANAGEMENT MEASURES

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

Abstract: This rule would set Atlantic bluefin tuna (BFT) quota specifications and seasonal management measures for the 2009 fishing year (January 1, 2009-December 31, 2009), and amend the BFT regulations. This action would implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. The seasonal management measures would set daily retention limits and their duration for both the General and Angling categories. The annual specification process is set forth in current regulations implemented under the Consolidated Highly Migratory Species Fishery Management Plan. Other BFT regulatory amendments would be made within the framework procedures of the FMP.
As ICCAT meets in November of the prior year, the rulemaking process needs to be performed expeditiously in order to publish the measures as soon as possible in the 2009 fishing year.

Timetable:

Action	Date	FR Cite
NPRM	02/18/09	74 FR 7577
NPRM Comment Period End	03/20/09	
Final Action	04/00/09	
Final Action Effective	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AX12

105. AMENDMENT 92 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS GROUNDFISH AND AMENDMENT 82 TO THE FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUNDFISH

Legal Authority: 16 USC 1801 et seq

Abstract: Amendments 92/82 would remove trawl gear endorsements on licenses issued under the license limitation program in specific management areas if those licenses have not been used on vessels that meet minimum recent landing requirements using trawl gear. This action would provide exemptions to this requirement for licenses that are used in trawl fisheries subject to quota-based management. This action would issue new area endorsements for trawl catcher vessels in the Aleutian Islands if minimum recent landing requirements in the Aleutian Islands were met. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

Timetable:

Action	Date	FR Cite
Notice of Availability	12/12/08	73 FR 75659
NPRM	12/30/08	73 FR 79773
Notice of Availability Comment Period End	02/10/09	
NPRM Comment Period End	02/13/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX14

106. ONE–FISH DAILY BAG LIMIT FOR THE GUIDED SPORT CHARTER VESSEL FISHERY FOR HALIBUT IN REGULATORY AREA 2C

Legal Authority: 16 USC 773 to 773K

Abstract: The regulatory action would implement a one-fish daily bag limit to reduce the charter halibut fishery harvest in Area 2C to the guideline harvest limit.

Timetable:

Action	Date	FR Cite
NPRM	12/22/08	73 FR 78276
NPRM Comment Period End	01/21/09	
Final Action	04/00/09	
Final Action Effective	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX17

107. • AMENDMENT 90 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS GROUNDFISH AND AMENDMENT 78 TO THE FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUNDFISH

Legal Authority: 16 USC 1801 et seq.

Abstract: Amendments 90/78 would allow post-delivery transfers of cooperative quota to cover overages in the Amendment 80 Program and the Central Gulf of Alaska Rockfish Program. This action is necessary to mitigate potential overages, reduce enforcement costs, and provide for more precise total allowable catch management. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

Timetable:

Action	Date	FR Cite
NPRM	01/05/09	74 FR 254
NPRM Comment Period End	02/19/09	
Final Action	06/00/09	
Final Action Effective	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX25

108. • 2009 ATLANTIC BLUEFISH SPECIFICATIONS

Legal Authority: 16 USC 1801

Abstract: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission manage the Atlantic bluefish fishery jointly through the Atlantic Bluefish Fishery Management Plan (FMP). The FMP includes a specification process that requires the Council to recommend, on an annual basis, a total allowable catch (TAC) and total allowable landings (TAL) that are consistent with the stock rebuilding program. The TAL is composed of a commercial quota (allocated to the states from Maine to Florida in specified shares) and a coastwide recreational harvest limit. The Council may also specify a research set-aside (RSA) quota. The FMP also requires the Council to recommend annual fishing measures, such as possession limits, to assure that the recommended quotas will not be exceeded. The Council has submitted proposed specifications for the 2009 Atlantic bluefish fishery. In summary, the specifications propose: (1) A TAC for bluefish of 34.081 million lb (an increase from 31.887 million lb in 2008); (2) an overall TAL of 29.356 million lb (an increase from 28.156 million lb in 2008); (3) zero transfer from the recreational sector to the commercial sector, to achieve a commercial quota of 4.991 million lb (a reduction from 7.692 million lb in 2008) and a recreational harvest limit of 24.366 million lb (an increase from 20.415 million lb in 2008); (4) an RSA quota of 97,750 lb (would further reduce quota and limit above); and (5) a recreational possession limit of 15 fish.

Timetable:

Action	Date	FR Cite
NPRM	03/02/09	74 FR 9072
NPRM Comment Period End	03/17/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AX49

109. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY

Legal Authority: 16 USC 1372 (c)

Abstract: This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7235

RIN: 0648–AH26

110. ATLANTIC PELAGIC LONGLINE TAKE REDUCTION PLAN

Legal Authority: 16 USC 1361 et seq

Abstract: With this action, the National Marine Fisheries Service implements the Atlantic Pelagic Longline Take Reduction Plan in order to reduce serious injuries and mortalities of long-finned pilot whales, short-finned pilot whales, and Risso's dolphins in the Atlantic pelagic longline fishery to insignificant levels approaching a zero mortality and serious injury rate, within five years of its implementation. The proposed plan is based on consensus recommendations draft plan was by the Atlantic Pelagic Longline Take Reduction Team (Team) and includes both regulatory and non-regulatory measures. Regulatory measures include: (1) Limiting the mainline length to 20 nautical miles or

less within the Mid-Atlantic Bight; (2) designating a special research area offshore of Cape Hatteras, NC; and (3) requiring all pelagic longline vessels post an informational placards on careful handling and release of marine mammals in the wheelhouse and working decks of the vessel. Non-regulatory measures of the plan include: (1) Providing for 12-15 percent observer coverage throughout all Atlantic pelagic longline fisheries that interact with pilot whales or Risso's dolphins; (2) encouraging vessel operators throughout the fishery to maintain daily communications with other local vessel captains; (3) updating guidelines for careful handling and release of entangled or hooked marine mammals; and (4) distributing quarterly reports of bycatch of marine mammals in the pelagic longline fishery to the Team.

Timetable:

Action	Date	FR Cite
NPRM	06/24/08	73 FR 35623
NPRM Comment Period End	09/22/08	
Final Action	05/00/09	
Final Rule Effective	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13738, Silver Spring, MD 20910
Phone: 301 713–2322
Fax: 301 427–2522
Email: kristy.long@noaa.gov

RIN: 0648–AV65

111. DESIGNATION OF CRITICAL HABITAT FOR THE ENDANGERED U.S. DISTINCT POPULATION SEGMENT (DPS) OF GUIDED SMALLTOOTH SAWFISH

Legal Authority: 16 USC 1531 et seq

Abstract: This action would designate critical habitat for the U.S. DPS of smalltooth sawfish, which was listed as endangered on April 1, 2003. The designation would be located in Florida, within the current geographic range of the species. Comments from the public on the proposal, including information on the economic impacts, national security, and other relevant documents, as well as the benefits to the species from the designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/20/08	73 FR 70290
Notice	12/09/08	73 FR 74681
NPRM Comment Period End	01/20/09	
Notice—Reopen Comment Period	01/29/09	74 FR 5141
Comment Period End	02/13/09	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shelley L. Norton, Smalltooth Sawfish and Johnson's Seagrass Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 253 13th Avenue South, St. Petersburg, FL 33701
Phone: 727 551–5781
Fax: 727 524–5309
Email: shelley.norton@noaa.gov

RIN: 0648–AV74

112. RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE GULF OF MAINE DISTINCT POPULATION SEGMENT OF ATLANTIC SALMON

Legal Authority: 16 USC 1531 et seq

Abstract: Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species listed as threatened or endangered. This rulemaking would designate critical habitat in 45 specific areas occupied by Atlantic salmon at the time of listing that comprise approximately 203,781 km of perennial river, stream, and estuary habitat and 868 square km of lake habitat within the range of the Gulf of Maine's distinct population segment and on which are found those physical and biological features essential to the conservation of the species. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment. We solicit comments from the public regarding the proposed rulemaking, including comments on economic, national security, or other relevant impacts, as well as the benefits of the designation to Gulf of Maine Atlantic salmon.

Timetable:

Action	Date	FR Cite
NPRM	09/05/08	73 FR 51747
NPRM Comment Period End	11/04/08	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332
Fax: 301 427–2520
Email: jim.lecky@noaa.gov

RIN: 0648–AW77

113. RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

Legal Authority: 16 USC 1531 et seq

Abstract: Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species listed as threatened or endangered. This rulemaking would designate critical habitat for the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS), including: the Sacramento River, lower Feather River, and lower Yuba River in California; the Sacramento-San Joaquin Delta and Suisun, San Pablo, and San Francisco Bays in California; certain coastal bays and estuaries in California, Oregon, and Washington; and coastal marine waters within 110 m depth off California, Oregon, and Washington. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment.

Timetable:

Action	Date	FR Cite
NPRM	09/08/08	73 FR 52084
Notice of Public Workshop; Correction to a Proposed Rule—10/16/2008	10/07/08	73 FR 58527
NPRM Comment Period End	11/07/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332
Fax: 301 427–2520
Email: jim.lecky@noaa.gov

RIN: 0648–AX04

Department of Commerce (DOC) National Oceanic and Atmospheric Administration (NOAA) — Completed Actions

114. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT–SEA PROCESSING SECTOR OF THE WHITING FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: This action amends the regulations implementing the Pacific Coast Groundfish Fishery Management Plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.

Timetable:

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Final Rule	05/11/04	69 FR 31751
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	07/07/04	69 FR 31751

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thom Barry, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AK26

115. BERING SEA AND ALEUTIAN ISLANDS AMENDMENT 73 AND GULF OF ALASKA AMENDMENT 77 GROUNDFISH FISHERY MANAGEMENT PLANS TO REVISE MANAGEMENT AUTHORITY OF DARK ROCKFISH

Legal Authority: 16 USC 1801 et seq

Abstract: This amendment would remove dark rockfish (Sebastes ciliatus) from the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fishery management plans (FMP). The State of Alaska would then assume management of dark rockfish in the BSAI and GOA. Regulatory amendments are needed to implement these FMP amendments to remove dark rockfish from Table 2a of 50 CFR part 679 (FMP species) and to add dark rockfish to Table 2d of 50 CFR part 679 (non-FMP species). The regulations implementing Amendment 73/77 also would revise the scientific name and species code for dusky rockfish on Table 2a to 50 CFR part 679.

Timetable:

Action	Date	FR Cite
NPRM	09/24/08	73 FR 55010
NPRM Comment Period End	11/17/08	
Final Action	12/31/08	73 FR 80307

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AU20

116. AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER–GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 14 would establish a series of 8 Type II Marine Protected Areas (MPAs) in federal waters in the South Atlantic. The MPAs range in size from 8 square nautical miles to 150 square nautical miles, and would be distributed from North Carolina south to the Florida Keys. Within the MPAs, fishing for, or retention of, species in the snapper grouper management complex would be prohibited, as would the use of shark bottom longline fishing gear. Trolling for pelagic species such as tuna, dolphin, and mackerel would be allowed within the MPAs.

Timetable:

Action	Date	FR Cite
Notice	07/20/06	71 FR 41207
Notice of Availability	06/06/08	73 FR 32281
NPRM	07/16/08	73 FR 40824
NPRM Comment Period End	08/15/08	
Final Action	01/13/09	74 FR 1621

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AU28

117. FRAMEWORK 4 TO THE FISHERY MANAGEMENT PLAN FOR MONKFISH

Legal Authority: 16 USC 1801 et seq

Abstract: This framework adjustment would establish target TACs of 5,000 mt and 5,100 mt for the Northern Fishery Management Area (NFMA) and Southern Fishery Management Area (SFMA), respectively, for the final 3 years of the rebuilding plan (FY 2007-FY 2009), unless otherwise modified by the Monkfish Monitoring Committee (MFMC) during their annual review process. Essentially, this framework adjustment would remove the Framework 2 control rule and replace it with target TACs that were developed based upon an analysis conducted by the Monkfish Plan Development Team (PDT). This framework would also implement monkfish Days-at-Sea requirements for vessels fishing in the NFMA, and addresses other minor issues raised by industry.

Timetable:

Action	Date	FR Cite
Proposed Rule and Proposed Interim Rule	03/20/07	72 FR 13069

Action	Date	FR Cite
NPRM Comment Period End	04/19/07	
Interim Final Rule	04/27/07	72 FR 20952
Final Rule	09/21/07	72 FR 53942
Interim Final Rule Comment Period End	10/22/07	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AU34

118. AMENDMENT 15 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 15 would address allocation and other issues in the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
Withdrawn	04/30/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AU36

119. APPROVAL OF OPERATIONS PLAN FOR THE GEORGES BANK FIXED GEAR SECTOR FOR 2007–2008

Timetable:

Action	Date	FR Cite
Duplicate of 0648-AV22	02/05/09	

RIN: 0648–AU61

120. RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN

Legal Authority: 16 USC 951 to 961; 16 USC 971

Abstract: The National Marine Fisheries Service announces the 2007 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. The purse seine fishery will be closed for six weeks from August 1, 2007, to September 11, 2007, and any national longline fishery that reaches a catch level for bigeye tuna equal to the 2001 catch levels will also be closed. The intended effect of this rule is to limit fishing mortality caused by purse seine fishing and longline fishing in the ETP, and to contribute to long-term conservation of the tuna stocks at levels that support healthy fisheries. This will conform to the Inter-American Tropical Tuna Commission recommendation that was approved by the State Department.

Timetable:

Action	Date	FR Cite
NPRM	02/26/07	72 FR 8333
NPRM Comment Period End	03/28/07	
Final Rule	06/04/07	72 FR 30711

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AU79

121. REVISION TO ALLOWABLE BYCATCH REDUCTION DEVICES FOR THE GULF OF MEXICO SHRIMP FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), the National Marine Fisheries Service proposes to decertify the expanded mesh bycatch reduction device (BRD), the Gulf fisheye BRD, and to revise the allowable configuration of the fisheye BRD for use in the Gulf of Mexico shrimp fishery. The intended effect of this rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

Timetable:

Action	Date	FR Cite
NPRM	06/03/08	73 FR 31669
NPRM Comment Period End	07/03/08	
Comment Period Extended	07/07/08	73 FR 38387
Comment Period Ends	08/06/08	
Final Rule	11/18/08	73 FR 68355

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AV14

122. FISHERIES IN THE WESTERN PACIFIC; BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES; MANAGEMENT MEASURES FOR THE NORTHERN MARIANA ISLANDS

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 10 to the fishery management plan for Bottomfish and Seamount Groundfish Fisheries in the Western Pacific would establish Federal permitting and reporting requirements, closed areas, and vessel monitoring system requirements, for commercial bottomfish fishing in the Commonwealth of the Northern Mariana Islands.

Timetable:

Action	Date	FR Cite
Notice of Availability	08/20/08	73 FR 49157
NPRM	09/08/08	73 FR 51992
NOA Comment Period End	10/20/08	
NPRM Comment Period End	10/23/08	
Final Action	12/12/08	73 FR 75615
Final Action—Collection of Information Approval	04/06/09	74 FR 15373
Final Action Effective—Collection of Information Approval	05/06/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alvin Katekaru, Assistant Regional Administrator,

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 944–2207

RIN: 0648–AV28

123. GUIDANCE FOR ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES TO END OVERFISHING

Legal Authority: 16 USC 1853

Abstract: Section 104(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA), requires that in fishing year 2010, for fisheries determined by the Secretary to be subject to overfishing, and in fishing year 2011, for all other fisheries, that fishery management plans establish annual catch limits (ACLs), including regulations and annual specifications, at a level such that overfishing does not occur in a fishery, including measures to ensure accountability.

The National Marine Fisheries Service intends to prepare guidance on how to establish adequate ACLs and AMs by revising its National Standard 1 (NS1) guidelines at 50 CFR 600.310. This is because NS1 of the Magnuson-Stevens Act states that ''Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.''

Timetable:

Action	Date	FR Cite
NPRM	06/09/08	73 FR 32526
Notice	06/26/08	73 FR 36300
NRPM Comment Period Extended	08/13/08	73 FR 47125
NPRM Comment Period End	09/08/08	
NRPM Comment Period End	09/22/08	
Final Action	01/16/09	74 FR 3178

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AV60

124. RULE TO IMPLEMENT A MINIMUM POSSESSION SIZE LIMIT ON SPINY LOBSTER (PANULIRUS ARGUS)

Legal Authority: 16 USC 1801

Abstract: The United States is a major importer of spiny lobster from the Caribbean, importing more than 88,000 tons (over 194 million lbs) over the past 10 years, worth an estimated $2.27 billion dollars. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America and the Caribbean countries. The major exporters to the United States are the Bahamas, Brazil, Honduras and Nicaragua. All of these exporting countries have some form of minimum size requirement, but they are not standardized and enforcement is severely lacking. Therefore, NOAA Fisheries Service in coordination with the Caribbean, South Atlantic, and Gulf of Mexico Fishery Management Councils is proposing to place a minimum size limit restriction on imports to curtail the flow of undersized lobster harvested in foreign countries.

Timetable:

Action	Date	FR Cite
Notice of Intent	07/26/07	72 FR 41063
Notice of Availability	10/15/08	73 FR 61015
NPRM	10/29/08	73 FR 64295
NPRM Comment Period End	12/15/08	
Final Action	01/12/09	74 FR 1148

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AV61

125. GENERAL PROVISIONS FOR DOMESTIC FISHERIES; SPECIFICATIONS FOR BOARDING LADDERS

Legal Authority: 16 USC 1801 et seq; 16 USC 2431 et seq; 16 USC 3636(b); 16 USC 5501 et seq; 16 USC 773 et seq; 16 USC 951 to 961; 16 USC 973 to 973r; 16 USC 971 et seq

Abstract: This regulation would require domestic fishing vessels to have a U.S. Coast Guard-approved pilot ladder on board as a safer means for authorized personnel to board the vessels in carrying out their duties under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act and other applicable laws. This action is necessary to provide for the safety of personnel boarding domestic fishing vessels, as current standards have proven to be inadequate. This action would establish a safer and more enforceable national standard for ladders used by authorized officers for boarding domestic fishing vessels subject to Federal regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/11/07	72 FR 70286
NPRM Comment Period End	01/10/08	
Second NPRM	01/25/08	73 FR 4514
Second NPRM Comment Period End	02/25/08	
Final Action	11/17/08	73 FR 67805
Final Action Effective Date	01/01/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AV78

126. GULF REEF FISH AMENDMENT 30B

Legal Authority: 16 USC 1801

Abstract: Amendment 30B addresses the findings of Gulf of Mexico red grouper and gag stock assessments. Red grouper is not undergoing overfishing and is not overfished. Gag is undergoing overfishing and whether gag is overfished is still being determined. This action incorporates both red grouper and gag management measures together as the measures affecting one species invariably affect the other. The amendment would implement management measures to increase red grouper total allowable catch and to end overfishing of gag.

The amendment also proposes definitions for gag status criteria and reference points. The amendment also examines grouper accountability measures, closed fishing areas, and ways to reduce discard mortality.

Timetable:

Action	Date	FR Cite
Notice	03/07/08	73 FR 12393
Notice of Availability	10/28/08	73 FR 63932
NPRM	11/18/08	73 FR 68390
Interim Final Rule	12/02/08	73 FR 73219
Notice of Availability	12/29/08	
NPRM Comment Period End	01/02/09	
Final Action	04/16/09	74 FR 17603
Final Action Effective	05/18/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AV80

127. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 4 TO THE REEF FISH FISHERY MANAGEMENT PLAN OF PUERTO RICO AND THE U.S.

Timetable:

Action	Date	FR Cite
Duplicate of 0648-AV61	02/05/09	

RIN: 0648–AV98

128. AMENDMENT 15 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN: LIMITED ENTRY PROGRAM FOR THE PACIFIC WHITING FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: Amendment 15 to the Pacific Coast Groundfish FMP would implement a limited entry program for the Pacific whiting fishery, which occurs within the Exclusive Economic Zone off the coasts of Washington, Oregon, and California. This action would limit future participation in each of the three non-tribal sectors of the Pacific whiting fishery to those vessels with historic participation in those particular sectors.

Timetable:

Action	Date	FR Cite
NPRM	07/11/08	73 FR 39930
NPRM Comment Period End	08/11/08	
Final Action	03/10/09	74 FR 10189
Correction	03/20/09	74 FR 11880
Correction Effective	04/09/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115
Phone: 206 526–6142
Email: frank.lockhart@noaa.gov

RIN: 0648–AW08

129. REVISE MAXIMUM RETAINABLE AMOUNTS (MRA) OF GROUNDFISH IN THE GULF OF ALASKA ARROWTOOTH FLOUNDER FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory amendment would revise the maximum retainable amounts (MRAs) of groundfish using arrowtooth flounder as a basis species in the Gulf of Alaska. MRAs for deep-water flatfish, rex sole, flathead sole, shallow-water flatfish, Atka mackerel, and skates would be increased from 0 percent to 20 percent; the MRA for aggregated rockfish would be increased from 0 percent to 5 percent; and the MRA for sablefish would be increased from 0 percent to 1 percent for sablefish. This action would reduce regulatory discards of otherwise marketable groundfish in the arrowtooth flounder fishery.

Timetable:

Action	Date	FR Cite
NPRM	11/25/08	73 FR 71592
NPRM Comment Period End	12/26/08	
Final Action	03/27/09	74 FR 13348

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW40

130. REVISIONS TO THE POLLOCK TRIP LIMIT REGULATIONS IN THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq

Abstract: This regulatory action revises the current pollock trip limit regulation to prohibit a catcher vessel from retaining more than 136 mt (300,000 lb) of unprocessed pollock during a calendar day, and landing more than 136 mt (300,000 lb) of pollock during a fishing trip. The National Marine Fisheries Service also proposes to prohibit a vessel from landing a cumulative amount of unprocessed pollock from any Gulf of Alaska (GOA) reporting area that exceeds 136 mt (300,000 lb) times the number of days the pollock fishery is open to directed fishing in a season. The objective of this rule is to prevent certain pollock catch and delivery practices that allow some vessels to circumvent the intent of current trip limit regulations. These delivery practices have caused seasonal pollock quotas to be exceeded, and if allowed to continue could conflict with Steller sea lion protection measures under Endangered Species Act (ESA) that are intended to disperse pollock catches in the GOA. These delivery practices have caused seasonal pollock quotas to be exceeded, and if allowed to continue could conflict with Steller sea lion protection measures under ESA that are intended to disperse pollock catches in the GOA. Current regulations in the pollock directed fishery prohibit catcher vessels from exceeding a catch of 136 mt (300,000 lb) of pollock in a fishing trip. Since trip limits were implemented in 1999, these regulations have become less effective, as multiple trips during a day and partial offloads of pollock product during a trip have allowed for increasing amounts of pollock to be caught in some areas of the GOA. Amending the current trip limit regulation to limit legal opportunities for a vessel to exceed 136 mt (300,000 lb) of pollock caught in a day, would continue to disperse catches of pollock in a manner that is consistent with the intent of Steller sea lion protection measures in the GOA.

Timetable:

Action	Date	FR Cite
NPRM	10/20/08	73 FR 62241

Action	Date	FR Cite
NPRM Comment Period End	11/19/08	
Final Action	04/21/09	74 FR 18156
Final Action Effective	05/21/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW54

131. AMENDMENT TO THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN

Legal Authority: 16 USC 1361 et seq

Abstract: The National Marine Fisheries Service (NMFS) amends the Bottlenose Dolphin Take Reduction Plan's (BDTRP) implementing regulations by extending, for an additional three years, fishing restrictions expiring on May 26, 2009. This action will continue, without modification, current nighttime fishing restrictions of medium mesh gillnets operating in the North Carolina portion of the Winter-Mixed Management Unit during the winter. Members of the Bottlenose Dolphin Take Reduction Team (BDTRT) recommended these regulations be extended for an additional three years to ensure continued conservation of the Western North Atlantic coastal bottlenose dolphin stock, should a directed spiny dogfish fishery reemerge in North Carolina.

Timetable:

Action	Date	FR Cite
NPRM	08/22/08	73 FR 49634
NPRM Comment Period End	09/22/08	
Final Action	12/19/08	73 FR 77531
Final Action Effective	01/20/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Melissa Andersen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2322
Email: melissa.andersen@noaa.gov

RIN: 0648–AW68

132. REFERENDUM PROCEDURES FOR A POTENTIAL GULF OF MEXICO GROUPER AND TILEFISH INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM

Legal Authority: 16 USC 1801 et seq

Abstract: Grouper and tilefish species in the Gulf of Mexico are managed under the reef fish fishery management plan. Past management practices under the plan have contributed to overcapitalization in these fisheries, which the Council now seeks to address. The Council is considering an IFQ program to further control effort in the commercial grouper and tilefish fisheries in the Gulf of Mexico. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NOAA's National Marine Fisheries Service must conduct a referendum to determine whether an IFQ program, as ultimately developed, should be submitted to the Secretary of Commerce for review, approval, and implementation. This proposed rule would provide potential referendum participants information concerning the schedule, procedures, and eligibility requirements for participating in the referendum. The intended effect of this proposed rule is to implement the requirements of the Magnuson-Stevens Act for implementing an IFQ program in the Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	09/04/08	73 FR 51617
NPRM Comment Period End	10/06/08	
Final Action	10/30/08	73 FR 64562
Final Action Effective	12/01/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701
Phone: 727 570–5305
Fax: 727 570–5583
Email: roy.crabtree@noaa.gov

RIN: 0648–AW85

133. INTERIM ACTION TO REDUCE FISHING MORTALITY AND MAINTAIN STOCK REBUILDING; NORTHEAST MULTISPECIES FISHERY

Legal Authority: 16 USC 1801 et seq

Abstract: The FMP requires fishing mortality reductions to be implemented May 1, 2009, as a part of the rebuilding plan specified under Amendment 13 to the FMP, and if additional reductions in fishing mortality are necessary as a result of stock assessments that will occur in August 2008. The New England Fishery Management Council is currently developing Amendment 16 to the FMP that, if approved, would implement management measures to achieve the necessary fishing mortality reductions to meet the required objectives of the FMP, as well as other extensive modifications to the FMP. However, due to the scope and complexity of Amendment 16, it is likely that the development the Amendment may be behind schedule and not be implemented by May 1, 2009. Therefore, due to the need to meet the rebuilding goals of the FMP by May 1, 2009, an interim action is being developed by NOAA's National Marine Fisheries Service. This interim action would be more narrow in scope than Amendment 16 and focus on the required adjustments to the FMP, and include a measure that would provide flexibility to the industry and mitigate negative economic impacts. This action would remain in effect until Amendment 16 is implemented, which is expected no later than May 1, 2010.

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2959
NPRM Comment Period End	02/17/09	
Final Action	04/13/09	74 FR 17030

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AW87

134. SEABIRD AVOIDANCE REQUIREMENTS REVISIONS FOR HOOK–AND–LINE VESSELS IN INTERNATIONAL PACIFIC HALIBUT COMMISSION REGULATORY AREA 4E

Legal Authority: 16 USC 1801 et seq

Abstract: NMFS takes this action to revise the seabird avoidance regulations for the hook-and-line fishery for groundfish and halibut in the International Pacific Halibut Commission regulatory area 4E of the Bering Sea. This action would eliminate seabird avoidance requirements for hook-and-line vessels less than or equal to 55 feet length overall in portions of Area 4E. This action is necessary to revise seabird avoidance regulations based on the latest scientific information regarding the location of seabirds and fishing activities and to reduce unnecessary regulatory burdens and associated costs.

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2984
NPRM Comment Period End	02/17/09	
Final Action	03/27/09	74 FR 13355

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AW94

135. REGULATORY AMENDMENT TO EXEMPT DINGLEBAR FISHERMEN IN THE GULF OF ALASKA FROM VESSEL MONITORING SYSTEM REQUIREMENTS

Legal Authority: 16 USC 1801 et seq; 16 USC 3631 et seq; 16 USC 773 et seq; PL 108–447

Abstract: This action would exempt vessels with Federal fishing permits and with dinglebar gear onboard in the Gulf of Alaska from vessel monitoring system (VMS) requirements. All federally permitted vessels, including dinglebar fishermen fishing for lingcod in the Gulf of Alaska, are currently required to carry a VMS so that regulations to protect sensitive coral habitat may be enforced. Evidence suggests that the dinglebar fishery for lingcod occurs at shallower depth than where these sensitive corals occur. The cost of purchasing and maintaining a VMS is therefore not warranted for this fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/03/08	73 FR 57585
NPRM Comment Period End	11/03/08	
Final Action	01/21/09	74 FR 3446
Correction	04/14/09	74 FR 17113

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AX01

136. 2009 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH SPECIFICATIONS AND MANAGEMENT MEASURES

Legal Authority: 16 USC 1801

Abstract: This action would establish 2009 specifications and management measures for the mackerel, squid, and butterfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/17/08	73 FR 67829
NPRM Comment Period End	12/17/08	
Final Rule	02/06/09	74 FR 6244
Final Rule Effective	03/09/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AX16

137. FISHERIES IN THE WESTERN PACIFIC; BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES; MAIN HAWAIIAN ISLANDS; 2008–09 BOTTOMFISH TOTAL ALLOWABLE CATCH

Timetable:

Action	Date	FR Cite
Duplicate of 0648-XL64	11/04/08	

RIN: 0648–AX22

138. • MAGNUSON–STEVENS ACT PROVISIONS; FISHERIES OFF WEST COAST STATES; PACIFIC COAST GROUNDFISH FISHERY; 2009–2010 BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES

Legal Authority: 16 USC 1801

Abstract: This final rule establishes the 2009-2010 Groundfish Management Measures and Specifications.

Timetable:

Action	Date	FR Cite
NPRM	12/31/08	73 FR 80516
NPRM Comment Period End	01/30/09	
Final Action	03/06/09	74 FR 9874

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thom Barry, Regional Administrator, Northwest Region, NMFS, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115
Phone: 206 526–4323
Fax: 206 526–6736

RIN: 0648–AX24

139. • 2009 PACIFIC HALIBUT FISHERIES; CATCH SHARING PLAN

Legal Authority: 16 USC 1801

Abstract: NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes tribal regulations and the sport fishery allocations and management measures for Area 2A. These actions are intended to enhance the conservation of Pacific

halibut, to provide greater angler opportunity where available, and to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries.

Timetable:

Action	Date	FR Cite
NPRM	01/14/09	74 FR 2032
NPRM Comment Period End	02/01/09	
Final Action	03/19/09	74 FR 11681
Correction	04/24/09	74 FR 11880

Regulatory Flexibility Analysis Required: Yes

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AX44

140. VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM

Legal Authority: 16 USC 1531et seq

Abstract: With this action, NMFS issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Previous regulations (71 FR 36024, June 23, 2006) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year, and this action would ensure that leaders used in that area do in fact meet the definition of a modified pound net leader. To comply with the inspection program, a pound net fisherman intending to set a modified leader must call NMFS to arrange for an inspection meeting. Then, the fisherman must meet NMFS and allow for the inspection of his or her gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	11/18/08	73 FR 68348
Final Action Effective Date	12/18/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9300
Email: carrie.upite@noaa.gov

RIN: 0648–AU98

141. ENDANGERED AND THREATENED SPECIES; DESIGNATION OF CRITICAL HABITAT FOR ELKHORN AND STAGHORN CORALS

Legal Authority: 16 USC 1531 to 1544

Abstract: The National Marine Fisheries Service designates critical habitat for elkhorn and staghorn corals, which we recently listed as threatened under the Endangered Species Act (ESA). Areas proposed for designation will be within the current geographic ranges of these species that are under U.S. jurisdiction, including areas in Southeast Florida, Puerto Rico, and the U.S. Virgin Islands. Comments from the public on all aspects of the proposal, including information on the economic, national security, and other relevant impacts of the proposed designation, as well as the benefits to elkhorn and staghorn corals from designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposal.

Proposed rule was published February 6, 2008 (73 FR 6895). This final rule designates 1,329 sq mi of marine habitat in the Florida area, 1,383 sq mi in the Puerto Rico area, 121 sq mi in the St. John/St. Thomas area, and 126 sq mi in the St. Croix area.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6895
Correction	03/06/08	73 FR 12068
NPRM Comment Period End	05/06/08	
Final Action	11/26/08	73 FR 72210
Final Action Effective	12/26/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1401
Fax: 301 427–2523
Email: marta.nammack@noaa.gov

RIN: 0648–AV35

Department of Commerce (DOC) Long-Term Actions

Patent and Trademark Office (PTO)

142. EXAMINATION OF PATENT APPLICATIONS THAT INCLUDE CLAIMS CONTAINING ALTERNATIVE LANGUAGE

Legal Authority: 35 USC 2(b)(2)

Abstract: The U.S. Patent and Trademark Office (Office) is considering revising the rules of practice to address Markush-type and other claims written so as to claim an invention in the alternative. The search and examination of Markush-type and other claims written in the alternative generally consume a disproportionate amount of Office resources as compared to other types of claims, because these claims can encompass multiple independent and distinct inventions and determining the patentability of such a claim may require a separate examination of each of the alternatives within the claim. The Office anticipates that requiring applicants who choose this claim-drafting format to ensure a certain degree of relatedness among the members of a Markush group or the alternatives presented in the claims will allow the Office to do a better, more thorough and reliable examination of Markush-type and other claims written in the alternative.

Timetable:

Action	Date	FR Cite
NPRM	08/10/07	72 FR 44992
NPRM Comment Period End	10/09/07	
Second NPRM	03/10/08	73 FR 12679
Second NPRM Comment Period End	04/09/08	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert W. Bahr
Phone: 571 272–8800
Email: robert.bahr@uspto.gov

RIN: 0651–AC00

143. FISCAL YEAR 2009 REVISION OF REQUEST FOR CONTINUED EXAMINATION, EIGHTEEN–MONTH PUBLICATION, AND OTHER MISCELLANEOUS COST–RECOVERY PATENT FEES

Legal Authority: 35 USC 2(b)(2); 35 USC 41(d); 35 USC 132(b)

Abstract: The USPTO is proposing to revise the rules of practice to adjust the fee or set a fee for certain processes and services for which the USPTO is required to set a cost-recovery fee. The USPTO is specifically proposing to adjust the fee for a request for continued examination, eighteen-month publication, and a certificate of correction (applicant's mistake) fee, and set a fee for requesting a corrected republication of a patent application publication. The rules of practice currently do not set a fee, or do not set a fee that recovers the USPTO's costs, for these processes or services. The USPTO is proposing to adjust or set these fee amounts such that they more accurately reflect the Office costs for these processes or services.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert W. Bahr
Phone: 571 272–8800
Email: robert.bahr@uspto.gov

RIN: 0651–AC29

Department of Commerce (DOC)
Patent and Trademark Office (PTO)

Completed Actions

144. FISCAL YEAR 2009 CHANGES TO PATENT COOPERATION TREATY SEARCH FEES

Legal Authority: 35 USC 2(b)(2) and 376

Abstract: The United States Patent and Trademark Office (USPTO) is proposing to revise the rules of practice to adjust the transmittal and search fees for international applications filed under the Patent Cooperation Treaty (PCT). The USPTO is proposing to adjust the PCT transmittal and search fees to recover the estimated average cost to the USPTO of processing PCT international applications and preparing international search reports and written opinions for PCT international applications.

Timetable:

Action	Date	FR Cite
NPRM	06/18/08	73 FR 34672
NPRM Comment Period End	08/18/08	
Final Rule	11/12/08	73 FR 66754
Final Rule Effective	01/12/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450
Phone: 571 272–8800
Email: robert.bahr@uspto.gov

RIN: 0651–AC28

[FR Doc. E9–10267 Filed 05–08–09; 8:45 am]

BILLING CODE 3510–12–S

Federal Register

Monday,
May 11, 2009

Part V

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Notice of semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), pursuant to Executive Order 12866 ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

FOR FURTHER INFORMATION CONTACT: For further information about any particular item on the agenda, please contact the individual listed under that item. For further information on the agenda in general, please contact: Diana L. Dean, Room 6E-078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7440.

SUPPLEMENTARY INFORMATION: The Agenda is a Governmentwide compilation of upcoming and ongoing regulatory activity taking place over the next 12 months, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire spring 2009 agenda can be accessed online by going to: www.reginfo.gov. Agenda entries reflect the status of activities as of approximately April 30, 2009.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. Included in this Agenda are two energy conservation standards rulemakings that require regulatory flexibility analyses: Residential Electric and Gas Ranges and Ovens and Microwave Ovens, and Commercial Clothes Washers; and Commercial Refrigeration Equipment.

Issued in Washington, DC, on March 10, 2009.

Eric J. Fygi,
Acting General Counsel.

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
145	Energy Conservation Standards for Residential Electric and Gas Ranges and Ovens and Microwave Ovens, and Commercial Clothes Washers	1904–AB49
146	Energy Efficiency Standards for Commercial Refrigeration Equipment	1904–AB59

Department of Energy (DOE) — Completed Actions

Energy Efficiency and Renewable Energy (EE)

145. ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL ELECTRIC AND GAS RANGES AND OVENS AND MICROWAVE OVENS, AND COMMERCIAL CLOTHES WASHERS

Legal Authority: 42 USC 6295(h); 42 USC 6313(e)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for many types of major residential appliances and generally requires DOE to undertake two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. Through this combined rulemaking, the Department is evaluating potential amendments to update the current energy efficiency standards for residential electric and gas ranges and ovens (including a new provision specific to microwave ovens) and is also considering establishing energy efficiency standards for commercial clothes washers, as required by the Energy Policy Act of 2005, which further amended EPCA. Previously, this rulemaking also included dishwashers and dehumidifiers. Because the Energy Independence Act of 2007 (EISA 2007) prescribed standards for dishwashers and dehumidifiers, they have been removed from the rulemaking.

Completed:

Reason	Date	FR Cite
NPRM	10/17/08	73 FR 62033
Final Action	04/08/09	74 FR 16040

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Witkowski
Phone: 202 586–7463
Email: stephen.witkowski@ee.doe.gov

RIN: 1904–AB49

146. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL REFRIGERATION EQUIPMENT

Legal Authority: 42 USC 6313(c)(4)(A)

Abstract: The Energy Policy Act of 2005 (EPACT 2005) amendments to the Energy Policy and Conservation Act (EPCA) require that DOE establish standards for ice cream freezers; self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors; and remote-condensing commercial refrigerators, freezers, and refrigerator-freezers.

Completed:

Reason	Date	FR Cite
Final Action	01/09/09	74 FR 1092

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Charles Llenza
Phone: 202 586–2192
Email: charles.llenza@ee.doe.gov

RIN: 1904–AB59

[FR Doc. E9–10268 Filed 05–08–09; 8:45 am]
BILLING CODE 6450–01–S

Federal Register

Monday,
May 11, 2009

Part VI

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulations agenda.

SUMMARY: The Department's semiannual Agenda of Regulatory and Deregulatory Actions forecasts the rulemaking activities that we expect to undertake over the foreseeable future. We focus primarily on those areas of work anticipated to result in publication of Notices of Proposed Rulemaking or of Final Rules within the next 12 months. (Please note that the abstracts included below relate only to those prospective rulemakings that are likely to have a significant economic impact on a substantial number of small entities; the Regulatory Flexibility Act of 1980 requires dissemination of this information in the paper edition of the **Federal Register**. The complete HHS Agenda is accessible online at www.reginfo.gov.)

FOR FURTHER INFORMATION CONTACT: by e-mail, John.Gallivan@hhs.gov; by fax, (202) 205-2135; by telephone, (202) 205-9165.

SUPPLEMENTARY INFORMATION:

The Regulatory Flexibility Act of 1980 and Executive Order 12866 require semi-annual publication of an inventory outlining all current and projected rulemakings. The purpose of this exercise is to inform the public about regulatory actions under development across the Department, and to provide an opportunity for all concerned with the impact of these actions to participate in their development at an early stage.

The regulatory actions capsulized in this Agenda do not necessarily reflect the policy perspectives of the Obama Administration. The statutorily dictated timing of the Agenda caused the Department to initiate preparation of the requisite information before the Department's policy officials had the opportunity to conduct a full review. This Agenda thus reflects ongoing efforts by HHS to comply with existing statutory obligations, or to effect improvements at the program-implementation level based on experience in administering existing programs. By contrast, the timing of the October 2009 Agenda will, obviously, provide the Department with an opportunity to set out a regulatory agenda that does reflect current policy directions of the Obama Administration.

Public commentary is invited. Comments may be directed to the agency officials cited at the conclusion of each entry. If early attention at the Secretary's level appears needed, comments should be sent to: Ashley Files Flory, Acting Executive Secretary to the Department, Suite 603H, 200 Independence Avenue SW., Washington, DC 20201.

Dated: April 3, 2009.

Ashley Files Flory,

Acting Executive Secretary to the Department.

Substance Abuse and Mental Health Services Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
147	Opioid Drugs in Maintenance or Detoxification Treatment of Opiate Addition **(Section 610 Review)**	0930–AA14

Substance Abuse and Mental Health Services Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
148	Requirements Governing the Use of Seclusion and Restraint in Certain Nonmedical Community-Based Facilities for Children and Youth	0930–AA10

Centers for Disease Control and Prevention—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
149	Foreign Quarantine Regulations, Proposed Revision of HHS/CDC Animal Importation Regulations	0920–AA14
150	Control of Communicable Diseases: Foreign Quarantine Regulations, Proposed Revision of HHS/CDC Nonhuman Primate Regulations	0920–AA23

HHS

Centers for Disease Control and Prevention—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
151	Control of Communicable Diseases Foreign Quarantine	0920–AA12
152	Control of Communicable Diseases: Interstate Quarantine, Passenger Information	0920–AA27

Centers for Disease Control and Prevention—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
153	Possession, Use and Transfer of Select Agents and Toxins **(Section 610 Review)**	0920–AA32

Food and Drug Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
154	Food Labeling: Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution **(Section 610 Review)**	0910–AG06
155	Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures **(Section 610 Review)**	0910–AG14

Food and Drug Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
156	Electronic Submission of Data From Studies Evaluating Human Drugs and Biologics	0910–AC52
157	Over-The-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
158	Over-The-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
159	Over-The-Counter (OTC) Drug Review—Sunscreen Products	0910–AF43
160	Over-The-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
161	Pediatric Dosing for Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-The-Counter Human Use; Proposed Amendment of Final Monograph	0910–AG12

Food and Drug Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
162	Prevention of Salmonella Enteritidis in Shell Eggs	0910–AC14
163	Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements	0910–AC53
164	Positron Emission Tomography Drugs; Current Good Manufacturing Practices	0910–AC55
165	Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling	0910–AF11
166	Over-The-Counter (OTC) Drug Review—Cough/Cold (Bronchodilator) Products	0910–AF32
167	Over-The-Counter (OTC) Drug Review—Cough/Cold (Combination) Products	0910–AF33
168	Over-The-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
169	Over-The-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
170	Over-the-Counter (OTC) Drug Review—Skin Protectant Products	0910–AF42
171	Substances Prohibited From Use in Animal Food or Feed To Prevent the Transmission of Bovine Spongiform Encephalopathy	0910–AF46
172	Use of Materials Derived From Cattle in Human Food and Cosmetics	0910–AF47
173	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
174	Over-The-Counter (OTC) Drug Review—Acne Drug Products Containing Benzoyl Peroxide	0910–AG00

HHS

Food and Drug Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
175	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
176	Current Good Manufacturing Practice in Manufacturing, Packing, Labeling, or Holding Operations for Dietary Supplements	0910–AB88
177	Over-the-Counter (OTC) Drug Review—Cough/Cold (Nasal Decongestant) Products	0910–AF34
178	Over-The-Counter (OTC) Drug Review—Labeling of Drug Products for OTC Human Use	0910–AF37
179	Over-The-Counter (OTC) Drug Review—Ophthalmic Products	0910–AF39
180	Over-The-Counter (OTC) Drug Review—Oral Health Care Products	0910–AF40
181	Over-The-Counter (OTC) Drug Review—Vaginal Contraceptive Products	0910–AF44
182	Over-The-Counter (OTC) Drug Review—Overindulgence in Food and Drink Products	0910–AF51
183	Over-The-Counter (OTC) Drug Review—Antacid Products	0910–AF52
184	Over-The-Counter (OTC) Drug Review—Skin Bleaching Products	0910–AF53
185	Over-the-Counter (OTC) Drug Review—Stimulant Drug Products	0910–AF56
186	Over-The-Counter Antidiarrheal Drug Products	0910–AF63
187	Over-The-Counter (OTC) Drug Review—Poison Treatment Drug Products	0910–AF68
188	Over-The-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
189	Over-The-Counter (OTC) Drug Review—Urinary Analgesic Drug Products	0910–AF70
190	Status of Certain Additional Over-the-Counter Drug Category II Active Ingredients	0910–AF95
191	Process Controls for Animal Feed Ingredients and Mixed Animal Feed	0910–AG10

Food and Drug Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
192	Requirements for Submission of In Vivo Bioequivalence Data	0910–AC23
193	Cochineal Extract and Carmine Label Declaration	0910–AF12
194	Obstetrical and Gynecological Devices; Designation of Special Controls for Male Condoms Made of Natural Rubber Latex	0910–AF21
195	Food Labeling; Serving Sizes and Nutrition Labeling **(Completion of a Section 610 Review)**	0910–AF99

Centers for Medicare & Medicaid Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
196	Changes to the Hospital Inpatient and Long-Term Care Prospective Payment System for FY 2010 (CMS-1406-P)	0938–AP39
197	Revisions to Payment Policies Under the Physician Fee Schedule For CY 2010 (CMS-1413-P)	0938–AP40
198	Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2010 (CMS-1414-P)	0938–AP41
199	Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for FY 2010 (CMS-1410-P)	0938–AP46

Centers for Medicare & Medicaid Services—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
200	Home Health Agency (HHA) Conditions of Participation (CoPs) (CMS-3819-P) **(Section 610 Review)**	0938–AG81
201	Electronic Claims Attachments Standards (CMS-0050-IFC)	0938–AK62
202	Home and Community-Based Services (HCBS) State Plan Option (CMS-2249-F) **(Section 610 Review)**	0938–AO53
203	Medicaid Graduate Medical Education (CMS-2279-F)	0938–AO95
204	Requirements for Long-Term Care Facilities: Hospice Services (CMS-3140-P) **(Section 610 Review)**	0938–AP32

HHS

Centers for Medicare & Medicaid Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
205	Updates to Electronic Transactions (Version 5010) (CMS-0009-F) **(Completion of a Section 610 Review)**	0938–AM50
206	Revisions to HIPAA Code Sets (CMS-0013-F) **(Completion of a Section 610 Review)**	0938–AN25
207	Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (CMS-6006-F) **(Completion of a Section 610 Review)**	0938–AO84
208	Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2009 (CMS-1404-F)	0938–AP17
209	Revisions to Payment Policies Under the Physician Fee Schedule for CY 2009 (CMS-1403-FC)	0938–AP18
210	Home Health Prospective Payment System Refinements and Rate Update for CY 2009 (CMS-1555-N)	0938–AP20
211	Changes to Long-Term Care Prospective Payment System Based on Specific Provisions in the Medicare, Medicaid, and SCHIP Extension Act of 2007 (CMS-1493-F)	0938–AP33

Department of Health and Human Services (HHS) — Proposed Rule Stage
Substance Abuse and Mental Health Services Administration (SAMHSA)

147. OPIOID DRUGS IN MAINTENANCE OR DETOXIFICATION TREATMENT OF OPIATE ADDITION (SECTION 610 REVIEW)

Legal Authority: 21 USC 823 (9); 42 USC 257a; 42 USC 290aa(d); 42 USC 290dd–2; 42 USC 300xx–23; 42 USC 300x–27(a); 42 USC 300y–11

Abstract: This proposed rule, when finalized will modify the regulatory dispensing restrictions under 42 CFR part 8 for the drug substance buprenorphine. This medication is used to treat kersin and other opioid addiction.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Nicholas Reuter, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, One Choke Cherry Rd, Suite 2–1063, Rockville, MD 20857
Phone: 240 276–2716

RIN: 0930–AA14

Department of Health and Human Services (HHS) — Long-Term Actions
Substance Abuse and Mental Health Services Administration (SAMHSA)

148. REQUIREMENTS GOVERNING THE USE OF SECLUSION AND RESTRAINT IN CERTAIN NONMEDICAL COMMUNITY–BASED FACILITIES FOR CHILDREN AND YOUTH

Legal Authority: PL 106–310, 42 USC 290jj to 290jj–2

Abstract: The Secretary is required by statute to publish regulations governing States that license nonmedical, community-based residential facilities for children and youth. The regulation requires States to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance; requires States to develop and implement such licensing rules and implementation requirements within one year; and ensures that States require such facilities to have adequate staff, and that the States provide training for professional staff.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Paolo Del Vecchio, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Room 13–103, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 443–2619

RIN: 0930–AA10

Department of Health and Human Services (HHS) — Proposed Rule Stage
Centers for Disease Control and Prevention (CDC)

149. FOREIGN QUARANTINE REGULATIONS, PROPOSED REVISION OF HHS/CDC ANIMAL IMPORTATION REGULATIONS

Legal Authority: Not Yet Determined

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from foreign countries into the United States and from one State or possession into another. The Secretary has designated the authority to prevent the introduction of diseases from foreign

countries to the Director, Centers for Disease Control and Prevention (CDC). CDC also enforces entry requirements for certain animals, etiologic agents and vectors deemed to be of public health significance. Currently the regulations restrict the importation of nonhuman primates, dogs, cats, small turtles, etiologic agents, hosts and vectors, such as bats (42 CFR sections 71.53, 71.51, 71.52, 71.54). In addition, CDC has recently issued a series of emergency orders, restricting the importation of African rodents (42 CFR section 71.56) and civets (67 FR 3364-01). CDC is issuing this Notice of Proposed Rulemaking (NPRM) to revise the regulations for importation of certain animals and vectors into the Unite States (42 CFR parts 71, Subpart F).

Timetable:

Action	Date	FR Cite
ANPRM	07/31/07	72 FR 41676
Notice Extending ANPRM Comment Period	10/01/07	72 FR 55729
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stacy Howard, Department of Health and Human Services, Centers for Disease Control and Prevention, CLFT Building 16, Room 4324, MS E03, Atlanta, GA 30329 Phone: 404 498–1600

RIN: 0920–AA14

150. CONTROL OF COMMUNICABLE DISEASES: FOREIGN QUARANTINE REGULATIONS, PROPOSED REVISION OF HHS/CDC NONHUMAN PRIMATE REGULATIONS

Legal Authority: 42 U.S.C. 264

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from foreign countries into the United States and from one State or possession into another. The Secretary has delegated the authority to prevent the introduction of diseases from foreign countries to the Director, CDC. CDC also enforces entry requirements for certain animals, etiologic agents, and vectors deemed to be of public health significance. CDC is proposing to amend its regulations related to the importation of live nonhuman primates (NHPs) by extending existing requirements for the importation of cynomolgus, African green, and rhesus monkeys to all NHPs. The agency also is proposing to reduce the frequency at which importers of the three species are required to renew their registrations, (from every 180 days to every two years). CDC proposes to incorporate existing guidelines into the regulations and add new provisions to address NHPs imported as part of a circus or trained animal act, NHPs imported by zoological societies, the transfer of NHPs from approved laboratories, and non-live imported NHP products. CDC is also proposing that all NHPs be imported only through ports of entry where a CDC quarantine station is located.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stacy Howard, Department of Health and Human Services, Centers for Disease Control and Prevention, CLFT Building 16, Room 4324, MS E03, Atlanta, GA 30329 Phone: 404 498–1600

RIN: 0920–AA23

Department of Health and Human Services (HHS) Centers for Disease Control and Prevention (CDC)

Final Rule Stage

151. CONTROL OF COMMUNICABLE DISEASES FOREIGN QUARANTINE

Legal Authority: 42 USC 243; 42 USC 248 and 249

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from foreign countries into the United States and from one State or possession into another. Quarantine regulations are divided into two parts: Part 71 dealing with foreign arrivals and part 70 dealing with interstate matters. This rule (42 CFR part 71) will update and improve CDC's response to both global and domestic disease threats by creating a multi-tiered illness detection and response process thus substantially enhancing the public health system's ability to slow the introduction, transmission, and spread of communicable disease. The rule will also modify current Federal regulations governing the apprehension, quarantine isolation and conditional release of individuals suspected of carrying a quarantinable disease while respecting individual autonomy. CDC maintains quarantine stations at 20 ports of entry staffed with medical and public health officers who respond to reports of diseases from carriers. According to the statutory scheme, the President determines through Executive Order which diseases may subject individuals to quarantine. The current disease list, which was last updated in April 2005, includes cholera, diphtheria, tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, severe acute respiratory syndrome (SARS), and influenza caused by novel or reemergent influenza viruses that are causing, or have the potential to cause a pandemic.

Timetable:

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71892
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stacy Howard, Department of Health and Human Services, Centers for Disease Control and Prevention, CLFT Building 16, Room 4324, MS E03, Atlanta, GA 30329 Phone: 404 498–1600

RIN: 0920–AA12

152. CONTROL OF COMMUNICABLE DISEASES: INTERSTATE QUARANTINE, PASSENGER INFORMATION

Legal Authority: 25 USC 198.231; 25 USC 1661; 42 USC 243; 42 USC 248; 42 USC 249; 42 USC 264; 42 USC 266 to 268; 42 USC 270 to 272; 42 USC 2001

HHS—CDC

Final Rule Stage

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from one State or possession into another. Quarantine regulations are divided into two parts: Part 71 dealing with foreign arrivals and part 70 dealing with interstate matters. The CDC Director has been delegated the responsibility for carrying out these regulations. The Director's authority to investigate suspected cases and potential spread of communicable disease among interstate travelers is thus not limited to those known or suspected of having a quarantinable disease, but rather all communicable diseases that may necessitate a public health response.

Among the fundamental components of the public health response to the report of a person with a communicable disease is the identification and evaluation of individuals who may have been exposed. This provision, which was proposed section 70.4, would require any airline operating in interstate traffic to solicit and electronically submit certain passenger information to CDC for use in contact tracing when necessary to protect the vital interests of an individual, or other persons, in regard to significant health risks.

Timetable:

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71892
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stacy Howard, Department of Health and Human Services, Centers for Disease Control and Prevention, CLFT Building 16, Room 4324, MS E03, Atlanta, GA 30329
Phone: 404 498–1600

RIN: 0920–AA27

Department of Health and Human Services (HHS)
Centers for Disease Control and Prevention (CDC)

Long-Term Actions

153. • POSSESSION, USE AND TRANSFER OF SELECT AGENTS AND TOXINS (SECTION 610 REVIEW)

Legal Authority: PL 107–188

Abstract: The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 authorizes the HHS Secretary to regulate the possession, use, and transfer of select agents and toxins that have the potential to pose a severe threat to public health and safety. These regulations are set forth at 42 CFR 73. Criteria used to determine whether a select agent or toxin should be included under the provisions of these regulations are based on: 1) the effect on human health as a reuslt of exposure to the agent or toxin, 2) the degree of contagiousness of the agent or toxin, 3) the methods by which the agent or toxin is transferred to humans, 4) the availability and effectiveness of pharmacotherapies and immunizations to treat and prevent andy illness resulting from infection by the agent or toxin, and 5) any other criteria, including the needs of children and other vulnerable populations that the HHS Secretary considers appropriate. Based on these criteria, we are proposing to amend the list of HHS select agents and toxins by adding Chapare virus to the list. After consulting with subject matter experts from CDC, the National Institutes of Health (NIH), the Food Drug Administration (FDA), the United States Department of Agriculture (USDA) /Animal and Plant Health Inspection Service (APHIS), USDA/Agricultural Research Service (ARS), USDA/CVB (Center for Veterinary Biologics), and the Department of Defense (DOD)/United States Army Medical Research Institute for Infectious Diseases (USAMRIID) and review of relevant published studies, we believe the Chapare virus should be added to the list of HHS select agents and toxins based on our conclusion that the Chapare virus has been phylogenetically identified as a Clade B arenavirus and is closely related to other South American arenaviruses that cause haemorrhagic fever, particularly Sabia virus.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Agency Contact: Robbin Weyant, Department of Health and Human Services, Centers for Disease Control and Prevention, CLFT Building 20, Room 4202, 1600 Clifton Road NE., Atlanta, GA 30333
Phone: 404 718–2000

RIN: 0920–AA32

Department of Health and Human Services (HHS)
Food and Drug Administration (FDA)

Prerule Stage

154. FOOD LABELING: SAFE HANDLING STATEMENTS, LABELING OF SHELL EGGS; REFRIGERATION OF SHELL EGGS HELD FOR RETAIL DISTRIBUTION (SECTION 610 REVIEW)

Legal Authority: 15 USC 1453 to 1455; 21 USC 321; 21 USC 331; 21 USC 342 and 343; 21 USC 348; 21 USC 371; 42 USC 243; 42 USC 264; 42 USC 271

Abstract: Section 101.17(h) (21 CFR 101.17(h)) describes requirements for the labeling of the cartons of shell eggs that have not been treated to destroy Salmonella microorganisms. Section 115. 50 (21 CFR 115.50) describes requirements for refrigeration of shell eggs held for retail distribution. Section 16.5(a)(4) provides that part 16 does not apply to a hearing on an order for relabeling, diversion, or destruction if shell eggs under section 361 of the Public Health Service Act (42 U.S.C. 264) and sections 101.17(h) and 115.50. FDA amended 21 CFR 101.17(h) on August 20, 2007 (72 FR 46375) to permit the safe handling statement to appear on the inside lid of egg cartons to provide the industry greater flexibility in the placement of the statement. FDA is undertaking a review of 21 CFR sections 101.17(h), 115.50,

and 16.5(a)(4) under section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether the regulations in sections 101.17(h), 115.50 and 16.5(a)(4) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact on a substantial number of small entities. FDA will consider, and is soliciting comments on, the following: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/09	
End Review	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Geraldine A. June, Supervisor, Product Evaluation and Labeling Team, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740
Phone: 301 436–1802
Fax: 301 436–2636
Email: geraldine.june@fda.hhs.gov

RIN: 0910–AG06

155. PRESCRIPTION DRUG MARKETING ACT OF 1987; PRESCRIPTION DRUG AMENDMENTS OF 1992; POLICIES, REQUIREMENTS, AND ADMINISTRATIVE PROCEDURES (SECTION 610 REVIEW)

Legal Authority: 21 USC 331; 21 USC 333; 21 USC 351; 21 USC 352; 21 USC 353; 21 USC 360; 21 USC 371; 21 USC 374; 21 USC 381

Abstract: FDA is undertaking a review of 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763) under section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize adverse impacts on a substantial number of small entities. FDA will consider, and is soliciting comments on, the following: (1) The continued need for the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (2) the nature of complaints or comments received from the public concerning the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (3) the complexity of the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (4) the extent to which the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763) overlap, duplicate, or conflict with other Federal rules, and to the extent feasible, with State and local governmental rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations in 21 CFR part 203 and 21 CFR sections 205.3 and 205.50 (as amended in 64 FR 67762 and 67763).

Timetable:

Action	Date	FR Cite
Begin Review of Current Regulation	11/24/08	
End Review of Current Regulation	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Howard P. Muller, Office of Regulatory Policy, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Bldg. 51, Room 6234, Silver Spring, MD 20993–0002
Phone: 301 796–3601
Fax: 301 847–8440
Email: howard.mullerjr@fda.hhs.gov

RIN: 0910–AG14

Department of Health and Human Services (HHS) Food and Drug Administration (FDA) — Proposed Rule Stage

156. ELECTRONIC SUBMISSION OF DATA FROM STUDIES EVALUATING HUMAN DRUGS AND BIOLOGICS

Legal Authority: 21 USC 355; 21 USC 371; 42 USC 262

Abstract: The Food and Drug Administration is proposing to amend the regulations governing the format in which clinical study data and bioequivalence data are required to be submitted for new drug applications (NDAs), biological license applications (BLAs), and abbreviated new drug applications (ANDAs). The proposal would revise our regulations to require that data submitted for NDAs, BLAs, and ANDAs, and their supplements and amendments, be provided in an electronic format that FDA can process, review, and archive. The proposal would also require that FDA periodically issue guidance on the use of standardized data structure, terminology, and code sets (e.g., the Study Data Tabulation Model (SDTM) developed by the Clinical Data Interchange Standards Consortium) to allow for more efficient and comprehensive data review.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Martha Nguyen, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Bldg. 51, Room 6224, Silver Spring, MD 20993–0002
Phone: 301 796–3471
Fax: 301 847–8440

Email: martha.nguyen@fda.hhs.gov

RIN: 0910–AC52

157. OVER–THE–COUNTER (OTC) DRUG REVIEW—COUGH/COLD (ANTIHISTAMINE) PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antihistamine labeling claims for the common cold.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record	08/25/00	65 FR 51780
NPRM (Amendment) (Common Cold)	04/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF31

158. OVER–THE–COUNTER (OTC) DRUG REVIEW—LAXATIVE DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action will address laxative drug products. The first NPRM listed will address the professional labeling for sodium phosphate drug products. The second NPRM listed will address all other professional labeling requirements for laxative drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium)	03/29/07	72 FR 14669
Final Action (Laxative Drug Products)	To Be	Determined
NPRM (Professional Labeling—Sodium Phosphate)	09/00/09	
NPRM (Professional Labeling)	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF38

159. OVER–THE–COUNTER (OTC) DRUG REVIEW—SUNSCREEN PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses active ingredients reviewed under Time and Extent Applications. The second action is the final action that addresses sunscreen formulation, labeling, and testing requirements for both ultraviolet B and ultraviolet A radiation protection. The third action addresses combination products containing sunscreen and insect repellent ingredients.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent)	02/22/07	72 FR 7941
ANPRM Comment Period End	05/23/07	
NPRM (UVA/UVB)	08/27/07	72 FR 49070
NPRM Comment Period End	12/26/07	
NPRM (Time and Extent)	09/00/09	
Final Action (UVA/UVB)	09/00/09	
NPRM (Sunscreen and Insect Repellent)	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF43

160. OVER–THE–COUNTER (OTC) DRUG REVIEW—WEIGHT CONTROL PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. One action addresses the ingredient phenylpropanolamine, and the other actions address the ingredient benzocaine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanol amine)	12/22/05	70 FR 75988
NPRM (Benzocaine)	09/00/09	
Final Action (Phenylpropanol amine)	05/00/10	
Final Action (Benzocaine)	To Be	Determined

HHS—FDA

Proposed Rule Stage

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF45

161. PEDIATRIC DOSING FOR COUGH, COLD, ALLERGY, BRONCHODILATOR, AND ANTIASTHMATIC DRUG PRODUCTS FOR OVER–THE–COUNTER HUMAN USE; PROPOSED AMENDMENT OF FINAL MONOGRAPH

Legal Authority: 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360(a); 21 USC 371 to 371(a)

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a monograph is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AG12

Department of Health and Human Services (HHS)
Food and Drug Administration (FDA)

Final Rule Stage

162. PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS

Legal Authority: 21 USC 321; 21 USC 342; 21 USC 371; 21 USC 381; 21 USC 393; 42 USC 243; 42 USC 264; 42 USC 271;

Abstract: Publication of this final rule was an action item in the Food Protection Plan announced by the Department of Health and Human Services (HHS) in November 2007.

In July 1999, the Food and Drug Administration (FDA) and the Food Safety Inspection Service (FSIS) committed to developing an action plan to address the presence of Salmonella Enteritidis (SE) in shell eggs and egg products using a farm-to-table approach. FDA and FSIS held a public meeting on August 26, 1999, to obtain stakeholder input on the draft goals, as well as to further develop the objectives and action items for the action plan. The Egg Safety Action Plan was announced on December 11, 1999. The goal of the Action Plan is to reduce egg-related SE illnesses. The Egg Safety Action Plan consists of eight objectives covering all stages of the farm-to-table continuum as well as support functions. On March 30, 2000 (Columbus, OH), April 6, 2000 (Sacramento, CA), and July 31, 2000 (Washington, DC), joint public meetings were held by FDA and FSIS to solicit and discuss information related to the implementation of the objectives in the Egg Safety Action Plan.

On September 22, 2004, FDA published a proposed rule that would require egg safety measures to prevent the contamination of shell eggs with SE during egg production. The proposal also solicited comment on whether recordkeeping requirements should include a written SE prevention plan and records for compliance with the SE prevention measures, and whether safe egg handling and preparation practices should be mandated for retail establishments that specifically serve a highly susceptible population (e.g., nursing homes, hospitals, day care centers). The proposed egg production SE prevention measures included: (1) Provisions for procurement of chicks and pullets; (2) a biosecurity program; (3) a rodent and pest control program; (4) cleaning and disinfection of poultry houses that have had an environmental or egg test positive for SE; (5) egg testing when an environmental test is positive; and (6) refrigerated storage of eggs held at the farm. Additionally, to verify that the measures have been effective, the rule proposes that producers test the poultry house environment for SE. If the environmental test is positive, eggs from that environment must be tested for SE, and if the egg test is positive, the eggs must be diverted to egg products processing or a treatment process that achieves at least a five-log destruction of SE.

The proposed rule was a step in a broader farm-to-table egg safety effort that includes FDA's requirements for safe handling statements on egg cartons, and refrigerated storage of shell eggs at retail, and egg safety education for consumers and retail establishments. The rule had a 90-day comment period, which ended December 21, 2004. To discuss the proposed rule and solicit comments from interested stakeholders, FDA held three public meetings: October 28, 2004, in College Park, MD; November 9, 2004, in Chicago, IL; and November 16, 2004, in Los Angeles, CA. The comment period was reopened until July 25, 2005, to solicit further comment and information on industry practices and programs that prevent SE-monitored chicks from becoming infected by SE during the period of pullet rearing until placement into laying hen houses.

Timetable:

Action	Date	FR Cite
NPRM	09/22/04	69 FR 56824
NPRM Comment Period End	12/21/04	
NPRM Reopened Comment Period End	06/09/05	70 FR 24490

Action	Date	FR Cite
NPRM Extension of Reopened Comment Period End	07/25/05	70 FR 33404
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John F. Sheehan, Director, Department of Health and Human Services, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS–315), Room 3B–012, 5100 Paint Branch Parkway, College Park, MD 20740
Phone: 301 436–2367
Fax: 301 436–2632
Email: john.sheehan@fda.hhs.gov

RIN: 0910–AC14

163. MEDICAL GAS CONTAINERS AND CLOSURES; CURRENT GOOD MANUFACTURING PRACTICE REQUIREMENTS

Legal Authority: 21 USC 321; 21 USC 351 to 21 USC 353

Abstract: The Food and Drug Administration is amending its current good manufacturing practice regulations and other regulations to clarify and strengthen requirements for the label, color, dedication, and design of medical gas containers and closures. Despite existing regulatory requirements and industry standards for medical gases, there have been repeated incidents in which cryogenic containers of harmful industrial gases have been connected to medical oxygen supply systems in hospitals and nursing homes, and subsequently administered to patients. These incidents have resulted in death and serious injury. There have also been several incidents involving high-pressure medical gas cylinders that have resulted in death and injuries to patients. These amendments, together with existing regulations, are intended to ensure that the types of incidents that have occurred in the past, as well as other types of foreseeable and potentially deadly medical gas mixups, do not occur in the future.

Timetable:

Action	Date	FR Cite
NPRM	04/10/06	71 FR 18039
NPRM Comment Period End	07/10/06	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Quynh H. Nguyen, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Bldg. 51, Room 6370, Silver Spring, MD 20993–0002
Phone: 301 796–3601
Fax: 301 847–8440
Email: quynh.h.nguyen@fda.hhs.gov

RIN: 0910–AC53

164. POSITRON EMISSION TOMOGRAPHY DRUGS; CURRENT GOOD MANUFACTURING PRACTICES

Legal Authority: PL 105–115, sec 121

Abstract: Section 121 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105-115) directs FDA to establish requirements for current good manufacturing practices (CGMPs) for positron emission tomography (PET) drugs, a type of radiopharmaceutical. The final rule would adopt CGMPs that reflect the unique characteristics of PET drugs.

Timetable:

Action	Date	FR Cite
NPRM	09/20/05	70 FR 55038
NPRM Comment Period End	12/19/05	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael D. Bernstein, Supervisory Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Office of Regulatory Policy, 10903 New Hampshire Ave., Bldg. 51, Room 6240, Silver Spring, MD 20993–0002
Phone: 301 796–3478
Fax: 301 847–8440
Email: michael.bernstein@fda.hhs.gov

RIN: 0910–AC55

165. CONTENT AND FORMAT OF LABELING FOR HUMAN PRESCRIPTION DRUGS AND BIOLOGICS; REQUIREMENTS FOR PREGNANCY AND LACTATION LABELING

Legal Authority: 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 358; 21 USC 360; 21 USC 360b; 21 USC 360gg to 360ss; 21 USC 371; 21 USC 374; 21 USC 379e; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 264

Abstract: To amend the regulations governing the format and content of labeling for human prescription drugs and biological products (21 CFR parts 201.56, 201.57, and 201.80).

Timetable:

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30831
NPRM Comment Period End	08/27/08	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rachel S. Bressler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation Research, 10903 New Hampshire Ave., Bldg. 51, Room 6224, Silver Spring, MD 20993–0002
Phone: 301 796–4288
Fax: 301–847–8440
Email: rachel.bressler@fda.hhs.gov

RIN: 0910–AF11

166. OVER–THE–COUNTER (OTC) DRUG REVIEW—COUGH/COLD (BRONCHODILATOR) PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses labeling for single ingredient bronchodilator products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment—Ephedrine Single Ingredient)	07/13/05	70 FR 40237
Final Action (Technical Amendment)	11/30/07	72 FR 63679
Final Action (Amendment—Ephedrine Single Ingredient)	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF32

167. OVER–THE–COUNTER (OTC) DRUG REVIEW—COUGH/COLD (COMBINATION) PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The technical amendment revises a paragraph designation in the CFR. The other action finalizes cough/cold combination products containing oral bronchodilators and expectorants.

Timetable:

Action	Date	FR Cite
NPRM (Amendment)	07/13/05	70 FR 40232
Final Action (Technical Amendment)	03/19/07	72 FR 12730
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF33

168. OVER–THE–COUNTER (OTC) DRUG REVIEW—EXTERNAL ANALGESIC PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices. The proposed rule will address issues not addressed in previous rulemakings.

Timetable:

Action	Date	FR Cite
Final Action (GRASE dosage forms)	12/00/09	
NPRM (Amendment)	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF35

169. OVER–THE–COUNTER (OTC) DRUG REVIEW—INTERNAL ANALGESIC PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371; 21 USC 374; 21 USC 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses products labeled to relieve upset stomach associated with overindulgence in food and drink and to relieve symptoms associated with a hangover. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products. The third action addresses combination products containing the analgesic acetaminophen or aspirin and sodium bicarbonate used as an antacid ingredient. The fourth action addresses other miscellaneous issues relating to internal analgesics. The fifth document finalizes the document regarding the required warnings and other labeling. The last document finalizes the Internal Analgesic Products monograph.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling)	12/26/06	71 FR 77314
NPRM Comment Period End	05/25/07	
NPRM (Amendment) (Overindulgence/ Hangover)	05/00/10	
NPRM (Amendment) (Pediatric)	To Be Determined	
NPRM (Amendment) (Combinations With Sodium Bicarbonate)	05/00/10	
NPRM (Amendment) (Miscellaneous Issues)	05/00/10	
Final Action (Required Warnings and Other Labeling)	05/00/09	
Final Action (Internal Analgesics)	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF36

170. OVER–THE–COUNTER (OTC) DRUG REVIEW—SKIN PROTECTANT PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses

skin protectant products used to treat fever blisters and cold sores. The second action addresses astringent active ingredients. The third action identifies safe and effective skin protectant active ingredients to treat and prevent diaper rash.

Timetable:

Action	Date	FR Cite
Final Action (Technical Amendments)	02/01/08	73 FR 6014
Final Action (Fever Blisters/Cold Sores)	To Be	Determined
Final Action (Aluminum Acetate) (Technical Amendment)	03/06/09	74 FR 9759
Final Action (Diaper Rash)	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF42

171. SUBSTANCES PROHIBITED FROM USE IN ANIMAL FOOD OR FEED TO PREVENT THE TRANSMISSION OF BOVINE SPONGIFORM ENCEPHALOPATHY

Legal Authority: 21 USC 321; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 371

Abstract: On October 6, 2005, the Food and Drug Administration (FDA) proposed to amend its regulations to prohibit the use of certain cattle origin materials in the food or feed of all animals to help strengthen existing safeguards to prevent the spread of bovine spongiform encephalopathy (BSE) in U.S. cattle. The discovery of a BSE-positive dairy cow in December 2003 has caused FDA to review its policies for prevention of BSE, which resulted in this rulemaking. FDA is correcting the final rule on BSE that appeared in the Federal Register of April 25, 2008 (73 FR 22719-22758). The final rule inadvertently published with incorrect dollar amounts in two separate areas: the summary of economic impacts and the paperwork burden table.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/04	69 FR 42288
ANPRM Comment Period End	08/13/04	
NPRM	10/06/05	70 FR 58569
NPRM Comment Period End	12/20/05	
Final Rule	04/25/08	73 FR 22720
Final Rule–Correction	10/23/08	73 FR 63072
Final Rule Effective	04/27/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Burt Pritchett, Biologist, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, HFV–222, 7519 Standish Place, MPN–4, Rockville, MD 20855
Phone: 240 453–6860
Fax: 240 453–6882
Email: burt.pritchett@fda.hhs.gov

RIN: 0910–AF46

172. USE OF MATERIALS DERIVED FROM CATTLE IN HUMAN FOOD AND COSMETICS

Legal Authority: 21 USC 342; 21 USC 361; 21 USC 371

Abstract: On July 14, 2004, FDA issued an interim final rule (IFR), effective immediately, to prohibit the use of certain cattle material and to address the potential risk of bovine spongiform encephalopathy (BSE) in human food, including dietary supplements, and cosmetics. Prohibited cattle materials under the IFR include specified risk materials, small intestine of all cattle, material from nonambulatory disabled cattle, material from cattle not inspected and passed for human consumption, and mechanically separated (MS) beef. Specified risk materials are the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months and older; and the tonsils and distal ileum of the small intestine of all cattle. Prohibited cattle materials do not include tallow that contains no more than 0.15 percent hexane-insoluble impurities and tallow derivatives. This action minimizes human exposure to materials that scientific studies have demonstrated are highly likely to contain the BSE agent in cattle infected with the disease. Scientists believe that the human disease variant Creutzfeldt-Jakob disease (vCJD) is likely caused by the consumption of products contaminated with the agent that causes BSE.

On September 7, 2005, FDA amended the IFR to permit the use of small intestine in human food and cosmetics if it is effectively removed from the distal ileum. The amendment also clarified that milk and milk products, hides, and tallow derivatives are not prohibited for use in human food and cosmetics.

On April 17, 2008, FDA amended the IFR so that FDA may designate a country as not subject to certain BSE-related restrictions relating to prohibited cattle materials applicable to human food and cosmetics.

Comments submitted in response to the July 14, 2004 IFR that were not addressed in the September 7, 2005 and April 17, 2008 amendments will be addressed in the final rule. The final rule also will respond to comments submitted following the September 7, 2005 and April 17, 2008 amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/04	69 FR 42256
Interim Final Rule Effective	07/14/04	
Interim Final Rule Comment Period End	10/12/04	
Interim Final Rule (Amendments)	09/07/05	70 FR 53063
Interim Final Rule (Amendments) Effective	10/07/05	
Interim Final Rule (Amendments) Comment Period End	11/07/05	
Interim Final Rule (Amendments)	04/17/08	73 FR 20785
Interim Final Rule (Amendments) Comment Period End	07/16/08	
Interim Final Rule (Amendments) Effective	07/16/08	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Amber McCoig, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition,

(HFS–316), 5100 Paint Branch Parkway, College Park, MD 20740
Phone: 301 436–2131
Fax: 301 436–2644
Email: amber.mccoig@fda.hhs.gov

RIN: 0910–AF47

173. LABEL REQUIREMENT FOR FOOD THAT HAS BEEN REFUSED ADMISSION INTO THE UNITED STATES

Legal Authority: 15 USC 1453 to 1455; 21 USC 321; 21 USC 342 and 343; 21 USC 371; 21 USC 374; 21 USC 381; 42 USC 216; 42 USC 264

Abstract: The final rule will require owners or consignees to label imported food that is refused entry into the United States. The label will read, ''UNITED STATES: REFUSED ENTRY.'' The proposal describes the label's characteristics (such as its size) and processes for verifying that the label has been affixed properly. We are taking this action to prevent the introduction of unsafe food into the United States, to facilitate the examination of imported food, and to implement section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) (Pub. L. 107-188).

Timetable:

Action	Date	FR Cite
NPRM	09/18/08	73 FR 54106
NPRM Comment Period End	12/02/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kevin O. Kwon, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–024), Room 1B–032, 5100 Paint Branch Parkway, College Park, MD 20740
Phone: 301 436–2780
Fax: 301 436–2637
Email: kevin.kwon@fda.hhs.gov

RIN: 0910–AF61

174. OVER–THE–COUNTER (OTC) DRUG REVIEW—ACNE DRUG PRODUCTS CONTAINING BENZOYL PEROXIDE

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will address acne drug products containing benzoyl peroxide.

Timetable:

Action	Date	FR Cite
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AG00

Department of Health and Human Services (HHS) Food and Drug Administration (FDA) — Long-Term Actions

175. POSTMARKETING SAFETY REPORTING REQUIREMENTS FOR HUMAN DRUG AND BIOLOGICAL PRODUCTS

Legal Authority: 42 USC 216; 42 USC 241; 42 USC 242a; 42 USC 262 and 263; 42 USC 263a to 263n; 42 USC 264; 42 USC 300aa; 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 360b to 360j; 21 USC 361a; 21 USC 371; 21 USC 374; 21 USC 375; 21 USC 379e; 21 USC 381

Abstract: These regulations are one component of the Secretary's initiative to reduce medical errors. The final rule would amend the expedited and periodic safety reporting regulations for human drugs and biological products to revise certain definitions and reporting formats as recommended by the International Conference on Harmonisation and to define new terms; to add to or revise current reporting requirements; to revise certain reporting time frames; and to propose other revisions to these regulations to enhance the quality of safety reports received by FDA.

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended	06/18/03	
NPRM Comment Period End	07/14/03	
NPRM Comment Period Extension End	10/14/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Meredith S. Francis, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6238, Silver Spring, MD 20993–0002
Phone: 301 796–3476
Fax: 301–847–8440

RIN: 0910–AA97

176. CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PACKING, LABELING, OR HOLDING OPERATIONS FOR DIETARY SUPPLEMENTS

Legal Authority: 21 USC 321; 21 USC 342 and 343; 21 USC 348; 21 USC 371; 21 USC 374; 21 USC 381; 21 USC 393; 42 USC 264

Abstract: The Food and Drug Administration published a final rule in the Federal Register of June 25, 2007 (72 FR 34752), on current good manufacturing practice (CGMP) regulations for dietary supplements. The final rule (the CGMP rule) was published to establish the minimum CGMPs necessary to ensure that, if firms engage in activities related to manufacturing, packaging, labeling, or

holding dietary supplements, they do so in a manner that will ensure the quality of the dietary supplements—i.e., to ensure that the dietary supplement consistently meets the established specifications for identity, purity, strength, and composition, and limits on contaminants, and has been manufactured, packaged, labeled, and held under conditions to prevent adulteration under section 402(a)(1), (a)(2), (a)(3), and (a)(4) of the act.

FDA also published an interim final rule (IFR) in the June 25, 2007 Federal Register (72 FR 34959) that sets forth a procedure for requesting an exemption from the requirement in the final rule described above that the manufacturer conduct at least one appropriate test or examination to verify the identity of any component that is a dietary ingredient. This IFR allows for submission to, and review by, FDA of an alternative to the required 100 percent identity testing of components that are dietary ingredients, provided certain conditions are met. This IFR also establishes a requirement for retention of records relating to the FDA's response to an exemption request.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/97	62 FR 5700
ANPRM Comment Period End	06/06/97	
NPRM	03/13/03	68 FR 12157
NPRM Comment Period End	08/11/03	
Final Action	06/25/07	72 FR 34752
Interim Final Rule	06/25/07	72 FR 34959
Interim Final Rule Comment Period End	10/24/07	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Linda Kahl, Senior Policy Analyst, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–024), 5100 Paint Branch Parkway, College Park, MD 20740
Phone: 301 436–2784
Fax: 301 436–2657
Email: linda.kahl@fda.hhs.gov

RIN: 0910–AB88

177. OVER–THE–COUNTER (OTC) DRUG REVIEW—COUGH/COLD (NASAL DECONGESTANT) PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the ingredient phenylpropanolamine.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Sinusitis Claim)	08/02/04	69 FR 46119
NPRM (Phenylephrine Bitartrate)	11/02/04	69 FR 63482
NPRM (Phenylpropanol amine)	12/22/05	70 FR 75988
Final Action (Amendment) (Sinusitis Claim)	10/31/05	70 FR 58974
Final Action (Phenylephrine Bitartrate)	08/01/06	71 FR 83358
Final Action (Phenylpropanol amine)	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF34

178. OVER–THE–COUNTER (OTC) DRUG REVIEW—LABELING OF DRUG PRODUCTS FOR OTC HUMAN USE

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 358; 21 USC 360; 21 USC 371; 21 UCS 374; 21 USC 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses labeling for convenience (small) size OTC drug packages.

Timetable:

Action	Date	FR Cite
NPRM (Convenience Sizes)	12/12/06	71 FR 74474
Final Action	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF37

179. OVER–THE–COUNTER (OTC) DRUG REVIEW—OPHTHALMIC PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses emergency first aid eyewash products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Emergency First Aid Eyewashes)	02/19/03	68 FR 7917
NPRM (Amendment) (Emergency First Aid Eyewashes)	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and

Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF39

180. OVER–THE–COUNTER (OTC) DRUG REVIEW—ORAL HEALTH CARE PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will address oral health care products used to reduce or prevent dental plaque and gingivitis.

Timetable:

Action	Date	FR Cite
ANPRM (Plaque Gingivitis)	05/29/03	68 FR 32232
ANPRM Comment Period End	08/27/03	
NPRM (Plaque Gingivitis)	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF40

181. OVER–THE–COUNTER (OTC) DRUG REVIEW—VAGINAL CONTRACEPTIVE PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 358; 21 USC 360 to 360a; 21 USC 360gg to 360ss; 21 USC 371 to 371a; 21 USC 374; 21 USC 379e; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 264

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The proposed rule addresses vaginal contraceptive drug products.

Timetable:

Action	Date	FR Cite
Final Action (Warnings)	12/19/07	72 FR 71769
NPRM (Vaginal Contraceptive Drug Products)	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF44

182. OVER–THE–COUNTER (OTC) DRUG REVIEW—OVERINDULGENCE IN FOOD AND DRINK PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses products containing bismuth subsalicylate for relief of symptoms of upset stomach due to overindulgence resulting from food and drink.

Timetable:

Action	Date	FR Cite
NPRM (Amendment)	01/05/05	70 FR 741
Final Action	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF51

183. OVER–THE–COUNTER (OTC) DRUG REVIEW—ANTACID PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. One action addresses the labeling of products containing sodium bicarbonate as an active ingredient. The other action addresses the use of antacids to relieve upset stomach associated with overindulgence in food and drink.

Timetable:

Action	Date	FR Cite
Final Action (Sodium Bicarbonate Labeling)	05/00/10	
Final Action (Overindulgence Labeling)	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF52

184. OVER–THE–COUNTER (OTC) DRUG REVIEW—SKIN BLEACHING PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355;

21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses skin bleaching drug products containing hydroquinone.

Timetable:

Action	Date	FR Cite
NPRM	08/29/06	71 FR 51146
NPRM Comment Period End	12/27/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF53

185. OVER–THE–COUNTER (OTC) DRUG REVIEW—STIMULANT DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the use of stimulant active ingredients to relieve symptoms associated with a hangover.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Hangover)	05/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF56

186. OVER–THE–COUNTER ANTIDIARRHEAL DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address new labeling for antidiarrheal drug products.

Timetable:

Action	Date	FR Cite
NPRM (Proposed New Labeling)	To Be	Determined
Final Action (New Labeling)	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF63

187. OVER–THE–COUNTER (OTC) DRUG REVIEW—POISON TREATMENT DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the ingredient ipecac syrup.

Timetable:

Action	Date	FR Cite
NPRM (IPECAC)	06/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF68

188. OVER–THE–COUNTER (OTC) DRUG REVIEW—TOPICAL ANTIMICROBIAL DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses food handler products. The second action addresses testing requirements. The final actions listed will address the healthcare, consumer, and first aid antiseptic drug products respectively.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare)	06/17/94	59 FR 31402
NPRM (Food Handlers)	To Be	Determined
NPRM (Testing)	To Be	Determined
NPRM (Consumer)	To Be	Determined
Final Action (Healthcare)	To Be	Determined
Final Action (Consumer)	To Be	Determined

Action	Date	FR Cite
Final Action (First Aid Antiseptic)	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF69

189. OVER–THE–COUNTER (OTC) DRUG REVIEW—URINARY ANALGESIC DRUG PRODUCTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the products used for urinary pain relief.

Timetable:

Action	Date	FR Cite
NPRM (Urinary Analgesic)	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF70

190. STATUS OF CERTAIN ADDITIONAL OVER–THE–COUNTER DRUG CATEGORY II ACTIVE INGREDIENTS

Legal Authority: 21 USC 321p; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360 to 360a; 21 USC 371 to 371a

Abstract: The Food and Drug Administration (FDA) is proposing that certain ingredients in over-the-counter (OTC) drug products are not generally recognized as safe and effective or are misbranded. FDA is issuing this proposed rule because we did not receive any data and information on these ingredients in response to our request on December 31, 2003 (68 FR 75585). This proposed rule is part of FDA's ongoing review of OTC drug products.

Timetable:

Action	Date	FR Cite
NPRM	06/19/08	73 FR 34895
NPRM Comment Period End	09/17/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Walter J. Ellenberg, Regulatory Project Management Officer, Center for Drug Evaluation and Research, Department of Health and Human Services, Food and Drug Administration, HFD–560, 5600 Fishers Lane, Rockville, MD 20857
Phone: 301 796–0885
Fax: 301 796–9899
Email: walter.ellenberg@fda.hhs.gov

RIN: 0910–AF95

191. PROCESS CONTROLS FOR ANIMAL FEED INGREDIENTS AND MIXED ANIMAL FEED

Legal Authority: 21 USC 342; 21 USC 371; PL 110–85, sec 1002(a)(2)

Abstract: The Food and Drug Administration (FDA) is proposing regulations for process controls for animal feed ingredients and mixed animal feed to provide greater assurance that marketed animal feed ingredients and mixed feeds intended for all animals, including pets, are safe. This action is being taken as part of the FDA's Animal Feed Safety System initiative. The proposed process controls will apply to animal feed ingredients and mixed animal feed including pet food. This action is also being taken to carry out the requirements of the Food and Drug Administration Amendments Act of 2007. Section 1002(a) directs FDA to establish by regulation processing standards for pet food. This same provision of the law also directs that, in developing these new regulations, FDA obtain input from its stakeholders, including the Association of American Feed Control Officials, veterinary medical associations, animal health organizations, and pet food manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
NPRM Comment Period End	07/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kim Young, Deputy Director, Division of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN4, Room 106, HFV–230, 7519 Standish Place, Rockville, MD 20855
Phone: 240 276–9207
Email: kim.young@fda.hhs.gov

RIN: 0910–AG10

Department of Health and Human Services (HHS) — Completed Actions
Food and Drug Administration (FDA)

192. REQUIREMENTS FOR SUBMISSION OF IN VIVO BIOEQUIVALENCE DATA

Legal Authority: 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 355a; 21 USC 356; 21 USC 356a to 356c; 21 USC 371; 21 USC 374; 21 USC 379

Abstract: The Food and Drug Administration (FDA) published a proposed regulation on October 29, 2003 (68 FR 61640), that would amend its regulations on submission of bioequivalence (BE) data to require an abbreviated new drug application (ANDA) applicant to submit data from all BE studies the applicant conducts on a drug product formulation submitted for approval. In the past, ANDA applicants have submitted BE studies demonstrating that a generic product meets BE criteria for FDA to approve the ANDA but have not typically submitted additional BE studies conducted on the same drug product formulation. If finalized, this rule would require ANDA applicants to submit information, in either a complete or summary report, from all additional passing and nonpassing BE studies conducted on the same drug product formulation submitted for approval.

Completed:

Reason	Date	FR Cite
Final Action	01/16/09	74 FR 2849

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jennifer L. Stevens
Phone: 301 796–3601
Fax: 301 847–8440
Email: jennifer.stevens@fda.hhs.gov

RIN: 0910–AC23

193. COCHINEAL EXTRACT AND CARMINE LABEL DECLARATION

Legal Authority: 21 USC 379e(b)

Abstract: The Agency published a final rule on January 5, 2009, to require the label declaration of all foods and cosmetics containing the color additives cochineal extract and carmine in order to protect consumers with allergies to these additives. This final rule was issued in response to adverse event reports received by FDA and to a citizen petition submitted to FDA.

Completed:

Reason	Date	FR Cite
Final Action	01/05/09	74 FR 207
Final Rule—Objection Period End	02/04/09	
Final Rule–Confirmation of Effective Date	03/11/09	74 FR 10483

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mical E. Honigfort
Phone: 301 436–1278
Fax: 301 436–2972
Email: mical.honigfort@fda.hhs.gov

RIN: 0910–AF12

194. OBSTETRICAL AND GYNECOLOGICAL DEVICES; DESIGNATION OF SPECIAL CONTROLS FOR MALE CONDOMS MADE OF NATURAL RUBBER LATEX

Legal Authority: 21 USC 360c

Abstract: The classification regulation for condoms would be amended to specify a labeling guidance document as a special control for condoms made from natural rubber latex. The new special control guidance document would identify issues presented by these devices, and would provide detailed recommendations for labeling to address these issues. FDA believes that addressing the issues identified in the guidance, either by following the recommendations in the guidance or by some other means that provide equivalent assurances of safety and effectiveness, together with the general controls, will provide a reasonable assurance of the safety and effectiveness of these devices. These labeling recommendations are also consistent with the labeling requirements of 21 CFR part 801. The rule will demonstrate how the Agency is addressing the congressional directive of Public Law 106-554 that FDA review condom labeling to assure that the information regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases is medically accurate.

Completed:

Reason	Date	FR Cite
Final Action	11/10/08	73 FR 66522

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Myrna Hanna
Phone: 240 276–2347
Fax: 240 276–2352
Email: myrna.hanna@fda.hhs.gov

RIN: 0910–AF21

195. FOOD LABELING; SERVING SIZES AND NUTRITION LABELING (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 15 USC 1453 to 1455; 21 USC 321; 21 USC 331; 21 USC 342 and 343; 21 USC 348; 21 USC 371

Abstract: Section 101.9 (21 CFR 101.9) describes the nutrition labeling requirements for foods. Section 101.12 (21 CFR 101.12) specifies the reference amount customarily consumed per eating occasion for each food category. The reference amount customarily consumed of a food is the basis for the serving size that is declared in the food's nutrition labeling. Under section 101.9, the serving size must be expressed in a common household measure that is appropriate to the food. The most recent change to sections 101.9 and 101.12 was in 1999, when FDA amended these regulations to reduce the reference amount customarily consumed for baking powder, baking soda, and pectin, and to include 1/8 teaspoon as an allowable unit of household measure for nutrition labeling purposes. FDA has completed a review of sections 101.9 and 101.12 under section 610 of the Regulatory Flexibility Act. The purpose of this review was to determine whether the regulations in sections 101.9 and 101.12 should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact on a substantial number of small entities. FDA solicited comments on the following: (1) The continued need for the regulations in sections 101.9 and 101.12; (2) the nature of complaints or comments received concerning the regulations in sections 101.9 and 101.12; (3) the complexity of the regulations; (4) the extent to which the regulations in sections 101.9 and 101.12 overlap, duplicate, or conflict with other Federal rules, and to the extent feasible, with State or governmental rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations in sections 101.9 and 101.12. FDA received no comments and concluded that there is a continuing

need for the nutrition labeling and serving size regulations in sections 101.9 and 101.12 and that these regulations should be retained without change.

Timetable:

Action	Date	FR Cite
Begin Review	12/12/08	
End Review	02/10/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Mary Brandt, Statistician, Department of Health and Human Services, Food and Drug Administration, Center for Food Safey and Applied Nutrition, 5100 Paint Branch Parkway, ONLDS (HFS–820), College Park, MD 20740
Phone: 301 436–1788
Fax: 301 436–1191
Email: mary.brandt@fda.hhs.gov

RIN: 0910–AF99

Department of Health and Human Services (HHS) Centers for Medicare & Medicaid Services (CMS) — Proposed Rule Stage

196. CHANGES TO THE HOSPITAL INPATIENT AND LONG–TERM CARE PROSPECTIVE PAYMENT SYSTEM FOR FY 2010 (CMS–1406–P)

Legal Authority: Sec 1886(d) of the Social Security Act

Abstract: This major rule proposes to revise the Medicare hospital inpatient and Long Term Care prospective payment systems (IPPS) for operating and capital-related costs to implement changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tiffany Swygert, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Div of Acute Care, Hosp and Ambulatory Policy Group, Mailstop C4–25–11, 7500 Security Blvd, Baltimore, MD 21244
Phone: 410 786–4642
Email: tiffany.swygert@cms.hhs.gov

RIN: 0938–AP39

197. REVISIONS TO PAYMENT POLICIES UNDER THE PHYSICIAN FEE SCHEDULE FOR CY 2010 (CMS–1413–P)

Legal Authority: Social Security Act, sec 1102; Social Security Act, sec 1871

Abstract: This major proposed rule would revise payment polices under the physician fee schedule, as well as other policy changes to payment under Part B.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Milstead, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Centers for Medicaid Mangement, Mailstop C4–03–06, 7500 Security Blvd, Baltimore, MD 21244
Phone: 410 786–3355
Email: diane.milstead@cms.hhs.gov

RIN: 0938–AP40

198. CHANGES TO THE HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM AND AMBULATORY SURGICAL CENTER PAYMENT SYSTEM FOR CY 2010 (CMS–1414–P)

Legal Authority: BBA; PPRA; BIPA; MMA; MMSEA; MIPPA; DRA; TRHCA

Abstract: This major rule would revise the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from our continuing experience with this system and to implement certain related provisions of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003. In addition, the proposed rule describes proposed changes to the amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system. The rule also proposes changes to the Ambulatory Surgical Center Payment System list of services and rates. These changes would be applicable to services furnished on or after January 1 annually.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alberta Dwivedi, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Centers for Medicare Management, Mailstop C5–01–26, 7500 Security Blvd, Baltimore, MD 21244
Phone: 410 786–0763
Email: alberta.dwivedi@cms.hhs.gov

RIN: 0938–AP41

199. PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED BILLING FOR SKILLED NURSING FACILITIES—UPDATE FOR FY 2010 (CMS–1410–P)

Legal Authority: Social Security Act, sec 1888(e)

Abstract: This major rule proposes updates to the payment rates used under the SNF PPS beginning October 1, 2009.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Ullman, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Centers for Medicare Management, Mailstop C5–06–27, 7500 Security Boulvard, Baltimore, MD 21244
Phone: 410 786–5667
Fax: 410 786–0765
Email: bill.ullman@cms.hhs.gov

RIN: 0938–AP46

200. HOME HEALTH AGENCY (HHA) CONDITIONS OF PARTICIPATION (COPS) (CMS–3819–P) (SECTION 610 REVIEW)

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395cc(a); 42 USC 1395hh; 42 USC 1395bb

Abstract: This proposed rule would revise the existing Conditions of Participation (CoPs) that Home Health Agencies (HHAs) must meet to participate in the Medicare program. The requirements focus on the actual care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our efforts to achieve broad-based improvements and measurements of the quality of care furnished through Federal programs while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	03/10/97	62 FR 11005
NPRM Comment Period End	06/09/97	
Second NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Danielle Shearer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Clinical Standards Group, Mailstop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–5716
Email: danielle.shearer@cms.hhs.gov

RIN: 0938–AG81

201. ELECTRONIC CLAIMS ATTACHMENTS STANDARDS (CMS–0050–IFC)

Legal Authority: 42 USC 1320d–2(a)(2)(B)

Abstract: This rule sets forth electronic standards for health care claims attachments. The standards are required by the Health Insurance Portability and Accountability Act of 1996. They will be used to transmit clinical or administrative data for claims adjudication purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/23/05	70 FR 55989
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Elizabeth Holland, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of E–Health Standards and Services, Mailstop S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–1309
Email: elizabeth.holland@cms.hhs.gov,

RIN: 0938–AK62

202. HOME AND COMMUNITY–BASED SERVICES (HCBS) STATE PLAN OPTION (CMS–2249–F) (SECTION 610 REVIEW)

Legal Authority: Deficit Reduction Act of 2005; PL 109–171, sec 6086

Abstract: This major rule amends the Medicaid regulations to define and describe the home- and community-based State plan services implementing the new section 1915(i) of the Social Security Act as added by section 6086 of the Deficit Reduction Act of 2005.

Timetable:

Action	Date	FR Cite
NPRM	04/04/08	73 FR 18676
NPRM Comment Period End	06/03/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Suzanne Bosstick, Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–1301
Email: suzanne.bosstick@cms.hhs.gov

RIN: 0938–AO53

203. MEDICAID GRADUATE MEDICAL EDUCATION (CMS–2279–F)

Legal Authority: title XIX; Social Security Act

Abstract: As part of the President's 2008 Budget, this major rule establishes that States may not include GME as a reimbursable cost or program under their approved Medicaid State Plan. The rule enhances fiscal integrity and improves accountability with respect to payment for medical services in the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	05/23/07	72 FR 28930
NPRM Comment Period End	06/22/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dianne Heffron, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Centers for Medicaid State Operations, Mailstop S3–13–15, 7500 Security Boulevard, Baltimore, MD 21224
Phone: 410 786–3247
Fax: 410 786–1008
Email: dianne.heffron@cms.hhs.gov

RIN: 0938–AO95

204. REQUIREMENTS FOR LONG–TERM CARE FACILITIES: HOSPICE SERVICES (CMS–3140–P) (SECTION 610 REVIEW)

Legal Authority: 42 USC 1302; 42 USC 1395hh

Abstract: This proposed rule would establish requirements that long-term care (LTC) facilities must have an agreement with hospice agencies when hospice care is provided in a long-term care facility to participate in the Medicare and Medicaid programs. We are proposing these new requirements to ensure that quality hospice care is provided to eligible residents.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Trish Brooks, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Mailstop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–4561
Email: trish.brooks@cms.hhs.gov

RIN: 0938–AP32

Department of Health and Human Services (HHS)
Centers for Medicare & Medicaid Services (CMS)

Completed Actions

205. UPDATES TO ELECTRONIC TRANSACTIONS (VERSION 5010) (CMS–0009–F) (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: sec 1171 to 1179 of the Social Security Act; Deficit Reduction Act of 2005, PL 109–171, sec 6035

Abstract: This rule adopts new versions of the X12 suite of HIPAA transactions and allows the industry to use the most up-to-date versions of the HIPAA transactions for claims and remittance advice. The rule will also adopt an updated pharmacy transactions standard for retail pharmacy claims.

Timetable:

Action	Date	FR Cite
NPRM	08/22/08	73 FR 49741
NPRM Comment Period End	10/21/08	
Final Action	01/16/09	74 FR 3296

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gladys C. Wheeler, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of E–Health Standards and Services, Mailstop S2–24–18, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–0273
Email: gladys.wheeler@cms.hhs.gov

RIN: 0938–AM50

206. REVISIONS TO HIPAA CODE SETS (CMS–0013–F) (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: PL 104–191

Abstract: This rule revises some of the adopted transaction and code set standards detailed in regulations published by HHS on August 17, 2000, and February 20, 2003.

Timetable:

Action	Date	FR Cite
NPRM	08/22/08	73 FR 49795
NPRM Comment Period End	10/21/08	
Final Action	01/16/09	74 FR 3328

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Denise Buenning, Health Insurance Specialist, Office of E–Health Standards and Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mailstop S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–6711
Email: denise.buenning@cms.hhs.gov

RIN: 0938–AN25

207. SURETY BOND REQUIREMENT FOR SUPPLIERS OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES (DMEPOS) (CMS–6006–F) (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: sec 4312(a) of BBA of 1997

Abstract: This rule implements section 4312(a) of the Balanced Budget Act of 1997, which requires a Medicare supplier of durable medical equipment (DME) to furnish CMS with a surety bond.

Timetable:

Action	Date	FR Cite
NPRM	08/01/07	72 FR 42001
NPRM Comment Period End	10/01/07	
Final Action	01/02/09	74 FR 166

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Frank Whelan, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Financial Management, Mailstop C3–02–16, 7500 Security Boulevard, Baltimore, MD 21244
Phone: 410 786–1302
Email: frank.whelan@cms.hhs.gov

RIN: 0938–AO84

208. CHANGES TO THE HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM AND AMBULATORY SURGICAL CENTER PAYMENT SYSTEM FOR CY 2009 (CMS–1404–F)

Legal Authority: BBA; PPRA; BIPA; MMA; 42 USC 1302 et al

Abstract: This rule revises the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from continuing experience with this system and to implement certain related provisions of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003. In addition, the rule describes proposed changes to the amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system. The rule also changes to the Ambulatory Surgical Center Payment System list of services and rates. These changes would be applicable to services furnished on or after January 1 annually.

Completed:

Reason	Date	FR Cite
Final Action	11/18/08	73 FR 68501

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alberta Dwivedi
Phone: 410 786–0763
Email: alberta.dwivedi@cms.hhs.gov

RIN: 0938–AP17

209. REVISIONS TO PAYMENT POLICIES UNDER THE PHYSICIAN FEE SCHEDULE FOR CY 2009 (CMS–1403–FC)

Legal Authority: Social Security Act, sec 1102; Social Security Act, sec 1871

Abstract: This major rule makes changes affecting Medicare Part B payment to physicians and other Part B suppliers.

Completed:

Reason	Date	FR Cite
Final Action	11/19/08	73 FR 69725

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Milstead
Phone: 410 786–3355
Email: diane.milstead@cms.hhs.gov

RIN: 0938–AP18

210. HOME HEALTH PROSPECTIVE PAYMENT SYSTEM REFINEMENTS AND RATE UPDATE FOR CY 2009 (CMS–1555–N)

Legal Authority: Social Security Act, secs 1102 and 1871; (42 USC 1302 and 1395(hh)); Social Security Act, sec 1895 (42 USC 1395fff)

Abstract: Section 1895 of the Act requires that the Home Health PPS be adjusted in a prospective manner specified by the Secretary by the home health increase percentage applicable to the year involved.

Completed:

Reason	Date	FR Cite
Notice	11/03/08	73 FR 65351

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Randy Throndset
Phone: 410 786–0131
Fax: 410 786–0765
Email: randy.throndset@cms.hhs.gov

RIN: 0938–AP20

211. CHANGES TO LONG–TERM CARE PROSPECTIVE PAYMENT SYSTEM BASED ON SPECIFIC PROVISIONS IN THE MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007 (CMS–1493–F)

Legal Authority: Provisions of sec 114 of PL 110–173 (MMSE Act of 2007); sec 1886(d) of the Social Security Act as amended by sec 114 of PL 110–173 (MMSE Act of 2007)

Abstract: This rule implements provisions of the Medicare, Medicaid, and SCHIP Extension Act of 2007 relating to long-term care hospitals. In addition to amending section 1861 of the Act with a new definition of LTCHs, this rule includes provisions that are effective on the date of enactment (December 29, 2007). Specifically, the statute imposes a 3-year delay in implementation of certain payment policies that set percentage thresholds for LTCH patients admitted from certain referring hospitals and raises the percentage threshold for those LTCHs unaffected by the 3-year delay. The legislation imposes the same 3-year delay on the implementation of a particular payment adjustment for short-stay patients and also for the possible application of a one-time adjustment to the standard Federal rate. The statute also required a change in the Federal rate for RY 2008, (effective April 1, 2008). Additionally, the statute created a 3-year moratorium on the establishment of new LTCHs and LTCH satellites and on bed expansion in existing LTCHs, subject to significant exceptions.

Completed:

Reason	Date	FR Cite
Withdrawn	01/29/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tzvi Hefter
Phone: 410 786–4487
Email: tzvi.hefter@cms.hhs.gov

RIN: 0938–AP33

[FR Doc. E9–10274 Filed 05–08–09; 8:45 am]
BILLING CODE 4150–24–S

Federal Register

Monday,
May 11, 2009

Part VII

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC-RP-04-001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Homeland Security (DHS) and its component agencies and divisions. This agenda provides the public with information about DHS' regulatory activity. DHS expects that this information will enable the public to be more aware of and effectively participate in the Department's regulatory activity. The public also is invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct all comments and inquiries on the agenda in general to the Regulatory Affairs Division, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulatory action.

SUPPLEMENTARY INFORMATION: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, ''Regulatory Planning and Review'' (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS' last semiannual regulatory agenda was published on Novemeber 24, 2008, at 73 FR 71378.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DHS' printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities. Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire regulatory plan will continue to be printed in the **Federal Register**, as in past years, including DHS' regulatory plan.

In September 2005, DHS joined the Environmental Protection Agency Federal Partner online electronic Federal Docket Management System (FDMS) located at www.regulations.gov; with the exception of the Coast Guard and TSA, who remained with the Department of Transportation's (DOT) electronic Docketing Management System. Effective October 1, 2007, the Coast Guard and TSA have fully migrated to FDMS, ensuring that all DHS regulatory actions subject to public comment are now available on www.regulations.gov.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: March 20, 2009.

Mary Kate Whalen,

Associate General Counsel for Regulatory Affairs.

U.S. Citizenship and Immigration Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
212	Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule	1615–AB80

U.S. Citizenship and Immigration Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
213	Alternate Alien Petition Program for EB Base Immigrants Based on Approved Labor Certifications	1615–AB34

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
214	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	1625–AA32

DHS

U.S. Coast Guard—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
215	Commercial Fishing Industry Vessels (USCG-2003-16158)	1625–AA77

U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
216	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)	1625–AA03
217	Numbering of Undocumented Barges (USCG-1998-3798)	1625–AA14
218	Inspection of Towing Vessels (USCG-2006-24412)	1625–AB06
219	Passenger Weight and Inspected Vessel Stability Requirements (USCG-2007-0030)	1625–AB20

U.S. Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
220	Importer Security Filing and Additional Carrier Requirements	1651–AA70

Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
221	Air Cargo Screening	1652–AA64

Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
222	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	1652–AA43

U.S. Immigration and Customs Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
223	Electronic Signature and Storage of Form I-9, Employment Eligibility Verification	1653–AA47

Federal Emergency Management Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
224	Update of FEMA's Public Assistance Regulations	1660–AA51

DHS

Federal Emergency Management Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
225	Assistance to Firefighters Grant Program	1660–AA50

Department of Homeland Security (DHS) — Proposed Rule Stage
U.S. Citizenship and Immigration Services (USCIS)

212. ● ADJUSTMENT OF THE IMMIGRATION AND NATURALIZATION BENEFIT APPLICATION AND PETITION FEE SCHEDULE

Legal Authority: 8 USC 1356(m)

Abstract: This rule will adjust the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately recover the full costs of services provided by USCIS. Without an adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. The fee review is undertaken pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901-03. The CFO Act requires each agency's Chief Financial Officer (CFO) to ''review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.'' Id. at 902(a)(8). This rule will reflect recommendations made by the DHS CFO and USCIS CFO, as required under the CFO Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rendell Jones, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Suite 4018, Washington, DC 20259
Phone: 202 272–1969

RIN: 1615–AB80

Department of Homeland Security (DHS) — Completed Actions
U.S. Citizenship and Immigration Services (USCIS)

213. ALTERNATE ALIEN PETITION PROGRAM FOR EB BASE IMMIGRANTS BASED ON APPROVED LABOR CERTIFICATIONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182;

Abstract: DHS and the Department of Labor's Employment and Training Administration (DOL) are proposing changes to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. DHS is considering the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications, among other options. In addition, DHS is proposing to reduce further the likelihood of the submission of malafide Form I-140, Immigration Petition for Alien Worker, which are employment-based petitions that are supported by fraudulent or stale labor certification applications for the permanent employment of aliens in the United States by proposing a 45-day period for employers to file approved permanent labor certifications in support of Form I-140 petitions with DHS after the issuance of an approved labor certification by DOL.

Timetable:

Action	Date	FR Cite
Withdrawn	04/16/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sophia Cox, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., 2nd Floor, Washington, DC 20529
Phone: 202 272–1522
Email: sophia.cox@dhs.gov

RIN: 1615–AB34

Department of Homeland Security (DHS) — Proposed Rule Stage
U.S. Coast Guard (USCG)

214. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG–2001–10486)

Legal Authority: 16 USC 4711

Abstract: This rulemaking would propose to add a performance standard to 33 CFR part 151, subpart D, for all ballast water management methods being used as alternatives to mid-ocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest from Congress and several Federal and State agencies, as well as costs imposed on industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Bivan R. Patnaik, Project Manager, CG–5224, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 372–1435
Email: bivan.r.patnaik@uscg.mil

RIN: 1625–AA32

215. COMMERCIAL FISHING INDUSTRY VESSELS (USCG–2003–16158)

Legal Authority: 46 USC 4502(a) to 4502(d); 46 USC 4505 and 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

Abstract: This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/08	73 FR 16815
ANPRM Comment Period End	12/15/08	
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jack Kemerer, Project Manager, CG–5433, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372–1249
Email: jack.a.kemerer@uscg.mil

RIN: 1625–AA77

Department of Homeland Security (DHS) — Long-Term Actions
U.S. Coast Guard (USCG)

216. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG–2004–17697)

Legal Authority: 33 USC 2713 and 2714

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule Comment Period End	12/10/92	
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, NPFC MS 7100, United States Coast Guard, 4200 Wilson Boulevard, Arlington, VA 20598–7100
Phone: 202 493–6863
Email: benjamin.h.white@uscg.mil

RIN: 1625–AA03

217. NUMBERING OF UNDOCUMENTED BARGES (USCG–1998–3798)

Legal Authority: 46 USC 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
NPRM Reopening of Comment Period	08/12/04	69 FR 49844
NPRM Comment Period End	11/10/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Patricia Williams, Project Manager, National Vessel

Documentation Center, Department of Homeland Security, U.S. Coast Guard, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271–2506

RIN: 1625–AA14

218. INSPECTION OF TOWING VESSELS (USCG–2006–24412)

Legal Authority: 46 USC 3301, 46 USC 3305, 46 USC 3306, and 46 USC 3103; 46 USC 3703 [DHS Delegation No 0170.1]

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party entities along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Due to the costs imposed on an entire uninspected segment of the marine industry, the Coast Guard projects that this will be an economically significant rulemaking.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dave Dolloff, Program Manager, CG–5222, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 372–1415

RIN: 1625–AB06

219. PASSENGER WEIGHT AND INSPECTED VESSEL STABILITY REQUIREMENTS (USCG–2007–0030)

Legal Authority: 33 USC 1321(j); 43 USC 1333; 46 USC 2103, 2113, 3205, 3301, 3306, 3307, 3703, 5115, 6101; 49 USC App 1804; EO 11735; EO 12234; Dept of Homeland Security Delegation No 0170.1; PL 103–206, 107 Stat 2439; 49 USC App 1804; EO 11735

Abstract: The Coast Guard proposes developing a rule that addresses both the stability calculations and the environmental operating requirements for certain domestic passenger vessels. The proposed rule would address the outdated per-person weight averages that are currently used in stability calculations for certain domestic passenger vessels. In addition, the proposed rule would add environmental operating requirements for domestic passenger vessels that could be adversely affected by sudden inclement weather. This rulemaking would increase passenger safety by significantly reducing the risk of certain types of passenger vessels capsizing due to either passenger overloading or operating these vessels in hazardous weather conditions. This rulemaking would support the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	08/20/08	73 FR 49244
NPRM Comment Period End	11/18/08	
NPRM Comment Period Reopened	12/08/08	73 FR 74426
Comment Period End	02/06/09	
NPRM Comment Period Reopened	02/18/09	74 FR 7576
Comment Period End	03/20/09	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Peters, Program Manager, Office of Design and Engineering Standards, Systems Engineering Division (CG–5212), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372–1371
Email: william.s.peters@uscg.mil

RIN: 1625–AB20

Department of Homeland Security (DHS) U.S. Customs and Border Protection (USCBP)

Final Rule Stage

220. IMPORTER SECURITY FILING AND ADDITIONAL CARRIER REQUIREMENTS

Legal Authority: PL 109–347, sec 203; 5 USC 301; 19 USC 66, 1431, 1433, 1434, 1624, 2071 note; 46 USC 60105

Abstract: On November 25, 2008, CBP published an interim final rule to implement the provision of section 203 of the Security and Accountability for Every Port Act of 2006. The rule requires carriers to submit a vessel stow plan and container status messages under certain scenarios where cargo containers are destined for the United States. The rule also requires importers or their agents to submit an Importer Security Filing (ISF) with eight data elements, no later than 24 hours before the cargo is laden at the foreign port and two data elements, no later than 24 hours prior to arrival in the United States. The interim final rule included a delayed compliance date for affected importers and carriers by 12 months after date of publication. CBP is conducting a review, through June 1, 2009, to determine any specific compliance difficulties that importers and shippers may experience in submitting all ten data elements 24 hours before lading Written comments may be submitted on or before June 1, 2009, concerning the data elements for which some type of flexibility has been provided. Based on the structured review and public comment periods, CBP will conduct an analysis of the elements subject to flexibility and issue a final rule to eliminate, modify, or maintain these requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End	03/03/08	
NPRM Comment Period Extended	02/01/08	73 FR 6061
NPRM Comment Period End	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective	01/26/09	
Interim Final Rule Comment Period End	06/01/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard DiNucci, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229
Phone: 202 344–2513

DHS—USCBP — Final Rule Stage

Email: richard.dinucci@dhs.gov

RIN: 1651–AA70

Department of Homeland Security (DHS) — Final Rule Stage
Transportation Security Administration (TSA)

221. AIR CARGO SCREENING

Legal Authority: PL 110–53, sec 1602; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916; 49 USC 44935 to 44936; 49 USC 46105

Abstract: The Transportation Security Administration (TSA) will establish the Certified Cargo Screening Program that will certify shippers, manufacturers, and other entities to screen air cargo intended for transport on a passenger aircraft. This will be the primary means through which TSA will meet the requirements of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 that mandates that 100 percent of air cargo transported on passenger aircraft, operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, must be screened by August 2010, to ensure the security of all such passenger aircraft carrying cargo.

Under this rulemaking, each certified cargo screening facility (CCSF) and their employees and authorized representatives that will be screening cargo must successfully complete a security threat assessment. The CCSF must also submit to an audit of their security measures by TSA-approved auditors, screen cargo using TSA-approved methods, and initiate strict chain of custody measures to ensure the security of the cargo throughout the supply chain prior to tendering it for transport on passenger aircraft.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Victor Parker, Branch Chief, Air Cargo Policy & Plans, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, TSA–28, HQ, 601 South 12th Street, Arlington, VA 20598–6028
Phone: 571 227–3664
Email: victor.parker@dhs.gov

Adam Sicking, Economist, Regulatory Development and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, TSA–28, HQ, E10–345N, 601 South 12th Street, Arlington, VA 20598–6028
Phone: 571 227–2304
Fax: 571 227–1362
Email: adam.sicking@dhs.gov

Alice Crowe, Sr. Attorney, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–320N, 601 South 12th Street, Arlington, VA 20598–6002
Phone: 571 227–2652
Fax: 571 227–1379
Email: alice.crowe@dhs.gov

RIN: 1652–AA64

Department of Homeland Security (DHS) — Long-Term Actions
Transportation Security Administration (TSA)

222. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF) (MARKET SHARE)

Legal Authority: 49 USC 44901; 49 USC 44940

Abstract: The Transportation Security Administration will revise the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services.

Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on market share or other appropriate measures.

On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input. TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is considering a market share methodology for implementation.

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment–Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/03	68 FR 62613
Notice—Imposition of ASIF; Comment Period End	01/05/04	
Notice—Imposition of ASIF; Comment Period Extended	12/31/03	68 FR 75611
Notice—Imposition of ASIF; Extended Comment Period End	02/05/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

DHS—TSA

Long-Term Actions

Agency Contact: Michael Gambone, Deputy Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration, Office of Finance and Administration, TSA–14, HQ, W12–319, 601 South 12th Street, Arlington, VA 20598–6014
Phone: 571 227–1081
Fax: 571 227–2904
Email: michael.gambone@dhs.gov

Nicholas (Nick) Acheson, Sr. Economist, Regulatory Development and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, TSA–28, HQ, E10–410N, 601 South 12th Street, Arlington, VA 20598–6028
Phone: 571 227–5474
Fax: 571 227–1362
Email: nicholas.acheson@dhs.gov

Linda L. Kent, Assistant Chief Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 20598–6002
Phone: 571 227–2675
Fax: 571 227–1381
Email: linda.kent@dhs.gov

RIN: 1652–AA43

Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

Final Rule Stage

223. ELECTRONIC SIGNATURE AND STORAGE OF FORM I–9, EMPLOYMENT ELIGIBILITY VERIFICATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations to provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically. This rule implements statutory changes to the Form I-9 retention requirement that President George W. Bush signed into law on October 30, 2004. In implementing these changes, this rule sets standards for electronic signatures and the electronic retention of the Form I-9.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/06	71 FR 34510
Interim Final Rule Effective	06/15/06	
Interim Final Rule Comment Period End	08/14/06	
Final Rule	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Allan Vanscoy, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20025
Phone: 202 732–5798

RIN: 1653–AA47

Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

Proposed Rule Stage

224. UPDATE OF FEMA'S PUBLIC ASSISTANCE REGULATIONS

Legal Authority: 42 USC 5121–5207

Abstract: This proposed rule would revise the Federal Emergency Management Agency's Public Assistance program regulations. Many of these changes reflect amendments made to the Robert T. Stafford Disaster Relief and Emergency Assistance Act by the Post-Katrina Emergency Management Reform Act of 2006 and the Security and Accountability For Every Port Act of 2006. The proposed rule also proposes a few further substantive and nonsubstantive clarifications and corrections to the Public Assistance regulations. This proposed rule is intended to improve the efficiency and consistency of the Public Assistance Program, as well as implement new statutory authority by expanding Federal assistance, providing for precautionary evacuations, improving the Project Worksheet process, empowering grantees, and improving State Administrative Plans.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James A. Walke, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2751
Fax: 202 646–3304
Email: james.walke@dhs.gov

RIN: 1660–AA51

Department of Homeland Security (DHS) — Completed Actions

Federal Emergency Management Agency (FEMA)

225. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Legal Authority: 15 USC 2229, Federal Fire Prevention and Control Act of 1974, as amended

Abstract: FEMA would update existing guidance on grants made directly to fire departments and non-affiliated emergency medical service (EMS) organizations of a State. The purpose of the grants is to enhance these organizations' ability to protect both the health and safety of the public and that of firefighting personnel facing fire and fire-related hazards. Grants are also made to eligible organizations and fire departments for the purpose of fire prevention and firefighter safety research activities.

Timetable:

Action	Date	FR Cite
Withdrawn	02/11/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Brian Cowan, Director, Assistance to Firefighters Program Office, Department of Homeland Security, Federal Emergency Management Agency, 800 K Street, NW., Washington, DC 20472–3620
Phone: 866 274–0960
Fax: 202 786–9938
Email: firegrants@dhs.gov

RIN: 1660–AA50

[FR Doc. E9–10269 Filed 05–08–09; 8:45 am]
BILLING CODE 9110–9B–S

Federal Register

Monday,
May 11, 2009

Part VIII

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. FR-5292-N-01]

Semiannual Regulatory Agenda

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866 ''Regulatory Planning and Review,'' as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued during the next several months. The agenda also includes rules currently in effect that are under review and describes those regulations that may affect small entities, as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with advance information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500; telephone (202) 708-3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at (800) 877-8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735), as amended, requires each department or agency to prepare semiannually an agenda of: (1) Regulations that the department or agency has issued or expects to issue and (2) rules currently in effect that are under departmental or agency review. The Regulatory Flexibility Act (5 U.S.C. 601 to 612) requires each department or agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities,'' meaning small businesses, small organizations, or small governmental jurisdictions. Executive Order 12866 and the Regulatory Flexibility Act permit incorporation of the agenda required by these two authorities with any other prescribed agenda.

HUD's regulatory agenda combines the information required by Executive Order 12866 and the Regulatory Flexibility Act. In addition, HUD's regulatory agenda contains certain information not required by either the Executive order or by the Regulatory Flexibility Act that the Department considers useful, both to better inform the public and to enhance the Department's own inventory control over its body of regulations. As was the case with the fall 2008 edition of HUD's regulatory agenda, the Internet will be the basic means for disseminating the spring 2009 Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas by the Regulatory Flexibility Act (5 U.S.C. 602), the Department's published agenda entries include only:

(1) Rules that are in the Department's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Department has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Publication of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published online at www.reginfo.gov.

The Department is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs, and the House Committee on Financial Services), a semiannual agenda of all rules or regulations that are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation that appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form that it is intended to be proposed, at least 15 calendar days before it is to be published for comment. The semiannual agenda posted on www.reginfo.gov is the agenda transmitted to the committees in compliance with the above requirements.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from this agenda. Also, where a date is provided for the next rulemaking action, the date is an estimate and is not a commitment to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to assess the subject matter further and determine whether rulemaking in that area is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, such rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules and which, therefore, require further rulemaking, HUD has identified the timing of the next action stage as ''undetermined.'' These are rules that are still under review by HUD for which a determination and timing of the next action stage have not yet been made.

Since the purpose of publication of the agenda is to encourage more effective public participation in the

HUD

regulatory process by providing the public with early information about the Department's future regulatory actions, HUD invites all interested members of the public to comment on the rules listed in the agenda.

Dated: March 3, 2009.

Linda M. Cruciani,

Deputy General Counsel for Operations.

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
226	24 CFR 3500 Real Estate Settlement Procedures Act (RESPA): Simplification and Improvement of the Process of Obtaining Home Mortgages and Reducing Consumer Costs (FR-5180)	2502–AI61

Department of Housing and Urban Development (HUD) — Completed Actions

Office of Housing (OH)

226. REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA): SIMPLIFICATION AND IMPROVEMENT OF THE PROCESS OF OBTAINING HOME MORTGAGES AND REDUCING CONSUMER COSTS (FR–5180)

Legal Authority: 12 USC 2601 et seq; 42 USC 3535(d)

Abstract: This final rule amends HUD's regulations to further RESPA's purposes by requiring more timely and effective disclosures related to mortgage settlement costs for federally related mortgage loans to consumers. The changes made by this final rule are designed to protect consumers from unnecessarily high settlement costs by taking steps to: (1) Improve and standardize the Good Faith Estimate (GFE) form, to make it easier to use for shopping among settlement providers; (2) ensure that page one of the GFE provides a clear summary of the loan terms and total settlement charges, so that borrowers will be able to use the GFE to identify a particular loan product and then comparison-shop among loan originators; (3) provide more accurate estimates of costs of settlement services shown on the GFE; (4) improve disclosure of yield spread premiums, to help borrowers understand how they can affect their settlement charges; (5) facilitate comparison of the GFE and the HUD-1/HUD-1A Settlement Statements; (6) ensure that at settlement, borrowers are aware of final costs as they relate to the particular mortgage loan and settlement transaction; (7) clarify HUD-1 instructions; (8) clarify HUD's current regulations concerning discounts; and (9) expressly state when RESPA permits certain pricing mechanisms that benefit consumers, including volume-based discounts. The final rule follows a March 14, 2008, proposed rule and makes changes in response to public comment and further consideration of certain issues by HUD.

Completed:

Reason	Date	FR Cite
Final Action	11/17/08	73 FR 68204

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ivy Jackson
Phone: 202 708–0502

RIN: 2502–AI61

[FR Doc. E9–10275 Filed 05–08–09; 8:45 am]

BILLING CODE 4210–67–S

Federal Register

Monday,
May 11, 2009

Part IX

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2009 regulatory agenda pursuant to Executive Order 12866 ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the Internet is now the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department's regulatory agenda includes two regulations requiring such a review: ''Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities'' (RIN 1190-AA44) and ''Nondiscrimination on the Basis of Disability in State and Local Government Services'' (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

Dated: March 10, 2009.

Kevin R. Jones,

Acting Assistant Attorney General, Office of Legal Policy.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
227	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities **(Section 610 Review)**	1190–AA44
228	Nondiscrimination on the Basis of Disability in State and Local Government Services **(Section 610 Review)**	1190–AA46

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
229	Revised Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105–AB18
230	Implementation of Section 503 of the Adam Walsh Child Protection and Safety Act of 2006	1105–AB19

Department of Justice (DOJ) — Final Rule Stage

Civil Rights Division (CRT)

227. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)

Abstract: In 1991, the Department of Justice published regulations to implement title III of the Americans With Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board began the process of revising ADAAG a number of years ago. It published new ADAAG in final form on July 23, 2004, after having published guidelines in proposed form in November 1999 and in draft final form in April 2002. In order to maintain

consistency between ADAAG and the ADA Standards, the Department is reviewing its title III regulations and expects to propose, in one or more stages, to adopt revised ADA Standards consistent with the final revised ADAAG and to make related revisions to the Department's title III regulations. In addition to maintaining consistency between ADAAG and the Standards, the purpose of this review and these revisions is to more closely coordinate with voluntary standards; to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion; to reflect evolving technologies in areas affected by the Standards; and to comply with section 610 of the Regulatory Flexibility Act, which requires agencies once every 10 years to review rules that have a significant economic impact upon a substantial number of small entities.

The first step in adopting revised Standards was an advance notice of proposed rulemaking that was published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes that the advance notice simplified and clarified the preparation of the proposed rule. In addition to giving notice that the proposed rule will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that accompanied the proposed rule.

The adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn from the Unified Agenda. These changes include technical specifications for facilities designed for use by children, accessibility standards for State and local government facilities, play areas, and recreation facilities, all of which had previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department issued as the second step of the above described title III rulemaking. This notice proposed to adopt revised ADA Standards for Accessible Design consistent with the minimum guidelines of the revised ADAAG, and initiated the review of the regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	06/17/08	73 FR 34508
NPRM Comment Period End	08/18/08	
NPRM Correction	06/30/08	73 FR 37009
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue NW, Washington, DC 20030
Phone: 800 514–0301
TDD Phone: 800 514–0383
Fax: 202 307–1198

RIN: 1190–AA44

228. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; PL 101–336

Abstract: On July 26, 1991, the Department published its final rule implementing title II of the Americans With Disabilities Act (ADA). On November 16, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) issued its first comprehensive review of the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. The Access Board published an Availability of Draft Final Guidelines on April 2, 2002, and published the ADA Accessibility Guidelines in final form on July 23, 2004. The ADA (section 204(c)) requires the Department's standards to be consistent with the Access Board's guidelines. In order to maintain consistency between ADAAG and the Standards, the Department is reviewing its title II regulations and expects to propose, in one or more stages, to adopt revised standards consistent with new ADAAG. The Department will also, in one or more stages, review its title II regulations for purposes of section 610 of the Regulatory Flexibility Act and make related changes to its title II regulations.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will improve the format and usability of the ADA Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

The first part of the rulemaking process was an advance notice of proposed rulemaking, published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes the advance notice simplified and clarified the preparation of the proposed rule to follow. In addition to giving notice of the proposed rule that will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that accompanied the proposed rule.

The adoption of revised ADA Standards consistent with revised ADAAG will also serve to address changes to the ADA Standards previously proposed under RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn from the Unified Agenda. These changes include technical specifications for facilities designed for use by children, accessibility standards

for State and local government facilities, play areas, and recreation facilities, all of which had previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department issued as the second step of the above-described title III rulemaking. This notice also proposed to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	06/17/08	73 FR 34466
NPRM Comment Period End	08/18/08	
NPRM Correction	06/30/08	73 FR 36964
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue NW, Washington, DC 20030
Phone: 800 514–0301
TDD Phone: 800 514–0383
Fax: 202 307–1198

RIN: 1190–AA46

Department of Justice (DOJ) Legal Activities (LA)

Completed Actions

229. REVISED INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES

Legal Authority: 18 USC 2257; PL 109–248

Abstract: In the Child Protection and Obscenity Enforcement Act of 1998, Public Law No. 100-690, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, Public Law No. 101-647, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, Congress set forth requirements at section 2257, title 18, United States Code, concerning recordkeeping requirements for producers of sexually explicit material. Section 2257 of title 18, United States Code, specifies steps that must be taken by persons who produce materials depicting sexually explicit conduct to determine the names and dates of birth of persons depicted in those materials, lists records that must be kept by persons producing those materials, and requires that notices as to the location of those records be affixed to those materials. 28 CFR part 75 contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. On May 24, 2005 (70 FR 29607), the Department published a final rule amending these requirements at 28 CFR part 75 to bring the regulations up to date and to make the inspection process effective for the purposes set by Congress in enacting section 2257.

This rule amends the recordkeeping and inspection requirements of 28 CFR part 75 to account for changes in the underlying statute, 18 U.S.C. section 2257, made by the Adam Walsh Child Protection and Safety Act of 2006.

Completed:

Reason	Date	FR Cite
Final Action	12/18/08	73 FR 77432
Final Action Effective	01/20/09	
Compliance Date	03/18/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Oosterbaan
Phone: 202 514–5780
Fax: 202 514–1793

RIN: 1105–AB18

230. IMPLEMENTATION OF SECTION 503 OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Legal Authority: 18 USC 2257A

Abstract: This rule adds recordkeeping and inspection requirements to title 28 of the Code of Federal Regulations to implement 18 U.S.C. section 2257A. Section 2257A, enacted as section 503 of the Adam Walsh Child Protection and Safety Act of 2006, requires a producer of depictions of simulated sexually explicit conduct to maintain records of the identities and ages of performers in those depictions.

Completed:

Reason	Date	FR Cite
Final Action	12/18/08	73 FR 77432
Final Action Effective	01/20/09	
Compliance Date	03/18/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Oosterbaan
Phone: 202 514–5780
Fax: 202 514–1793

RIN: 1105–AB19

[FR Doc. E9–10273 Filed 05–08–09; 8:45 am]
BILLING CODE 4410–BP–S

Federal Register

Monday,
May 11, 2009

Part X

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The Department's agencies have carefully assessed their available resources and what they can accomplish in the next 12 months and have adjusted their agendas accordingly.

The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between April 2009 and April 2010, as well as those completed during the past 6 months.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210; (202) 693-5959.

NOTE: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations. As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12866.

Executive Order 12866 became effective September 30, 1993, and, in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period. The focus of all departmental regulatory activity will be on the development of effective rules that advance the Department's goals and that are understandable and usable to the employers and employees in all affected workplaces.

In addition, beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Regulatory Flexibility Act, which became effective on January 1, 1981, requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a ''significant economic impact on a substantial number of small entities'' (5 U.S.C. 602).

The Regulatory Flexibility Act (under section 610) also requires agencies to periodically review rules ''which have or will have a significant economic impact upon a substantial number of small entities'' and to annually publish a list of the rules that will be reviewed during the succeeding 12 months. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded.

The next 12-month review list for the Department of Labor is provided below, and public comment is invited on the listing. A brief description of each rule, the legal basis for the rule, and the agency contact are provided with each agenda item.

Occupational Safety and Health Administration

Methylene Chloride (RIN 1218-AC23)

Bloodborne Pathogens (RIN 1218-AC34)

Employee Benefits Security Administration

Plan Assets-Participant Contributions Regulations (RIN 1210-AB11)

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

For this edition of the Department of Labor's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

Hilda Solis

Secretary of Labor.

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
231	Form LM-30, Labor Organization Officer and Employee Report	1215–AB74

DOL

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
232	Labor Organization Annual Financial Reports	1215–AB62

Employee Benefits Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
233	Plan Assets—Participant Contributions Regulation **(Section 610 Review)**	1210–AB11

Employee Benefits Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
234	Amendment of Regulation Relating to Definition of Plan Assets—Participant Contributions	1210–AB02

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
235	Explosives and Blasting **(Section 610 Review)**	1219–AB62

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
236	Occupational Exposure to Crystalline Silica	1218–AB70
237	Occupational Exposure to Beryllium	1218–AB76
238	Methylene Chloride **(Section 610 Review)**	1218–AC23
239	Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl	1218–AC33

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
240	Confined Spaces in Construction	1218–AB47
241	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218–AB67
242	Cranes and Derricks in Construction	1218–AC01

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
243	Bloodborne Pathogens (610 Review) **(Section 610 Review)**	1218–AC34

Department of Labor (DOL) — Proposed Rule Stage
Employment Standards Administration (ESA)

231. ● FORM LM–30, LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

Legal Authority: 29 USC 432; 29 USC 438

Abstract: The Department intends to review questions of law and policy within the recently published changes to the Form LM-30. The Form LM-30 (Labor Organization Officer and Employee Report) is required by the LMRDA. The purpose of the Form, among others, is to identify potential conflicts of interest between the labor organization officials and their labor organization.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor–Management Standards, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., FP Building, Room N–5609, Washington, DC 20210
Phone: 202 693–0123
TDD Phone: 202 693–1340
Fax: 800 877–8339
Email: davis.andrew@dol.gov

RIN: 1215–AB74

Department of Labor (DOL) — Final Rule Stage
Employment Standards Administration (ESA)

232. LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Legal Authority: 29 USC 431(b); 29 USC 438

Abstract: The Department of Labor's Employment Standards Administration published a final rule on January 21, 2009, which modified the annual financial disclosure report Form LM-2 and established standards and procedures by which the Office of Labor Management Standards, pursuant to section 208 of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 438, may revoke the authorization of a labor organization to file a simplified annual financial disclosure report, Form LM-3, and instead require it to file the more detailed Form LM-2.

Through notice and comment rulemaking the Department extended the effective date of the January 21, 2009 Final Rule to April 21, 2009. The effective date and applicability date of the January 21, 2009 Final Rule were further extended through notice and comment rulemaking to October 19, 2009 and January 1, 2010, respectively. The Department has proposed withdrawing the January 21, 2009 Final Rule.

Timetable:

Action	Date	FR Cite
NPRM	05/12/08	73 FR 27346
NPRM Extension of Comment Period End	06/19/08	73 FR 34913
NPRM Comment Period End	06/26/08	
NPRM Comment Period Extended	07/11/08	73 FR 3491
Final Rule	01/21/09	74 FR 3678
NPRM Effective Date Extension (60 Days); Request Comment on Legal & Policy Questions of Final Rule	02/03/09	74 FR 5899
NPRM Extension Comment Period End	02/13/09	
Final Action Effective	02/20/09	74 FR 3678
Final Rule; Delaying Effective Date for 60 Days	02/20/09	74 FR 7814
Legal and Policy Questions Relating to January 2009 Final Rule Comment Period End	03/05/09	
NPRM Effective and Applicability Date Extension (180 Days)	03/19/09	74 FR 1700
Final Rule; Delaying Effective Date and Applicability Date for 180 Days	04/21/09	74 FR 18132
Proposed Withdrawal of January 2009 Final Rule	04/21/09	74 FR 18172
Final Rule	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Denise Boucher, Director, Office of Policy, Reports and Disclosure, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., FP Building, Room N–5609, Washington, DC 20210
Phone: 202 693–1185
TDD Phone: 800 877–8399
Fax: 202 693–1340
Email: boucher.denise@dol.gov

RIN: 1215–AB62

Department of Labor (DOL) — Prerule Stage
Employee Benefits Security Administration (EBSA)

233. PLAN ASSETS–PARTICIPANT CONTRIBUTIONS REGULATION (SECTION 610 REVIEW)

Legal Authority: 29 USC 1135

Abstract: EBSA is conducting a review of the plan assets-participant contributions regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rule; the nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the extent to which technology, economic conditions, or other factors have changed in industries affected by the rule.

DOL—EBSA

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	03/01/06	
End Review	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Melissa R. Dennis, Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5655, Washington, DC 20210
Phone: 202 693–8500
Fax: 202 219–7291

RIN: 1210–AB11

Department of Labor (DOL)
Employee Benefits Security Administration (EBSA)

Final Rule Stage

234. AMENDMENT OF REGULATION RELATING TO DEFINITION OF PLAN ASSETS—PARTICIPANT CONTRIBUTIONS

Legal Authority: 29 USC 1135

Abstract: This rulemaking will amend the regulation that defines when participant moneys paid to or withheld by an employer for contribution to an employee benefit plan constitute ''plan assets'' for purposes of title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code. The regulation contains an amendment to the current regulation that will establish a safe harbor period of a specified number of business days during which certain moneys that a participant pays to, or has withheld by, an employer for contribution to a plan would not constitute ''plan assets.''

Timetable:

Action	Date	FR Cite
NPRM	02/29/08	73 FR 11072
NPRM Comment Period End	04/29/08	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5655, Washington, DC 20210
Phone: 202 693–8510
Fax: 202 219–7291

RIN: 1210–AB02

Department of Labor (DOL)
Mine Safety and Health Administration (MSHA)

Prerule Stage

235. EXPLOSIVES AND BLASTING (SECTION 610 REVIEW)

Legal Authority: 30 USC 811

Abstract: MSHA will review the existing coal and metal and nonmetal standards for explosives and blasting in view of advances in technology and consistency. The next action will be an advance notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939
Phone: 202 693–9440
Fax: 202 693–9441
Email: silvey.patricia@dol.gov

RIN: 1219–AB62

Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)

Prerule Stage

236. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

Legal Authority: 29 USC 655(b); 29 USC 657

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1971 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and maritime (derived from ACGIH's 1962 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. The American Society for Testing and Materials (ASTM) has published a recommended standard for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL-CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure

monitoring, training, and medical surveillance.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/03	
Initiate Peer Review of Health Effects and Risk Assessment	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210
Phone: 202 693–1950
Fax: 202 693–1678
Email: dougherty.dorothy@dol.gov

RIN: 1218–AB70

237. OCCUPATIONAL EXPOSURE TO BERYLLIUM

Legal Authority: 29 USC 655(b); 29 USC 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the Paper Allied-Industrial, Chemical, and Energy Workers Union, Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage.

On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected work sites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008.

Timetable:

Action	Date	FR Cite
Request for Information	11/26/02	67 FR 70707
SBREFA Report Completed	01/23/08	
Initiate Peer Review of Health Effects and Risk Assessment	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210
Phone: 202 693–1950
Fax: 202 693–1678
Email: dougherty.dorothy@dol.gov

RIN: 1218–AB76

238. METHYLENE CHLORIDE (SECTION 610 REVIEW)

Legal Authority: 29 USC 655(b); 5 USC 553; 5 USC 610

Abstract: OSHA will undertake a review of the Methylene Chloride Standard (29 CFR 1910.1052) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State, or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/06	
Request for Comments	07/10/07	72 FR 37501
Comment Period End	10/09/07	
Reopen Comment Period	01/08/08	73 FR 1299
Comment Period End	03/10/08	
End Review	09/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: John Smith, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3641, Washington, DC 20210
Phone: 202 693–2400
Fax: 202 693–1641
Email: smith.john@dol.gov

RIN: 1218–AC23

239. OCCUPATIONAL EXPOSURE TO DIACETYL AND FOOD FLAVORINGS CONTAINING DIACETYL

Legal Authority: 29 USC 655(b); 29 USC 657

Abstract: On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products including microwave popcorn, certain bakery goods, and some snack foods. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking.

Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining, the nose, and airways of rats and mice. OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting	10/17/07	72 FR 54619
ANPRM	01/21/09	74 FR 3937
ANPRM Withdrawn	03/17/09	74 FR 11329
ANPRM Comment Period End	04/21/09	
Complete SBREFA Report	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and

Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210
Phone: 202 693–1950
Fax: 202 693–1678
Email: dougherty.dorothy@dol.gov

RIN: 1218–AC33

Department of Labor (DOL) — Proposed Rule Stage
Occupational Safety and Health Administration (OSHA)

240. CONFINED SPACES IN CONSTRUCTION

Legal Authority: 29 USC 655(b); 40 USC 333

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (29 CFR 1910.146). This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End	01/28/08	
NPRM Comment Period Extended	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Analyze Comments	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Noah Connell, Deputy Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3468, Washington, DC 20210
Phone: 202 693–2020
Fax: 202 693–1689

RIN: 1218–AB47

241. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT

Legal Authority: 29 USC 655(b); 40 USC 333

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held March 6 to 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances.

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End	10/13/05	
Comment Period Extended to 01/11/2006	10/12/05	70 FR 59290
Public Hearing To Be Held 03/06/2006	10/12/05	70 FR 59290
Post–Hearing Comment Period End	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End	11/21/08	
Close Record	11/21/08	
Second Reopening Record	06/00/09	
Comment Period End	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210
Phone: 202 693–1950
Fax: 202 693–1678
Email: dougherty.dorothy@dol.gov

RIN: 1218–AB67

242. CRANES AND DERRICKS IN CONSTRUCTION

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333

Abstract: A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used.

In 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document.

Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/02	67 FR 46612
Comment Period End	09/16/02	
Request for Comments on Proposed Committee Members	02/27/03	68 FR 9036
Request for Comments Period End	03/31/03	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/03	68 FR 35172

DOL—OSHA

Proposed Rule Stage

Action	Date	FR Cite
Rulemaking Negotiations Completed	07/30/04	
SBREFA Report	10/17/06	
NPRM	10/09/08	73 FR 59714
NPRM Comment Period Extended	12/02/08	73 FR 73197
NPRM Comment Period End	01/22/09	
Public Hearing	03/20/09	
Close Record	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Noah Connell, Deputy Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3468, Washington, DC 20210
Phone: 202 693–2020
Fax: 202 693–1689

RIN: 1218–AC01

Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)

Long-Term Actions

243. BLOODBORNE PATHOGENS (610 REVIEW) (SECTION 610 REVIEW)

Legal Authority: 29 USC 655(b); 5 USC 533; 5 USC 610

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for rule, whether the rule overlaps, duplicates or conflicts with other Federal, State or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was evaluated.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Agency Contact: John Smith, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3641, Washington, DC 20210
Phone: 202 693–2400
Fax: 202 693–1641
Email: smith.john@dol.gov

RIN: 1218–AC34

[FR Doc. E9–10272 Filed 05–08–09; 8:45 am]

BILLING CODE 4510–23–S

Federal Register

Monday,
May 11, 2009

Part XI

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI and Chs. X-XII

OST Docket 99-5129

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4723.

Specific

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

Table of Contents

Supplementary Information:

Background

Significant/Priority Rulemakings

Explanation of Information on the Agenda

Request for Comments

Purpose

Appendix A-Instructions for Obtaining Copies of Regulatory Documents

Appendix B-General Rulemaking Contact Persons

Appendix C-Public Rulemaking Dockets

Appendix D-Review Plans for Section 610 and Other Requirements Agenda

SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department of Transportation's regulatory activities online, go to http://regs.dot.gov.

To help the Department achieve these goals and in accordance with Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735; October 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on November 24, 2008 (73 FR 71402). The next one is scheduled for publication in the **Federal Register** in October 2009.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed agenda entries include only:

1. The Agency's agenda preamble;
2. Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

The agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the agenda if they are, essentially, very costly, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the agenda.

Explanation of Information on the Agenda

The format for this agenda is required by a spring 2009 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is

DOT

divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) Its ''significance''; (2) a short descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.''

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would like you, the public, to make suggestions or comments on how the agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in Appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (Section 610 Review) appears at the end of the title for these reviews. Please see Appendix D for the Department's section 610 review plans.

Federalism

Executive Order 13132 requires us 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'' are 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. Therefore, we encourage State and local governments to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: March 25, 2009.

Ray LaHood,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most if not all such documents, including the semiannual agenda, are available through the Internet at http://www.regulations.gov. See Appendix C for more information.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

Federal Motor Carrier Safety Administration (FMCSA)

LaKisha Pearson, Federal Motor Carrier Safety Administration, 1200

DOT

New Jersey Avenue SE., Washington, DC 20590.

Federal Railroad Administration (FRA)

Michelle Silva, Docket Clerk, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room W31-109, Washington, DC 20590; telephone (202) 493-6030.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

Federal Transit Administration (FTA)

(Name of contact person), Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE., Washington, DC 20590.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590.

Maritime Administration (MARAD)

Kimberly Lewis, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-5158.

The Research and Innovative Technology Administration (RITA)

(Name of contact person), The Research and Innovative Technology Administration (RITA),1200 New Jersey Avenue SE., Washington, DC 20590.

Federal Aviation Administration (FAA)

To obtain a copy of a specific Federal Aviation Administration (FAA) regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address or telephone number listed; access the FAA's Regulations and Policies web page at http://www.faa.gov/regulations__policies/; call (202) 267-9680; or write to us at Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

To obtain a copy of a specific regulatory document or to receive future copies of the Department's regulatory agenda write to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4723.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA - Rebecca MacPherson, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267-3073.

FHWA - Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0761.

FMCSA - Steven J. LaFreviere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0596.

NHTSA - Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-2992.

FRA - Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31-214, Washington, DC 20590; telephone (202) 493-6063.

FTA - Linda Lasley, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56-202, Washington, DC 20590; telephone (202) 366-4063.

SLSDC - Carrie Mann Lavigne, Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0091.

PHMSA - Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4400.

MARAD - Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5157.

RITA - Robert Monniere, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5498.

OST - Neil Eisner, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: http://www.regulations.gov. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, 1-800-647-5527. Working Hours: 9-5.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866 ''Regulatory Planning and Review'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that (1) have been published within the last 10 years and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating

DOT

Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Other Review Plan(s)

All elements of the Department, except for the Federal Aviation Administration (FAA), have also elected to use this 10-year plan process to comply with the review requirements of the Department's Regulatory Policies and Procedures and Executive Order 12866.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a Presidentially mandated review. If there is any change to the review plan, we will note the change in the following agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010; and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The Agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The Agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall agenda, the Agency will also publish information on the results of the examinations completed during the previous year.

The FAA, in addition to reviewing its rules in accordance with the Section 610 Review Plan, has established a Tri-annual process to comply with the review requirements of the Department's Regulatory Policies and Procedures, Executive Order 12866, and Plain Language Review Plan. The FAA's latest review notice was published November 15, 2007 (72 FR 64170). In that notice, the FAA requested comments from the public to identify those regulations currently in effect that it should amend, remove, or simplify. The FAA also requested the public provide any specific suggestions where rules could be developed as performance-based rather than prescriptive, and any specific plain-language that might be used, and provide suggested language on how those rules should be written. The FAA will review the issues addressed by the commenters against its regulatory agenda and rulemaking program efforts and adjust its regulatory priorities consistent with its statutory responsibilities. At the end of this process, the FAA will publish a summary and general disposition of comments and indicate, where appropriate, how it will adjust its regulatory priorities.

Part III— List of Pending Section 610 Reviews

The Agenda identifies the pending DOT Section 610 Reviews by inserting (Section 610 Review) after the title for the specific entry. For further information on the pending reviews, see the agenda entries at www.reginfo.gov. For example, to obtain a list of all entries that are Section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting advanced search) and, in effect, generate the desired ''index'' of reviews.

OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253, and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012

DOT

OFFICE OF THE SECRETARY (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 1 (fall 2008) List of rules that will be analyzed during the next year
49 CFR part 91 - International Air Transportation Fair Competitive Practices
49 CFR part 92 - Recovering Debts to the United States by Salary Offset
49 CFR part 93 - Aircraft Allocation
49 CFR part 95 - Advisory Committees
49 CFR part 98 - Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99 - Employee Responsibilities and Conduct
14 CFR part 200 - Definitions and Instructions
14 CFR part 201 - Air carrier authority under subtitle VII of title 49 of The United States Code [Amended]
14 CFR part 203 - Waiver of Warsaw Convention liability limits and defenses
14 CFR part 204 - Data to support fitness determinations
14 CFR part 205 - Aircraft accident liability insurance
14 CFR part 206 - Certificates of public convenience and necessity: Special authorizations and exemptions
14 CFR part 207 - Charter trips by U.S. scheduled air carriers
14 CFR part 208 - Charter trips by U.S. charter air carriers
14 CFR part 211 - Applications for permits to foreign air carriers
14 CFR part 212 - Charter rules for U.S. and foreign direct air carriers

FEDERAL AVIATION ADMINISTRATION
SECTION 610 REVIEW PLAN

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

The FAA has elected to use the two-step, 2-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table above. During the first year (the ''analysis year''), all rules published during the previous 10 years within a 10 percent block of the regulations will be analyzed to identify those with a SEIOSNOSE. During the second year (the ''review year''), each rule identified in the analysis year as having a SEIONOSE will be reviewed in accordance with section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT semiannual regulatory agenda.

Year 10 (fall 2007) List of rules analyzed and summary of the results
14 CFR part 91 - General Operating and Flight Rules
Section 610: The agency has conducted a 610 Review for this part and found three Amendments with SEIOSNOSE.

Amendment No. 91-203
Amendment No. 91-203, pursuant to two legislative mandates, established requirements for an aircraft to have an operating transponder (basic transponder or Mode S transponder) with automatic altitude reporting equipment (Mode C transponder) when operating in the vicinity of certain primary airports for which a terminal radar approach control service area had been established and in other airspace at and above 10,000 feet mean sea level. The Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223, Dec. 30, 1987) required the FAA to issue regulations requiring the use of a transponder with Mode C capability in terminal airspace above a minimum altitude

DOT

to be determined by the FAA. These revisions were intended to reduce the potential for midair collisions between aircraft under the control of air traffic control (ATC) and those that chose to operate without ATC assistance.

Original FAA finding: Initially, the FAA found that this amendment would not have a SEIOSNOSE. However, during the NPRM phase of this rulemaking, the FAA received numerous comments suggesting that the proposed rules would significantly impact small businesses. The FAA received many comments from private airports, state aviation organizations, and private trade associations that indicated there would be a significant economic impact to private and public airports, as well as fixed based operators at those airports. Comments from businesses engaged in aerial agriculture and pest control, as well as aerial advertising, indicated that the proposed rules would have significant economic impact on these businesses also. Therefore, the FAA reconsidered its finding and agreed that the comments indicated that there would be a SEIOSNOSE.

To mitigate the impact on small entities, the FAA considered three alternative approaches to this rulemaking: (1) Delay implementation for a longer period; (2) establish different standards for small entities; and (3) design the airspace to minimize the impact. The FAA rejected the second and third approaches because it found them to be contrary to the legislative mandates, inequitable, and would result in a diminished safety benefit. The FAA recognized the economic benefit in delaying the implementation of this amendment for a longer period of time to allow for an increase in the supply of the required avionics that should lower the cost of this equipment. However, the FAA stated that the safety need was so great that it was necessary to move forward with the regulations. Therefore, instead of completely delaying the implementation date, the FAA implemented the regulations in two phases over a period of 18 months.

Finding of this 5 U.S.C. section 610 analysis and review: Although the FAA attempted to mitigate the economic impact on small entities by delaying the implementation period, compliance with the amendment still imposes a SEIOSNOSE. Therefore, based on this periodic analysis of the current impact of amendment No. 91-203 on small entities, there continues to be a SEIOSNOSE. No changes are needed because these regulations are mandated by statute and impose the least burden.

Amendment No. 91-263

Amendment No. 91-263 required that certain airplanes be equipped with an FAAapproved terrain awareness and warning system (TAWS) (also referred to as an enhanced ground proximity warning system). It is an operating rule that affects all U.S.-registered turbine-powered airplanes with six or more passenger seats (exclusive of pilot and copilot seating). The rule promotes safety by increasing the warning times and situational awareness of flight crews to decrease the risk of controlled flight into terrain accidents.

Original FAA finding: The FAA determined that this amendment would have a SEIOSNOSE. The FAA noted that the types of entities potentially affected by this rule would include manufacturers of transport category airplanes, manufacturers of ground proximity warning equipment, scheduled air carriers, and nonscheduled air carriers. The small entities that operate under part 91 that were expected to be impacted by this rule would include corporate, business, personal, instruction, aerial application, and local governments. The FAA estimated that the fleet of aircraft to which the rule would apply would be approximately 6,000 turbojets and 6,000 turboprops. The small entities associated with this size fleet constituted a substantial number and the cost impact was considered to be potentially significant. Therefore, the FAA took measures to mitigate the economic impact on small entities.

The FAA made efforts to reduce the impact on these potentially affected small entities by requiring a substantially less expensive and easier to install TAWS for part 91 operators. The FAA determined that there are two classes of TAWS equipment that can provide the desired level of safety: Class A, which includes a terrain situational awareness display, and Class B, which includes only the basic TAWS safety features. The FAA allowed part 91 operators to achieve the desired safety levels by installing the less expensive Class B TAWS equipment. This approach significantly reduced the cost of compliance to small entities, and still met the rule's safety goals.

Finding of this 5 U.S.C. section 610 analysis and review: Although the FAA attempted to reduce the impact on the potentially affected small entities by requiring a substantially less expensive and easier to install TAWS for part 91 operators, compliance with the amendment still imposes a SEIOSNOSE. Therefore, based on this periodic analysis of the current impact of amendment No. 91-263 on small entities, there continues to be a SEIOSNOSE. The benefits justify their costs and the regulations impose the least burden while still meeting the rule's safety goals.

Amendment No. 91-276 (Reduced Vertical Separation Minimum in Domestic United States Airspace)

Amendment No. 91-276, Reduced Vertical Separation Minimum in Domestic United States Airspace, expanded Reduced Vertical Separation Minimum (RVSM) operations to aircraft operating between 29,000 and 41,000 feet in the airspace of the contiguous 48 States of the United States and the District of Columbia, Alaska, that portion of the Gulf of Mexico where the FAA provides air traffic services, the San Juan Flight Information Region (FIR), and the airspace between Florida and the San Juan FIR. The amendment also required any aircraft that is equipped with TCAS II and flown in RVSM airspace to incorporate a version of TCAS II software that is compatible with RVSM operations. The goals of this amendment were to assist aircraft operators to save fuel and time, to enhance air traffic control flexibility, and to enhance airspace capacity.

Original FAA finding: The FAA initially determined that this amendment would have a SEIOSNOSE. The FAA found through analysis that approximately 380 small operators would be significantly impacted by this amendment. These small operators were expected to experience some disadvantages relative to large transport carriers, such as less flexibility for rotating their fleets through the RVSM approval process without a disruption in service, or suffering a significant fuel penalty by continuing to operate below 29,000 feet if electing to not upgrade or to delay aircraft upgrade plans.

DOT

Therefore, the FAA considered alternatives to mitigate the economic impact on these small entities.

To reduce this economic impact, the FAA considered several alternative approaches to this rulemaking, including not enforcing the rule on small entities. Under this scenario, small operators would avoid $285.5 million in upgrade costs and downtime costs, but safety would be compromised as a result of some 2,400 non-approved aircraft operating in the RVSM stratum. Therefore, the FAA rejected this alternative. The FAA also considered a phased implementation of RVSM alternative to give small entities greater flexibility. It considered implementation of RVSM for a smaller band such as 33,000 to 37,000 feet with eventual expansion to the full RVSM envelope of 29,000 to 41,000 feet. This alternative was rejected on the basis of simulations that revealed system safety and airspace management were negatively impacted when RVSM was applied in any altitude band other than 29,000 to 41,000 feet. In addition, controller workload, the potential for controller error, and operational complexity all increased. The FAA rejected this alternative in favor of the rule, as well. The FAA concluded that the final rule represented the best balance of costs and benefits for airspace users and air traffic providers without a reduction in aviation safety.

Finding of this 5 U.S.C. section 610 analysis and review: Since promulgation of this rule, circumstances have remained such that there is a continued need for the rule as implemented. Small entities retain the option of not upgrading their equipment to take advantage of RVSM operations and continuing to operate below 29,000 feet if they feel this is more to their advantage. However, based on this periodic analysis of the current impact of amendment No. 91-276, Reduced Vertical Separation Minimum in Domestic United States Airspace, on small entities, there continues to be a SEIOSNOSE. The FAA concludes that the final rule represents the best balance of costs and benefits for airspace users and air traffic providers without a reduction in aviation safety.

FEDERAL HIGHWAY ADMINISTRATION SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None	2008	2009
2	23 CFR parts 1 through 260	2009	2010
3	23 CFR parts 420 through 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 through 637	2012	2013
6	23 CFR parts 645 through 669	2013	2014
7	23 CFR parts 710 through 924	2014	2015
8	23 CFR parts 940 through 973	2015	2016
9	23 CFR parts 1200 through 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. Section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 372, subpart A, and 381	2008	2009
2	49 CFR parts 386, 389, and 395	2009	2010
3	49 CFR parts 325, 388, 350, and 355	2010	2011
4	49 CFR parts 380 and 382 to 385	2011	2012
5	49 CFR parts 390 to 393 and 396 to 399	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372, subparts B-C	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR parts 377, 378, and 387	2016	2017
10	49 CFR parts 303, 375, and new parts and subparts	2017	2018

DOT

Year 1 (fall 2008) List of rules that will be analyzed during the next year
49 CFR part 372, subpart A - Exemptions
49 CFR part 381 - Waivers, exemptions, and pilot programs

Year 10 (fall 2007) List of rules analyzed and a summary of results
49 CFR part 375 - Transportation of Household Goods in Interstate Commerce; Consumer Protection regulations
- Section 610: An ongoing review of the regulations indicates there is a SEIONOSE. This part applies to small household goods firms that are engaged in interstate operations.
- General: The Agency will assess the need for changes once the review of these regulations is complete. FMCSA's plain language review of these regulations indicates no need for substantial revision.

49 CFR part 395 - Hours of Service of Drivers

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 and 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR 571.101 through 571.110, and 571.135, 571.138 and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR 571.201 through 571.212	2015	2016
9	49 CFR 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 1 (fall 2008) List of rules that will be analyzed during the next year
49 CFR part 571.223 - Standard No. 223; Rear impact guards
49 CFR part 571.224 - Standard No. 224; Rear impact protection
49 CFR part 571.225 - Standard No. 225; Child restraint anchorage systems
49 CFR part 571.301 - Standard No. 301; Fuel system integrity
49 CFR part 571.302 - Standard No. 302; Flammability of interior materials
49 CFR part 571.303 - Standard No. 303; Fuel system integrity of compressed natural gas vehicles
49 CFR part 571.304 - Standard No. 304; Compressed natural gas fuel container integrity
49 CFR part 571.305 - Standard No. 305; Electric-powered vehicles: electrolyte spillage and electrical shock protection
49 CFR part 571.401 - Standard No. 401; Interior trunk release
49 CFR part 571.403 - Standard No. 403; Platform lift systems for motor vehicles
49 CFR part 571.404 - Standard No. 404; Platform lift installations in motor vehicles
49 CFR part 571.500 - Standard No. 500; Low-speed vehicles
49 CFR part 575 - Consumer information
49 CFR part 579 - Reporting of Information And Communications About Potential Defects

Plan for Evaluating the Effectiveness of Vehicle and Behavioral Programs, 2008-2012
In addition to reviewing its rules in accordance with the Section 610 Review Plan, NHTSA issued an *Evaluation Program Plan, 2008-2012,* on August 21, 2008. This document describes the Office of Regulatory Analysis and Evaluation's ongoing and planned evaluations of existing Federal Motor Vehicle Safety Standards and other vehicle-safety, behavioral-safety and consumer programs. It also summarizes the results of completed program evaluations. On August 29, 2008, NHTSA also issued a notice in the **Federal Register** (page 51045) inviting public comment on the plan. You may review this plan at http://www-nrd.nhtsa.dot.gov/Pubs/810983.PDF. You may review the **Federal Register** notice at http://edocket.access.gpo.gov/2008/pdf/E8-20061.pdf or in HTML format at http://edocket.access.gpo.gov/2008/E8-20061.htm.

FEDERAL RAILROAD ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015

DOT

FEDERAL RAILROAD ADMINISTRATION (Continued)
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 10 (fall 2007) List of rules analyzed and a summary of results

49 CFR part 213 - Track Safety Standards

- Section 610: There is a SEIOSNOSE. These are minimum safety requirements for railroad track that is part of the general railroad system of transportation. The FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation, it will enhance the safety of rail transportation, protecting both those traveling and working on the system and those off the system who might be adversely affected by a rail incident.

49 CFR part 220 - Railroad Communications

- Section 610: There is a SEIOSNOSE. These are minimum requirements governing the use of wireless communications in connection with railroad operations. The FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum requirements governing the use of wireless communications in connection with railroad operations, uniform standard communications procedures and requirements throughout the railroad industry are necessary to ensure the protection and safety of railroad employees and general public, and to minimize the number of casualties.

49 CFR part 230 - Steam Locomotive Inspection and Maintenance Standards

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum Federal safety standards of inspection and maintenance for all steam locomotives operated on railroads, these requirements are necessary to ensure the protection and safety of railroad employees and general public, and to minimize the number of casualties.

49 CFR part 232 - Brake System Safety Standards for Freight and Other Non-Passenger Train and Equipment; End-of-Train Devices

- Section 610: There is a SEIOSNOSE. These are minimum Federal safety standards for freight and other non-passenger train track systems and equipment as well as for freight and other non-passenger train brake systems. The FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum Federal safety standards for freight and other non-passenger train track systems and equipment as well as for freight and other non-passenger train brake systems, it will enhance the safety of rail transportation, protecting both those traveling and working on the system and those off the system who might be adversely affected by a rail incident.

49 CFR part 239 - Passenger Train Emergency Preparedness

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum Federal safety standards for the preparation, adoption and implementation of emergency preparedness plans by railroads, these requirements are necessary to ensure the protection and safety of railroad passengers and employees as well as the general public, and to minimize the number of casualties.

49 CFR part 240 - Qualification and Certification of Locomotive Engineers

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes minimum Federal safety standards and guidelines for the eligibility, training, testing, certification and monitoring of all locomotive engineers, it will ensure and enhance the protection and safety of railroad employees and general public and minimize the number of casualties.

49 CFR part 265 - Nondiscrimination in Federally Assisted Railroad Programs

- Section 610: There is no SEIOSNOSE.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: The purpose of the rule is to ensures that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under, any project, program or activity funded in part through financial assistance under the Railroad Revitalization and Regulatory Reform Act of 1976, or any provision of law amended by the Act.

DOT

Year 1 (fall 2008) List of rule(s) that will be analyzed during next year
49 CFR part 200 - Informal Rules of Practice for Passenger Safety
49 CFR part 201 - Formal Rules of Practice for Passenger Service

FEDERAL TRANSIT ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 10 (fall 2007) List of rules analyzed and summary of results
49 CFR part 624 - Clean Fuels Program
- Section 610: The Agency has determined that the rule will not have a significant effect on a substantial number of small entities. This rule imposes no new costs because it merely modifies the application procedures for an existing grant program.
- Plain Language: The rule was drafted using plain language techniques.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

Year 1 (fall 2008) List of rules that will be analyzed during the next year
49 CFR part 604 - Charter Services
49 CFR part 605 - School Bus Operations
49 CFR part 633 - Project Management Oversight

MARITIME ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR part 298	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 10 (fall 2007) List of rules analyzed and a summary of the results
46 CFR part 390 - Capital Construction Fund
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No overall revision of the rule is needed at this time; however, technical amendments were made to the rule so that it correctly referenced sections in the United States Code.

46 CFR part 391 - Federal Income Tax Aspects of the Capital Construction Fund
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No changes are needed.

Year 1 (fall 2008) List of rules that will be analyzed during the next year
46 CFR part 201 - Rules of Practice and Procedure
46 CFR part 202 - Procedures Relating to Review by Secretary of Transportation of Actions by Maritime Subsidy Board

DOT

46 CFR part 203 - Procedures Relating to Conduct of Certain Hearings Under the Merchant Marine Act, 1936
46 CFR part 204 - Claims Against the Maritime Administration Under the Federal Tort Claim Act
46 CFR part 205 - Audit Appeals; Policy and Procedure

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA) SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	Part 178	2008	2009
2	Parts 178, 179, 180	2009	2010
3	Parts 172 and 175	2010	2011
4	Sections 171.15 and 171.16	2011	2012
5	Parts 106, 107, 171, 190, 195	2012	2013
6	Parts 174, 177, 191, 192	2013	2014
7	Parts 176, 199	2014	2015
8	Parts 172, 173, 174, 175, 176, 177, 178	2015	2016
9	Parts 172, 173, 174, 176, 177, 193	2016	2017
10	Parts 173, 194	2017	2018

Year 8 (fall 2005) List of rules analyzed and a summary of the results
49 CFR part 110 - Hazardous Materials Public Sector Training and Planning Grants
- Section 610: No SEIOSNOSE. The vast majority of grant applicants are not considered small entities as SBA defines that term. In the past 10 years, only eight entities meeting the small business definition have applied for and received HMEP grants. Further, the grant application process is specifically designed to minimize the burden on all grantees, including those that meet the definition of small entity.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

49 CFR part 195 - Transportation of Hazardous Liquids by Pipeline
- Section 610: NO SEIOSNOSE. The vast majority of hazardous liquid operators are not small entities as defined by the SBA.
- Plain Language: We will make revisions where wordy or confusing language is identified.
- General: No changes are necessary since the benefits of the rule justify its costs and the regulation imposes the least burden.

Year 1 (fall 2008) List of rules that will be analyzed during the next year
49 CFR part 178 - Specifications for packagings

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA) SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41	2008	2009
2	14 CFR part 241, schedule T-100, and part 217	2009	2010
3	14 CFR part 298, 49 CFR 1420	2010	2011
4	14 CFR part 241, section 19-7	2011	2012
5	14 CFR part 291	2012	2013
6	14 CFR part 234	2013	2014
7	14 CFR part 249	2014	2015
8	14 CFR part 248	2015	2016
9	14 CFR part 250	2016	2017
10	14 CFR part 374a, ICAO	2017	2018

Year 6 (fall 2003) List of rule(s) analyzed and a summary of results
14 CFR part 234 - Airline Service Quality Performance Reports
- Section 610: No SEIOSNOSE.
- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

Year 7 (fall 2004) List of rule(s) analyzed and a summary of results
14 CFR part 249 - Preservation of Air Carrier Records
- Section 610: No SEIOSNOSE.

DOT

- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

Year 8 (fall 2005) List of rule(s) analyzed and a summary of results

14 CFR part 248 - Submission of Audit Reports

- Section 610: No SEIOSNOSE.
- Plain Language: This rule is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.
- General: This rule is being reviewed as part of an overall aviation data requirements review and modernization program.

Year 1 (fall 2008) List of rules that will be analyzed during the next year

14 CFR part 241 — Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (fall 2008) List of Rules that will be analyzed during the next year

33 CFR part 401 - Seaway Regulations and Rules
33 CFR part 402 - Tariff of Tolls
33 CFR part 403 - Rules of Procedure of the Joint Tolls Review Board

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
244	+Commuter Operations in Very Light Jets (VLJs)	2120–AI84
245	+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers	2120–AJ00

+ DOT-designated significant regulation

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
246	+Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service	2120–AI92
247	+Production and Airworthiness Approvals	2120–AJ44

+ DOT-designated significant regulation

Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
248	+Flight Crewmember Duty Limitations and Rest Requirements	2120–AI93

+ DOT-designated significant regulation

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
249	+Washington, DC, Metropolitan Area Special Flight Rules Area	2120–AI17
250	+Production and Airworthiness Approvals	2120–AI78

+ DOT-designated significant regulation

DOT

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
251	+Unified Registration System	2126–AA22

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
252	Interstate Van Operations	2126–AA98
253	+Commercial Driver's License Testing and Commercial Learner's Permit Standards	2126–AB02

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
254	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States	2126–AA35
255	+National Registry of Certified Medical Examiners	2126–AA97

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
256	+New Entrant Safety Assurance Process	2126–AA59
257	+Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment	2126–AA86

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
258	Early Warning Reporting Information	2127–AK28

Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
259	Bus Testing: Phase-In of Brake Performance and Emissions Testing, and Program Updates **(Section 610 Review)**	2132–AA95
260	Buy America; Petition for Rulemaking **(Section 610 Review)**	2132–AA99

DOT

Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
261	School Bus Operations **(Section 610 Review)**	2132–AB00

Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
262	+Major Capital Investment Projects—New/Small Starts	2132–AA81

+ DOT-designated significant regulation

Pipeline and Hazardous Materials Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
263	+Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments	2137–AE02

+ DOT-designated significant regulation

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
264	+Cargo Preference—Compromise, Assessment, Mitigation, Settlement and Collection of Civil Penalties	2133–AB75

+ DOT-designated significant regulation

Department of Transportation (DOT) — Proposed Rule Stage

Federal Aviation Administration (FAA)

244. +COMMUTER OPERATIONS IN VERY LIGHT JETS (VLJS)

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 44702; 49 USC 44904; 49 USC 46507

Abstract: This rulemaking would establish a rule to allow passenger-carrying commuter operations to be conducted under the provisions of part 135 using multiengine turbojets, certificated under either part 23 or part 25, configured with 9 or fewer passenger seats. The rulemaking would allow multiengine turbojet operators to provide commuter service to the traveling public, thus accommodating new techonologies and a new generation of turbojet airplanes that otherwise would not be allowed in part 135 commuter service. Since 1995, turbojets used in scheduled operations must operate under the provisions of part 121. This current rulemaking resulted, in part, from recommendations from the Aviation Rulemaking Committee for parts 14 CFR 135/125 and covers pilot crew, equipment, training, and dispatch requirements for the safe operation of this new generation airplane.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267–8321

RIN: 2120–AI84

245. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 and 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 and 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903 and 44904; 49 USC 44912; 49 USC 46105

Abstract: This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental operations. The rulemaking would enhance traditional training programs

by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety. The rulemaking would also reorganize and revise the qualification and training requirements. The changes are intended to contribute significantly to reducing aviation accidents.

Timetable:

Action	Date	FR Cite
NPRM	01/12/09	74 FR 1280
Notice of Public Meeting	03/12/09	
NPRM Comment Period Extended	04/20/09	74 FR 17910
NPRM Comment Period End	05/12/09	
Extended NPRM Comment Period End	08/10/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, Suite 400, 100 Hartsfield Centre Parkway, Atlanta, GA 30354
Phone: 404 832–4700
Email: edward.cook@faa.gov

RIN: 2120–AJ00

Department of Transportation (DOT) Federal Aviation Administration (FAA) — Final Rule Stage

246. +AUTOMATIC DEPENDENT SURVEILLANCE—BROADCAST (ADS–B) EQUIPAGE MANDATE TO SUPPORT AIR TRAFFIC CONTROL SERVICE

Legal Authority: 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711 and 44712; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315 and 46316; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of 61stat.1180; 49 USC 46507

Abstract: This rulemaking would require Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment on aircraft to operate in certain classes of airspace within the United States National Airspace System. The rulemaking is necessary to accommodate the expected increase in demand for air transportation, as described in the Next Generation Air Transportation System Integrated Plan. The intended effect of this rule is to provide the Federal Aviation Administration with a comprehensive surveillance system that accommodates the anticipated increase in operations and would provide a platform for additional flight applications and services.

Timetable:

Action	Date	FR Cite
NPRM	10/05/07	72 FR 56947
NPRM Comment Period End	11/19/07	72 FR 64966
NPRM Comment Period Extended	01/03/08	
Comment Period End	03/03/08	
Reopened for Comments on ARAC Recommendation	10/02/08	73 FR 57270
Comment Period End	11/03/08	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Vincent Capezzuto, Terminal Program Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 385–8637
Email: vincent.capezzuto@faa.gov

RIN: 2120–AI92

247. ● +PRODUCTION AND AIRWORTHINESS APPROVALS

Legal Authority: 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701; 49 USC 44704; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303; 49 USC 44702

Abstract: This rulemaking would amend the certification procedures and identification requirements for aeronautical products and articles. These amendments would update and standardize those requirements for production approval holders (PAHs), revise export airworthiness approval requirements to facilitate global manufacturing, move all part marking requirements from part 21 to part 45, and amend the identification requirements for products and articles. The intent of these changes is to continue to promote safety by ensuring that aircraft, and products and articles designed specifically for use in aircraft, wherever manufactured, meet appropriate minimum standards for design and construction. This rulemaking was split from RIN 2120-AI78.

Timetable:

Action	Date	FR Cite
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Capron, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591
Phone: 202 267–3343
Email: barbara.capron@faa.gov

RIN: 2120–AJ44

Department of Transportation (DOT) — Long-Term Actions
Federal Aviation Administration (FAA)

248. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44712 and 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 44904

Abstract: This rulemaking would amend the regulations on duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The changes would respond to the need to ensure that the rules will continue to provide the minimum level of safety. This rulemaking responds to public and congressional interest in regulating flight crewmember rest requirements, NTSB Safety Recommendations, petitions for rulemaking, and scientific data. This action is considered significant because of substantial public interest. The FAA is considering proposing additional changes in response to comments received on the NPRM.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20951
Phone: 202 267–9360
Email: larry.youngblut@faa.gov

RIN: 2120–AI93

Department of Transportation (DOT) — Completed Actions
Federal Aviation Administration (FAA)

249. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA

Legal Authority: 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502

Abstract: This rulemaking would codify restrictions for certain aircraft operations in the Washington, DC, Metropolitan Area. This action is necessary because of the ongoing threat of terrorist attacks. The FAA intends by this action to help the Department of Homeland Security and the Department of Defense protect national assets in the National Capital region. We are developing the rule in conjunction with the Department of Defense and Department of Homeland Security.

Timetable:

Action	Date	FR Cite
NPRM	08/04/05	70 FR 45250
Correction	08/24/05	70 FR 49515
NPRM Comment Period End	11/02/05	
NPRM	11/07/05	70 FR 67388
End of Extended Comment Period	02/06/06	
Final Rule	12/16/08	73 FR 76195
Correction	12/29/08	73 FR 79313
Final Rule Effective	02/17/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ellen Crum, Air Traffic Systems Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267–8783
Email: ellen.crum@dot.gov

RIN: 2120–AI17

250. +PRODUCTION AND AIRWORTHINESS APPROVALS

Legal Authority: 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701; 49 USC 44704; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303; 49 USC 44702

Abstract: This rulemaking would change certification procedures and identification requirements for aeronautical products and parts. The changes would address standardizing requirements for production approval holders; requiring production approval holders to issue airworthiness approvals for aircraft engines, propellers, and other aviation parts; requiring manufacturers to mark all parts and components; and revising export airworthiness approval requirements to facilitate global manufacturing. The intent of these changes is to promote safety by ensuring that aircraft, and parts designed specifically for use in aircraft, wherever manufactured, meet applicable standards. This action is also necessary to update our regulations to reflect the current global aircraft and aircraft parts manufacturing environment. Some of the information reported here, under RIN 2120-AI78, was inadvertently included. It pertains to RIN 2120-AJ44. The rulemaking under RIN 2120-AI78 was published on 11/23/2007 and became effective on 1/14/2008. Rulemaking 2120-AI78 is complete and will not be on the next report.

Timetable:

Action	Date	FR Cite
NPRM	10/05/06	71 FR 58914
NPRM Comment Period Extended	12/20/06	71 FR 76224
NPRM Comment Period End	01/03/07	
End of Extended Comment Period	02/05/07	
Notice of Availability and Request for comments	02/14/07	72 FR 6968
Comment Period End	04/02/07	
Final Rule	11/13/07	72 FR 63797
Final Rule Effective	01/14/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Capron, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591
Phone: 202 267–3343
Email: barbara.capron@faa.gov

RIN: 2120–AI78

BILLING CODE 4910—13—S

Department of Transportation (DOT) — Proposed Rule Stage
Federal Motor Carrier Safety Administration (FMCSA)

251. +UNIFIED REGISTRATION SYSTEM

Legal Authority: PL 104–88; 109 Stat. 803, 888 (1995); 49 USC 13908; PL 109–159, sec 4304

Abstract: This rulemaking would replace three current identification and registration systems: the US DOT number identification system, the commercial registration system, and the financial responsibility system, with an online Federal unified registration system. This program would serve as a clearinghouse and depository of information on, and identification of, brokers, freight forwarders, and others required to register with the Department of Transportation. The Agency is revising this rulemaking to address amendments directed by SAFETEA-LU. The replacement system for the Single State Registration System, which the ICC Termination Act originally directed be merged under URS, will be addressed separately.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End	08/17/05	
Supplemental NPRM	03/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Valerie Height, Management Analyst, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC–PRR), 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–0901
Email: valerie.height@dot.gov

RIN: 2126–AA22

Department of Transportation (DOT) — Final Rule Stage
Federal Motor Carrier Safety Administration (FMCSA)

252. INTERSTATE VAN OPERATIONS

Legal Authority: PL 109–59 (2005), sec 4136

Abstract: This rulemaking would make the requirements concerning driver qualifications; driving of CMVs; parts and accessories necessary for safe operations; hours of service; and inspection, repair, and maintenance applicable to the operation of vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, in interstate commerce, regardless of the distance traveled. Currently the safety regulations apply to such vans when the vehicle is operated beyond a 75 air-mile radius of the driver's work reporting location. This action is in response to SAFETEA-LU.

Timetable:

Action	Date	FR Cite
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–4325
Email: tom.yager@dot.gov

RIN: 2126–AA98

253. +COMMERCIAL DRIVER'S LICENSE TESTING AND COMMERCIAL LEARNER'S PERMIT STANDARDS

Legal Authority: PL 109–347, sec 703; 49 USC 31102; PL 105–178, 112 Stat 414 (1998); PL 99–570, title XII, 100 Stat 3207 (1086); PL 102–240, sec 4007(a)(1), Stat. 1914, 2151; PL 109–59 (2005), sec 4122; 49 USC 31136

Abstract: This rulemaking would establish revisions to the commercial driver's license knowledge and skills testing standards as required by section 4019 of TEA-21, implement fraud detection and prevention initiatives at the State driver licensing agencies as required by the SAFE Port Act of 2006, and establish new minimum Federal standards for States to issue commercial learner's permits (CLPs), based in part on the requirements of section 4122 of SAFETEA-LU. In addition, to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule would establish the minimum information that must be on the CLP document and the electronic driver's record. The rule would also establish maximum issuance and renewal periods, establish a minimum age limit, address issues related to a driver's State of Domicile, and incorporate previous regulatory guidance into the Federal regulations. This rule would also address issues raised in the SAFE Port Act.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19282
NPRM Comment Period Extended	06/09/08	73 FR 32520
NPRM Comment Period End	06/09/08	
Second NPRM Comment Period End	07/09/08	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–5014
Email: robert.redmond@dot.gov

RIN: 2126–AB02

Department of Transportation (DOT) — Long-Term Actions

Federal Motor Carrier Safety Administration (FMCSA)

254. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO–DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES

Legal Authority: PL 107–87, sec 350; 49 USC 113; 49 USC 31136; 49 USC 31144; 49 USC 31502; 49 USC 504; 49 USC 5113; 49 USC 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA is waiting for Interim Final Rule experience after the border opens before deciding what to do next on this rulemaking. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
IFR Comment Period End	04/18/02	
IFR Effective*	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dominick Spataro, Chief, CDL Division (MC–ESL), Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–2995
Email: dominick.spataro@dot.gov

RIN: 2126–AA35

255. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS

Legal Authority: PL 109–59 (2005), sec 4116

Abstract: This rulemaking would establish training, testing and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle drivers meet established physical qualifications standards; provide a database (or National Registry) of medical examiners that meet the prescribed standards for use by motor carriers, drivers, and Federal and State enforcement personnel in determining whether a medical examiner is qualified to conduct examinations of interstate truck and bus drivers; and require medical examiners to transmit electronically to FMCSA the name of the driver and a numerical identifier for each driver that is examined. The rulemaking would also establish the process by which medical examiners that fail to meet or maintain the minimum standards would be removed from the National Registry. This action is in response to section 4116 of Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users.

Timetable:

Action	Date	FR Cite
NPRM	12/01/08	73 FR 73129
NPRM Comment Period End	01/30/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Mary D. Gunnels, Director, Office of Medical Programs, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–4001
Email: maggi.gunnels@dot.gov

RIN: 2126–AA97

Department of Transportation (DOT) — Completed Actions

Federal Motor Carrier Safety Administration (FMCSA)

256. +NEW ENTRANT SAFETY ASSURANCE PROCESS

Legal Authority: PL 106–159, sec 210; 113 Stat 1748 (1999); PL 107–87, sec 350; 49 USC 31144

Abstract: This rule will change the New Entrant Safety Assurance Process by raising the standard of compliance for passing the new entrant safety audit. It also makes clarifying changes to some of the existing new entrant regulations. The rule also proposes a separate application procedure and safety oversight system for non-North America-domiciled motor carriers. The rule will improve the Agency's ability to identify at-risk new entrant carriers and will ensure deficiencies in basic safety management controls are corrected before the new entrant is granted permanent registration. These changes will not impose additional operational requirements on any new entrant carrier. All new entrants will continue to receive educational information on how to comply with the safety regulations and be given an opportunity to correct any deficiencies found. FMCSA recognizes many new entrants are small businesses that are unaware of these requirements and continue to need our assistance.

Timetable:

Action	Date	FR Cite
Interim Final Rule (IFR)	05/13/02	67 FR 31978
IFR Comment Period End	07/12/02	
IFR Effective	01/01/03	
NPRM	12/21/06	71 FR 76730
NPRM Comment Period End	02/20/07	
Final Rule	12/16/08	73 FR 76472
Final Rule Effective	02/17/09	

DOT—FMCSA — Completed Actions

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephanie Haller, Enforcement and Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–0178
Email: stephanie.haller@dot.gov

RIN: 2126–AA59

257. +REQUIREMENTS FOR INTERMODAL EQUIPMENT PROVIDERS AND MOTOR CARRIERS AND DRIVERS OPERATING INTERMODAL EQUIPMENT

Legal Authority: 49 USC 31136; 49 USC 31151; PL 109–59 (2005), sec 4118; 49 USC 31502

Abstract: This rulemaking would require entities that offer intermodal container chassis for transportation in interstate commerce to: file a Motor Carrier Identification Report (Form MCS-150); display a USDOT identification number on each chassis offered for such transportation; establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each chassis offered for transportation and maintain documentation of the program; and provide a means for effectively responding to driver and motor carrier complaints about the condition of intermodal container chassis. The rulemaking is considered significant because of substantial industry and congressional interest and because it involves other departmental modes. It is required by SAFETEA-LU.

Timetable:

Action	Date	FR Cite
NPRM	12/21/06	71 FR 76796
NPRM Comment Period End	03/21/07	
Comment Period Extended	04/13/07	72 FR 18615
Extended Comment Period End	05/21/07	
Final Rule	12/17/08	73 FR 76794
Final Rule Effective	06/17/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–5370
Email: deborah.freund@dot.gov

RIN: 2126–AA86

BILLING CODE 4910—EX—S

Department of Transportation (DOT) — Final Rule Stage
National Highway Traffic Safety Administration (NHTSA)

258. EARLY WARNING REPORTING INFORMATION

Legal Authority: 49 USC 30166

Abstract: This rulemaking would amend certain provisions of the early warning reporting (EWR) rule published pursuant to the Transportation Recall, Enhancement, Accountability and Documentation (TREAD) Act. This rulemaking would modify the threshold for submitting quarterly EWR reports for some manufacturers and add new requirements to maintain the consistency of the EWR data from quarter to quarter. This rulemaking has been downgraded and will not appear on next month's report.

Timetable:

Action	Date	FR Cite
NPRM	12/05/08	73 FR 74101
NPRM Comment Period End	02/03/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christina Morgan, Chief, Early Warning Reporting, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–4238
Email: tina.morgan@dot.gov

RIN: 2127–AK28

BILLING CODE 4910—59—S

Department of Transportation (DOT) — Final Rule Stage
Federal Transit Administration (FTA)

259. BUS TESTING: PHASE–IN OF BRAKE PERFORMANCE AND EMISSIONS TESTING, AND PROGRAM UPDATES (SECTION 610 REVIEW)

Legal Authority: 49 USC 5318(a)

Abstract: This rulemaking would modify the Bus Testing rule to incorporate tests for brake performance and emissions. This rulemaking would also update and clarify the existing regulation found at 49 CFR 665.

Timetable:

Action	Date	FR Cite
NPRM	09/30/08	73 FR 56781
NPRM Comment Period End	12/01/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Richard Wong, Attorney–Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–6067
Fax: 202 366–3809
Email: richard.wong@dot.gov

RIN: 2132–AA95

260. BUY AMERICA; PETITION FOR RULEMAKING (SECTION 610 REVIEW)

Legal Authority: 49 USC 5323(j)

Abstract: This rulemaking would address the treatment of bi-metallic aluminum rail under FTA's Buy America rule. Presently, both running rail (carrying the weight of the train) and power rail (carrying the electric power supply) are treated alike under the Buy America regulation, i.e., all rail

products must be produced in the United States, including all manufacturing processes, except metallurgical processes involving refinement of steel additives. During its recent Buy America rulemaking, FTA received several requests to classify bi-metallic aluminum rail as ''traction power equipment.'' Such a move would subject bi-metallic aluminum rail to a 60/40% domestic/non-domestic content requirement, provided that final assembly takes place in the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/24/08	73 FR 70950
NPRM Comment Period End	01/23/09	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Richard Wong, Attorney–Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–6067
Fax: 202 366–3809
Email: richard.wong@dot.gov

RIN: 2132–AA99

Department of Transportation (DOT) — Long-Term Actions
Federal Transit Administration (FTA)

261. SCHOOL BUS OPERATIONS (SECTION 610 REVIEW)

Legal Authority: 49 USC 5323(f)

Abstract: This rulemaking would amend the regulations that govern the provision of services to school students and personnel by recipients of Federal funds from the Federal Transit Administration for consistency with the statutory provisions enacted by SAFETEA-LU regarding penalties for violations of the regulations. This rulemaking would also clarify the existing requirements for differentiating permissible services from prohibited services to school students and personnel.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Agency Contact: Michael Culotten, Attorney–Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 493–0509
Fax: 202 366–3809

RIN: 2132–AB00

Department of Transportation (DOT) — Completed Actions
Federal Transit Administration (FTA)

262. +MAJOR CAPITAL INVESTMENT PROJECTS—NEW/SMALL STARTS

Legal Authority: PL 109–59, sec 3011

Abstract: This rulemaking would establish a simplified evaulation process for projects seeking less than $75 million in New Starts funds. The rule will set out FTA's evaluation and rating process for proposed projects based on the results of project justification and local financial commitment. This action is mandated by SAFETEA-LU. The 2008 Appropriations Act prohibited a Final Rule. A Continuing Resolution (Pub. L. 110-329, Division A) continues in effect the prohibition of the 2008 Appropriations Act on the issuance of a Final Rule.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/06	71 FR 4864
ANPRM Comment Period End	03/10/06	
NPRM	08/03/07	72 FR 43328
NPRM Comment Period End	11/01/07	
Withdrawn	02/17/09	74 FR 7388

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christopher VanWyk, Attorney–Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–1733
Email: christopher.vanwyk@fta.dot.gov

RIN: 2132–AA81

BILLING CODE 4910—57—S

Department of Transportation (DOT) — Completed Actions
Pipeline and Hazardous Materials Safety Administration (PHMSA)

263. +HAZARDOUS MATERIALS: ENHANCING RAIL TRANSPORTATION SAFETY AND SECURITY FOR HAZARDOUS MATERIALS SHIPMENTS

Legal Authority: 49 USC 5101 to 5127

Abstract: In consultation with the Federal Railroad Administration (FRA), PHMSA would revise the current requirements on the safe and secure transportation of hazardous materials transported in commerce by rail. It may require rail carriers to (1) compile annual data on certain shipments of hazardous materials and use the data to analyze safety and security risks along rail transportation routes where those materials are transported; (2) assess alternative routing options and make routing decisions based on those assessments; and (3) clarify the current security plan requirements to address en route storage and delays in transit. This rulemaking was scheduled to have a final rule published by 12/24/2007.

DOT—PHMSA

Completed Actions

Timetable:

Action	Date	FR Cite
Request for Comments	08/10/04	69 FR 50987
Comment Period End	10/18/04	
NPRM	12/21/06	71 FR 76834
NPRM Comment Period End	02/20/07	
Interim Final Rule	04/16/08	73 FR 20751
Interim Final Rule Effective	06/01/08	
Final Rule	11/26/08	73 FR 72182
Final Rule Effective	12/26/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Susan Gorsky, Senior Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–8553
Email: susan.gorsky@dot.gov

RIN: 2137–AE02

BILLING CODE 4910—60—S

Department of Transportation (DOT)
Maritime Administration (MARAD)

Proposed Rule Stage

264. ● +CARGO PREFERENCE—COMPROMISE, ASSESSMENT, MITIGATION, SETTLEMENT AND COLLECTION OF CIVIL PENALTIES

Legal Authority: PL 110–417

Abstract: This rulemaking would establish part 383 of the Cargo Preference regulations. This rulemaking would cover Public Law 110-417, section 3511, National Defense Authorization Act for FY 2009 statutory changes to the cargo preference rules, which have not been substantially revised since 1971. The rulemaking also would include compromise, assessment, mitigation, settlement, and collection of civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20405
Phone: 202 366–5157
Email: christine.gurland@dot.gov

RIN: 2133–AB75

[FR Doc. E9–10277 Filed 05–08–09; 8:45 am]

BILLING CODE 4910–81–S

Federal Register

Monday,
May 11, 2009

Part XII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-8770-9]

EPA-HQ-OA-2007-1172

EPA-HQ-OW-2009-0082

Spring 2009 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-agenda) at www.reginfo.gov to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

Definitions:

''E-agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that used to be published in the **Federal Register**, but which now are only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. This will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

''Monthly Action Initiation List'' (AIL) refers to a list that EPA posts online each month of the regulations newly approved for development.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center.

''Regulatory agenda preamble'' refers to the document you are reading now. It appears as part of EPA's regulatory flexibility agenda and introduces both the regulatory flexibility agenda and EPA's e-agenda.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda please contact: Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564) or Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855).

TO BE PLACED ON AN AGENDA MAILING LIST: If you would like to receive an e-mail with a link to new semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: nscep@bps-lmit.com and put ''E-Regulatory Agenda: Electronic Copy'' in the subject line.

If you would like to regularly receive information about the rules newly approved for development, sign up for our monthly Action Initiation List by going to http://www.epa.gov/lawsregs/search/ail.html#notification and completing the five steps listed there.

If you would like to receive a hard copy of the semiannual agenda about 2 to 3 months after publication, call 800-490-9198 or send an e-mail with your name and complete address to: nscep@bps-lmit.com and put ''Regulatory Agenda Hard Copy'' in the subject line.

SUPPLEMENTARY INFORMATION:

Table of Contents

A. Map of Regulatory Agenda Information
B. What Are EPA's Regulatory Goals and What Key Principles, Statutes, and Executive Orders Guide Our Rule and Policymaking Process?
C. How Can You Be Involved in EPA's Rule and Policymaking Process?
D. What Actions Are Included in the Regulatory Agenda?
E. How Is the E-Agenda Organized?
F. What Information Is in the Regulatory Flexibility Agenda and the E-Agenda?
G. How Can I Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?
H. What Tools for Finding More About EPA Rules and Policies Are Available at EPA.gov, Regulations.gov, and Reginfo.gov?
I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities
J. What Other Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?
K. Thank You for Collaborating With Us

A. Map of Regulatory Agenda Information

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the online Agenda); approx. 300 entries, which include the expanded Regulatory Flexibility Agenda (approx. 8 entries; 25 data fields/entry)	wwww.reginfo.gov/, www.regulations.gov, and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR
Semiannual Regulatory Flexibility Agenda (approx. 8 entries; 9 data fields/entry)	www.reginfo.gov/, www.regulations.gov, and http://www.epa.gov/lawsregs/search/regagenda.html	Part XII of today's issue
Monthly Action Initiation List	http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OA-2008-0265 and http://www.epa.gov/lawsregs/search/ail.html	Not in FR

EPA

B. What Are EPA's Regulatory Goals, and What Key Principles, Statutes, and Executive Orders Guide Our Rule and Policymaking Process?

In outlining his agenda for the environment, President Obama has articulated three values that he expects EPA to uphold. These values will shape everything we do.

Science must be the backbone for EPA programs. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. The President believes that when EPA addresses scientific issues, it should rely on the expert judgment of the Agency's career scientists and independent advisors. When scientific judgments are suppressed, misrepresented, or distorted by political agendas, Americans can lose faith in their government to provide strong public health and environmental protection.

EPA must follow the rule of law. The President recognizes that respect for congressional mandates and judicial decisions is the hallmark of a principled regulatory agency. Under our environmental laws, EPA has room to exercise discretion, and Congress has often looked to EPA to fill in the details of general policies. However, EPA needs to exercise policy discretion in good faith and in keeping with the directives of Congress and the courts. When Congress has been explicit, EPA cannot misinterpret or ignore the language Congress has used. When a court has determined EPA's responsibilities under our governing statutes, EPA cannot turn a blind eye to the court's decision or procrastinate in complying.

EPA's actions must be transparent. Public trust in the Agency demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases for our decisions. We will carry out the work of the Agency in public view so that the door is open to all interested parties and that there is no doubt why we are acting and how we arrived at our decisions.

We must take special pains to connect with those who have been historically underrepresented in EPA decisionmaking, including the disenfranchised in our cities and rural areas, communities of color, native Americans, people disproportionately impacted by pollution, and small businesses, cities, and towns working to meet their environmental responsibilities. Like all Americans, they deserve an EPA with an open mind, a big heart, and a willingness to listen. We must also be sensitive to the burdens pollution has placed on vulnerable subpopulations, including children, the elderly, the poor, and all others who are at particular risk to threats to health and the environment. We must seek their full partnership in the greater aim of identifying and eliminating the sources of pollution in their neighborhoods, schools, and homes.

EPA's strength has always been our ability to adapt to the constantly changing face of environmental protection as our economy and society evolve and science teaches us more about how humans interact with and affect the natural world. Now, more than ever, EPA must be innovative and forward-looking because the environmental challenges faced by Americans all across our country are unprecedented. These challenges are indeed immense in scale and urgency. But, we will meet them. Administrator Jackson has put a high priority on developing an environmental policy agenda that significantly improve the environment, while helping to create jobs and make the investment needed to emerge from the current recession. EPA is making significant strides in this area already as is reflected in this document. As EPA makes further decisions regarding the path forward for existing and new regulatory activities, we will continue to be transparent, letting the public know about these decisions through various sources such as our Web site and future editions of EPA's regulatory agenda and regulatory plan.

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. We also must meet a number of requirements contained in Executive Orders: 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255; August 10, 1999), 13175 (Consultation and Coordination with Indian Tribal Governments; 65 FR 67249; November 9, 2000), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; 66 FR 28355; May 22, 2001).

C. How Can You Be Involved in EPA's Rule and Policymaking Process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR).

Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the regulations.gov e-docket. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit www.epa.gov/publicinvolvement.

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-agenda. However, there is no legal significance to the omission of an item from the

EPA

agenda, and we generally do not include minor amendments or the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes;
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

The regulatory flexibility agenda normally includes:

- Actions that are likely to have a significant economic impact on a substantial number of small entities, and
- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We have one rule scheduled for 610 review in 2009.

E. How Is the E-Agenda Organized?

You can now choose how both the www.reginfo.gov and www.regulations.gov versions of the E-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Stages of rulemaking include:

1. Prerulemaking-Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.
2. Proposed Rule-This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule-This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions-This section includes rulemakings for which the next scheduled regulatory action is after April 2010.
5. Completed Actions-This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2008 agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the agenda.

F. What Information Is in the Regulatory Flexibility Agenda and the E-Agenda?

Regulatory Flexibility Agenda entries include:

Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person.

E-Agenda entries include:

Title: Titles for new entries (those that have not appeared in previous agendas) are preceded by a bullet (•). The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below. OMB reviews all significant rules including both of the first two categories, ''economically significant'' and ''other significant.''

Economically Significant: Under E.O. 12866, a rulemaking action that may have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under E.O. 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of E.O. 12866.

Also, if we believe that a rule may be ''Major'' as defined in the Congressional Review Act (5 U.S.C. 801, *et seq.*) because it is likely to result in an annual

EPA

effect on the economy of $100 million or more or meets other criteria specified in this law, we indicate this under the ''Priority'' heading with the statement ''Major under 5 U.S.C. 801.''

Legal Authority: The sections of the United States Code (USC), Public Law (PL), Executive Order (EO), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the agenda are our best estimates as of the date we submit the agenda for publication. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether we expect the rule to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether we expect the rule to have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to 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.

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than $100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this $100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

SAN Number: An identification number that EPA uses to track rulemakings and other actions under development.

URLs: For some of our actions we include the Internet addresses for: Reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to our electronic docket, which is at: www.regulations.gov. Once there, follow the online instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN stand for the EPA office with lead responsibility for developing the action.

G. How Can I Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?

EPA posts monthly updates of the rulemakings that the Agency's senior managers have decided that we should work on. We also distribute this list via e-mail. You can see the current list, which we call the Action Initiation List, at http://www.epa.gov/lawsregs/search/ail.html where you will also find information about how to get an e-mail notification when a new list is posted.

H. What Tools for Mining Regulatory Agenda Data and for Finding More About EPA Rules and Policies Are Available at Reginfo.gov, EPA.gov, and Regulations.gov?

1. The Reginfo.gov Searchable Database

GSA's Regulatory Information Service Center, which coordinates publication of the Agenda for the Office of Management and Budget, has developed and continues to improve a regulatory agenda database that includes powerful search, display, and data transmission options. You can:

- See the preamble. On the Main Agenda Page, select Current Agenda Agency Preambles.
- Get a complete list of EPA's entries. On the Main Agenda Page, under Agency, select Environmental Protection Agency.
- View the contents of all of EPA's entries. On the Agenda Search Page, select ''Advanced Search''; select Continue; Select Environmental Protection Agency and then Continue; Select ''Search.''
- Get a listing of entries with specified characteristics. Follow the procedure described immediately above for viewing the contents of all entries, but on the screen headed ''Advanced Search-Select Additional Fields'' select the characteristics you are seeking before clicking on ''Search.'' For example, if you wish to see a listing of all economically significant actions that may have a significant economic impact on a substantial number of small businesses, you would check Economically Significant under Priority and check Business under Regulatory Flexibility Analysis required.
- Download the results of your searches in XML format.

2. Subject Matter EPA Web sites

Some of the actions listed in the agenda include a URL that provides additional information.

3. Listservers

If you want to get automatic e-mails about areas of particular interest, including notifications, when an action is published in the **Federal Register**, we maintain 12 listservers including:

EPA

a. Air
b. Water
c. Wastes and emergency response
d. Pesticides
e. Toxic substances
f. Right-To-Know and toxic release inventory
g. Environmental impacts
h. Endangered species
i. Meetings
j. The Science Advisory Board
k. Daily full-text notices with page numbers, and
l. General information.

For more information and to subscribe via our FR Web site, visit: www.epa.gov/fedrgstr/subscribe.htm. If you have e-mail without full Internet access, please send an e-mail to envsubset@epa.gov to request instructions for subscribing to the EPA **Federal Register** listservers.

4. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency may establish a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various nonrulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. If there is a docket on a particular action, information about the location will be in that action's agenda entry. URL's for many of EPA's dockets are included in the agenda entry. To enter the docket, copy the URL into a browser window. To locate a docket you can also use the docket search features at Regulations.gov.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA has one rule scheduled for 610 review in 2009.

Rule Being Reviewed	RIN	Docket ID
Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Section 610 Review)	2040–AF04	EPA-HQ-OW-2009-0082

EPA has established an official public docket for this 610 review under a docket identification (ID) number as indicated above. All documents in the docket are listed on the 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 www.regulations.gov or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue 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 for the Public Reading Room is (202) 566-1744. Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments using one of the following methods:

1. *Electronically.* Go directly to www.regulations.gov and find ''Advanced Docket Search.'' Enter the appropriate Docket ID number. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. If you do submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket.
2. *By Mail.* Send your comments to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Docket # EPA-HQ-OW-2009-0082, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
3. *By Hand Delivery or Courier.* Deliver your comments, identified by the Docket # EPA-HQ-OW-2009-0082, to: EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center 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. Such deliveries are only accepted during the Docket's normal hours of operation as identified above. For more information on EPA's docket center, please visit http://www.epa.gov/epahome/dockets.htm.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.

J. What Other Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA/SBREFA (the Regulatory Flexibility Act as amended by the Small

EPA

Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at http://www.epa.gov/sbrefa/.

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required and for a list of rules under development that may affect small entities, but not significantly affect a substantial number of them, go to: http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda and select the appropriate index in the second box in the right hand column.

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in solving the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face and the regulatory agenda is an important part of that process.

Dated: March 30, 2009.

Louise Wise,

Acting Associate Administrator, Office of Policy, Economics, and Innovation.

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
265	SAN No. 4884 Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources	2060–AM44
266	SAN No. 5250 Renewable Fuels Standard Program	2060–AO81

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
267	SAN No. 5326 Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport **(Completion of a Section 610 Review)**	2060–AP42

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
268	SAN No. 5007 Pesticides; Competency Standards for Occupational Users	2070–AJ20
269	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions	2070–AJ22

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
270	SAN No. 5332 Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells **(Section 610 Review)**	2040–AF04

SAFE DRINKING WATER ACT (SDWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
271	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

265. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Legal Authority: CAA sec 112

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). Section 112(k) requires development of standards for area sources which account for 90% of the emissions in urban areas of the 30 urban (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories for regulation pursuant to section 112(c). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jim Eddinger, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5426
Email: eddinger.jim@epamail.epa.gov

Robert J. Wayland, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM44

266. RENEWABLE FUELS STANDARD PROGRAM

Legal Authority: CAA 211(o)

Abstract: This action will implement certain provisions in Title II of the 2007 Energy Independence and Security Act that amend section 211(o) of the Clean Air Act. The new law sets a modified standard for renewable fuels increasing the national requirement to 9.0 billion gallons in 2008 and rising to 36 billion gallons by 2022. Of the latter total, 21 billion gallons is required to be obtained from cellulosic biofuels and other advanced biofuels. Starting in 2016, all of the increase in the RFS target must be met with advanced biofuels, defined as cellulosic ethanol and other biofuels derived from feedstock other than corn starch—with explicit standards for cellulosic biofuels and biomass-based diesel.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Paul Argyropoulos, Environmental Protection Agency, Air and Radiation, 6520J ARN, Washington, DC 20460
Phone: 202 564–1123
Fax: 202 564–1686
Email: argyropoulos.paul@epa.gov

David Korotney, Environmental Protection Agency, Air and Radiation, AAFC, Ann Arbor, MI 48105
Phone: 734 214–4507
Email: korotney.david@epamail.epa.gov

RIN: 2060–AO81

Environmental Protection Agency (EPA) — Completed Actions

Clean Air Act (CAA)

267. ● FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING ON SECTION 126 PETITIONS FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 5 USC 610

Abstract: On May 25, 1999 (64 FR 28250), EPA issued a final rule entitled ''Findings of Significant Contribution and Rulemaking on section 126 Petitions for Purposes of Reducing Interstate Ozone Transport,'' usually referred to as the ''Section-126 rule.'' This rule was a response to petitions from several states asking EPA to take Federal action to address the problem of air pollution coming from upwind states. Since this rule did not include a no-significant-impact certification under the Regulatory Flexibility Act, it normally would be a candidate for the RFA-required review 10 years after promulgation. However, this rule had no actual impact on any entities, since it specified that its prescribed upwind-pollution remedies could be fulfilled by State actions under a previous EPA rule entitled ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' usually referred to as the ''NOx SIP Call,'' which was promulgated on October 27, 1998 (63 FR 57355). Subsequently, the States did in fact comply with the NOx SIP Call rule, thereby nullifying any effect of the Section-126 rule. Therefore the Section-126 rule has had, and will have, no impacts on any entities, including small entities, thereby obviating the need for a 10-year review under the RFA. In light of this fact, EPA is, through this notice, documenting the Section-126 rule's lack of impact, and announcing that the 10-year review has been completed.

Timetable:

Action	Date	FR Cite
Final Action	05/25/99	64 FR 28250
610 Review Determination	03/26/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Thomas Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202 564–1952
Fax: 202 564–1554

EPA—Clean Air Act (CAA) — Completed Actions

Email: eagles.tom@epa.gov

RIN: 2060–AP42

Environmental Protection Agency (EPA) — Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

268. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

Abstract: The EPA is proposing change to federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. The possible need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the potential need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–7002
Fax: 703 308–2962
Email: davis.kathy@epa.gov

Richard Pont, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6448
Fax: 703 308–2962
Email: pont.richard@epa.gov

RIN: 2070–AJ20

269. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Legal Authority: 7 USC 136; 7 USC 136w

Abstract: The EPA is developing a proposal to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The potential need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–7002
Fax: 703 308–2962
Email: davis.kathy@epa.gov

Richard Pont, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6448
Fax: 703 308–2962
Email: pont.richard@epa.gov

RIN: 2070–AJ22

Environmental Protection Agency (EPA) — Prerule Stage

Safe Drinking Water Act (SDWA)

270. ● REVISIONS TO THE UNDERGROUND INJECTION CONTROL (UIC) REQUIREMENTS FOR CLASS V WELLS (SECTION 610 REVIEW)

Legal Authority: 5 USC 610

Abstract: Class V wells are regulated under the authority of part C of the Safe Drinking Water Act (SDWA). The SDWA is designed to protect the quality of drinking water in the United States, and part C specifically mandates the regulation of underground injection of fluids through wells. The Agency has promulgated a series of underground injection control (UIC) regulations under this authority. Most class V wells are authorized by rule as long as (1) they do not endanger underground sources of drinking water (USDWs), and (2) the well owners or operators submit basic inventory and assessment information. If a class V well may endanger USDWs, UIC Program Directors can require the owner/operator to apply for a permit, order preventive actions (including closure of the well) to prevent the violation, require remediation to assure USDWs are protected, or take enforcement action.

On December 7, 1999, EPA finalized additional requirements for motor vehicle waste disposal wells and large capacity cesspools, to embrace priorities and help achieve goals defined under the 1996 Amendments

EPA—Safe Drinking Water Act (SDWA) — Prerule Stage

to the SDWA, and to fulfill the first phase of the Agency's requirements under the 1997 consent decree with the Sierra Club. The 1999 Rule established requirements for two categories of class V injection wells determined by EPA to be a source of endangerment to drinking water. Specifically, the rule covers: (1) Existing motor vehicle waste disposal wells located in ground water protection areas or other sensitive ground water areas; and, (2) new and existing large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The conclusion that these class V wells pose an endangerment to USDWs is based on substantial information and the combined professional judgment of EPA and State geologists and engineers that are responsible for implementing the class V UIC program.

This new entry in the regulatory agenda announces that while EPA has taken steps in the 1999 Rulemaking process to evaluate and mitigate impacts on small entities, pursuant to section 610 of the Regulatory Flexibility Act, EPA will review the Class V Rule. As part of the review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4)the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Based on the evaluation of the Class V Rule during promulgation, EPA believes there is a continued need for the Class V Rule. EPA assumes that the regulatory impact of two endangering well types on small business is not significant because the Agency believes most of these well types have been either closed or permitted.

Comments must be received by August 11, 2009. In submitting comments, please reference Docket ID EPA-HQ-OW-2009-0082 and follow the instructions in section I of the preamble to this issue of the Regulatory Agenda. The docket can be assessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Action	12/07/99	64 FR 68546
Begin Review	05/00/09	
End Comment Period	08/00/09	
End Review	12/00/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Stephanie Flaharty, Environmental Protection Agency, Water, 4601M, Washington, DC 20460
Phone: 202 564–5072
Email: flaharty.stephanie@epamail.epa.gov

Sandy Evalenko, Environmental Protection Agency, Water, 4101M, Washington, DC 20460
Phone: 202 564–0264
Email: evalenko.sandy@epamail.epa.gov

RIN: 2040–AF04

Environmental Protection Agency (EPA) — Long-Term Actions

Safe Drinking Water Act (SDWA)

271. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Legal Authority: 42 USC 300f et seq

Abstract: In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM original	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rebeccak Allen, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4689
Fax: 202 564–3760
Email: allen.rebeccak@epamail.epa.gov

Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5250
Fax: 202 564–3760
Email: burneson.eric@epamail.epa.gov

RIN: 2040–AA94

[FR Doc. E9–10279 Filed 05–08–09; 8:45 am]
BILLING CODE 6560–50–S

Federal Register

Monday,
May 11, 2009

Part XIII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, and 302

48 CFR Chs. 5 and 61

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2008 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated.

Proposed rules may be reviewed in their entirety at the Government's rulemaking website at *http://www.regulations.gov*.

Since the fall 2008 edition, the Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for spring editions of the Agenda, the entireRegulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Supervisor, Regulatory Secretariat at (202) 208-7282.

Dated: March 19, 2009.

Stan Kaczmarczyk,

Acting Associate Administrator, Office of Governmentwide Policy.

Joy C. Heuer,

Pricing Team Lead, Office of Real Property Asset Management.

Regina M. Budd,

Deputy Associate Administrator, Office of Civil Rights.

Al Matera,

Director, Office of Acquisition Policy.

General Services Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
272	General Services Administration Acquisition Regulation (GSAR) Case 2005-G501; Federal Agency Retail Pharmacy Program	3090–AI06
273	General Services Administration Acquisition Regulation (GSAR) Case 2006-G522; Federal Supply Schedule Contracts—Recovery Purchasing by State and Local Governments Through Federal Supply Schedules	3090–AI32
274	General Services Administration Acquisition Regulation (GSAR) Case 2006-G501; GSA Mentor-Protégé Program	3090–AI56
275	GSAR Case 2008-G517; Cooperative Purchasing-Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules	3090–AI68
276	General Services Administration Acquisition Regulation (GSAR) Case 2006-G507; Rewrite of Part 538, Federal Supply Schedule Contracting	3090–AI77

General Services Administration (GSA) — Long-Term Actions

OFFICE OF ACQUISITION POLICY

272. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2005–G501; FEDERAL AGENCY RETAIL PHARMACY PROGRAM

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to add a new subpart and clause required by the Department of Veterans Affairs (VA), consistent with congressional intent under section 603 of the Veterans Health Care Act of 1992 (VHCA) and 38 U.S.C. 8126, that certain Federal agencies (i.e., VA, Department of Defense (DoD), Public Health Service (including the Indian Health Service), and the Coast Guard) have access to Federal pricing for pharmaceuticals purchased for their beneficiaries. GSA is responsible for the schedules program and rules related to its operation. Under GSA's delegation of authority, the VA procures medical supplies under the VA Federal Supply Schedule program. VA and DoD seek this amendment. This new subpart adds a clause unique to the virtual depot system established by a Federal Agency Retail Pharmacy Program

utilizing contracted retail pharmacies as part of a centralized pharmaceutical commodity management program. At this time, only DoD has a program in place, and the rule would facilitate DoD's access to Federal pricing on Federal Supply Schedule (FSS) pharmaceutical contracts for covered drugs purchased by DoD and dispensed to TRICARE beneficiaries through retail pharmacies in the TRICARE network.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19045
NPRM Comment Period End	06/13/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory & Federal Assistance Division, Office of the Chief Acquisition Officer, General Services Administration, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 3090–AI06

273. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006–G522; FEDERAL SUPPLY SCHEDULE CONTRACTS—RECOVERY PURCHASING BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES

Legal Authority: 40 USC 121(c); 40 USC 502(d)

Abstract: The rule is amending the General Services Administration Acquisition Regulation (GSAR) to implement section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109-364). Section 833 amends 40 U.S.C. 502 to authorize the Administrator of General Services to provide to State and local governments the use of Federal Supply Schedules of the GSA for purchase of products and services to be used to facilitate recovery from a major disaster declared by the President or to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/07	72 FR 4649
Interim Final Rule Comment Period End	04/02/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory & Federal Assistance Division, Office of the Chief Acquisition Officer, General Services Administration, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 3090–AI32

274. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006–G501; GSA MENTOR–PROTÉGÉ PROGRAM

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to establish a GSA Mentor-Protégé Program. The GSA Mentor-Protégé Program is designed to encourage GSA prime contractors to assist small businesses, small disadvantaged businesses, women-owned small businesses, veteran-owned small businesses, service-disabled veteran-owned small businesses, and HUBZone small businesses in enhancing their capabilities to perform GSA contracts and subcontracts, foster the establishment of long-term business relationships between these small business entities and GSA prime contractors, and increase the overall number of small business entities that receive GSA contract and subcontract awards.

Timetable:

Action	Date	FR Cite
NPRM	06/10/08	73 FR 32669
NPRM Comment Period End	08/11/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory & Federal Assistance Division, Office of the Chief Acquisition Officer, General Services Administration, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 3090–AI56

275. GSAR CASE 2008–G517; COOPERATIVE PURCHASING–ACQUISITION OF SECURITY AND LAW ENFORCEMENT RELATED GOODS AND SERVICES (SCHEDULE 84) BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110-248, The Local Preparedness Acquisition Act. The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule Comment Period End	11/18/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory & Federal Assistance Division, Office of the Chief Acquisition Officer, General Services Administration, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 3090–AI68

276. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006–G507; REWRITE OF PART 538, FEDERAL SUPPLY SCHEDULE CONTRACTING

Legal Authority: 40 USC 121(c)

Abstract: GSA is amending the General Services Acquisition Regulation (GSAR) to update the text addressing GSAR part 538; Federal Supply Schedule Contracting, subpart 538.1, Definitions; subpart 538.4, Administrative Matters;subpart 538.7, Acquisition Planning; subpart 538.9, Contractor Qualifications; subpart 538.12, Acquisition of Commercial Items—FSS; subpart 538.15, Negotiation and Award of Contracts; subpart 538.17, Administration of Evergreen Contracts; subpart 538.19, FSS and Small Business Programs; subpart 538.25, Requirements for Foreign Entities; subpart 538.42, Contract Administration; and subpart 538.43, Contract Modifications. This proposed rule covers the GSAR portion of part 538. The information in subpart 538.2 is being retained; however, the various sections have redistributed to more appropriate subparts within the text. Subpart 538.9, Contractor Qualifications, is being added to define the roles and responsibilities of ''Contractor Partnering Arrangements (CPAs)'' for contractors.

Timetable:

Action	Date	FR Cite
NPRM	01/26/09	74 FR 4596
NPRM Comment Period End	03/27/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory & Federal Assistance Division, Office of the Chief Acquisition Officer, General Services Administration, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 3090–AI77

[FR Doc. E9–10280 Filed 05–08–09; 8:45 am]

BILLING CODE 6820–34–S

Federal Register

Monday,
May 11, 2009

Part XIV

National Foundation on the Arts and the Humanities

National Endowment for the Arts
Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Regulatory Agenda

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605) and Executive Order 12866, the National Endowment for the Arts publishes this regulatory agenda describing Agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Karen Elias, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506; or call (202) 692-5418.

Dated: March 9, 2009.

Karen Elias,

Acting General Counsel.

National Endowment for the Arts—Completed Actions

Sequence Number	Title	Regulation Identifier Number
277	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972	3135–AA15

National Endowment for the Arts (NEA) — Completed Actions

277. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES—IMPLEMENTATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Legal Authority: 20 USC 1682 et seq

Abstract: This regulation would implement the requirements of title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of an individual's sex in federally assisted educational programs.

Completed:

Reason	Date	FR Cite
Withdrawn	04/29/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Karen L. Elias
Phone: 202 682–5418
TDD Phone: 202 682–5496
Fax: 202 682–5572
Email: eliask@arts.gov

RIN: 3135–AA15

[FR Doc. E9–10284 Filed 05–08–09; 8:45 am]

BILLING CODE 7537–01–S

Federal Register

Monday,
May 11, 2009

Part XV

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act (RFA) and Executive Order 12866 require each agency to publish semiannually a regulatory agenda (agenda) that includes an inventory of all current and projected rulemakings, including regulations the agency expects to develop during the next 12 months and regulations completed since the last publication of the agency's agenda. SBA is publishing this agenda to provide the public with notice about SBA's regulatory activities and to provide specific information about those activities. This information will promote the public's participation in SBA's regulatory activities.

FOR FURTHER INFORMATION CONTACT: For additional information about specific regulatory actions listed in the agenda, you should direct your comments and inquiries to the appropriate agency contact identified in each entry. For general information about the agenda, you should direct your comments or inquiries to Martin ''Sparky'' Conrey, Assistant General Counsel for Legislation and Appropriations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638, martin.conrey@sba.gov.

SUPPLEMENTARY INFORMATION: This agenda announces the proposed regulatory actions that SBA plans for the next 12 months and those that were completed since the fall 2008 edition of the Agenda. As permitted by law, SBA is combining the publication of its agenda as required by statute and Executive order and conforming them to the Unified Agenda of Federal Regulatory and Deregulatory Actions format developed by the Regulatory Information Service Center.

The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, completed, or withdrawn by SBA. Accordingly, rulemaking action in SBA's agenda is grouped according to its stage of development. The stages of development are prerulemaking, proposed rules, final rules, and rulemaking actions completed since the fall 2008 Agenda. The agenda is intended to facilitate comments and views by interested members of the public. SBA encourages public participation in its rulemaking process through various mediums including www.regulations.gov. This Web site allows SBA to place rules on the Web site and receive public comments through that medium. SBA also provides a link from www.sba.gov to that Web site.

SBA's regulations promote statutory mandates and Presidential directives linked to SBA's goals to improve the economic environment for small business, increase small business success by bridging competitive opportunity gaps, restore homes and businesses affected by disaster, and to operate and manage SBA's programs and resources efficiently and effectively.

Publication of proposed rulemaking actions in the agenda does not impose any obligation on SBA to take any final action with regard to any specific item. Furthermore, SBA is not precluded from rulemaking activities that are not listed in this agenda. The dates listed in the timetables for specific actions are estimates and not commitments to act on or by the particular date.

Since the fall 2008 edition, the Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), SBA's printed agenda entries include only rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Darryl K. Hairston,
Acting Administrator.

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
278	Small Business Development Centers (SBDC) Program Revisions	3245–AE05
279	8(a) Business Development	3245–AF53
280	Small Business Size Standards: Retail Trade Industries	3245–AF69
281	Small Business Size Standards: Other Services	3245–AF70
282	Small Business Size Standards: Accommodations and Food Service Industries	3245–AF71
283	SBA Express Loan Program	3245–AF85
284	Implementation of Energy Independence and Security Act of 2007	3245–AF86
285	Implementation of Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008	3245–AF87
286	Implementation of Small Business Disaster Response and Loan Improvements Act of 2008	3245–AF88

SBA

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
287	Lender Oversight Program	3245–AE14
288	Definition of ''Employee'' for Purposes of the HUBZone Program	3245–AF44
289	Women-Owned Small Business Federal Contact Assistance Procedures—Eligible Industries	3245–AF80
290	Implementation of American Recovery and Reinvestment Act of 2009	3245–AF89

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
291	Small Business Size Standards; Support Activities for Air Transportation	3245–AF29
292	Small Business Size Standards; Calculation of the Number of Employees	3245–AF60

Small Business Administration (SBA) — Proposed Rule Stage

278. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS

Legal Authority: 15 USC 634(b)(6); 15 USC 648

Abstract: This rule would propose amendments to SBA's SBDC program regulations for the purpose of conforming the regulations to existing statutory requirements. This rule would amend: (1) Procedures for approving and funding of SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new and renewal applications for SBDC awards, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of individual SBDC client data.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Antonio Doss, Director, Office of Small Business Development Centers, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205–6766
Email: antonio.doss@sba.gov

RIN: 3245–AE05

279. 8(A) BUSINESS DEVELOPMENT

Legal Authority: 15 USC 634(b)(6), 636(j), 637(a) and (d)

Abstract: This rule proposes to make a number of changes to the regulations governing the 8(a) BD Program and several changes to SBA's size regulations. Some of the changes involve technical issues, such as changing the term ''SIC code'' to ''NAICS code'' to reflect the national conversion to the North American Industry Classification system. SBA has learned through experience that certain of its rules governing the 8(a) BD program are too restrictive and serve to unfairly preclude firms from being admitted to the program. In other cases, SBA has determined that a rule is too expansive or indefinite and has sought to restrict or clarify that rule. Changes are also being proposed to correct past public or agency misinterpretation. Also, new situations have arisen that were not anticipated when the current rules were drafted and the proposed rule seeks to cover those situations. Finally, one of the changes, involving Native Hawaiian Organizations, implements recently enacted legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Joe Loddo, Associate Administrator, Office of Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–7550
Email: joe.loddo@sba.gov

RIN: 3245–AF53

280. SMALL BUSINESS SIZE STANDARDS: RETAIL TRADE INDUSTRIES

Legal Authority: 15 USC 632(a)

Abstract: A U.S. Small Business Administration project is the review and update of all SBA size standards over a 2-year period. This proposed rule is one of a series of proposals evaluating the size standards for industries within a specific North American Industry Classification System (NAICS) Industry Sector. This action proposes revisions to certain industries in the NAICS Retail Trade Industry Sector. These proposed revisions ensure that SBA's size standards are consistently evaluated using the latest available data.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Carl J. Jordan, Acting Division Chief, Division of Size Standards, Office of Gov't Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205–6618
Fax: 202 205–6390

RIN: 3245–AF69

281. SMALL BUSINESS SIZE STANDARDS: OTHER SERVICES

Legal Authority: 15 USC 632(a)

Abstract: A U.S. Small Business Administration project is the review of all SBA size standards over a 2-year period. This proposed rule is one of a series of proposals evaluating the size standards for industries within a specific North American Industry Classification System (NAICS) Industry Sector. This action proposes revisions to certain industries in the NAICS Other Services Industry Sector. Other Services include, for example, repair and maintenance services, personal and laundry services, and religious, grant making, civic, and professional services. These proposed revisions ensure that SBA's size standards are consistently evaluated using the latest available data.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Carl J. Jordan, Acting Division Chief, Division of Size Standards, Office of Gov't Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205–6618
Fax: 202 205–6390

RIN: 3245–AF70

282. SMALL BUSINESS SIZE STANDARDS: ACCOMMODATIONS AND FOOD SERVICE INDUSTRIES

Legal Authority: 15 USC 632(a)

Abstract: A U.S. Small Business Administration project is a review of all SBA size standards over a 2-year period. This proposed rule is one of a series of proposals evaluating the size standards for industries within a specific North American Industry Classification System (NAICS) Industry Sector. This action proposes revisions to certain industries in the NAICS Accommodations and Food Services Industry Sector. These proposed revisions ensure that SBA's size standards are consistently evaluated using the latest available data.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Carl J. Jordan, Acting Division Chief, Division of Size Standards, Office of Gov't Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205–6618
Fax: 202 205–6390

RIN: 3245–AF71

283. • SBA EXPRESS LOAN PROGRAM

Legal Authority: 15 USC 636(a)(31)

Abstract: SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. SBA Express loans carry a maximum SBA guaranty of 50 percent.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–7562
Email: grady.hedgespeth@sba.gov.

RIN: 3245–AF85

284. • IMPLEMENTATION OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Legal Authority: 15 USC 636(a)(32)

Abstract: SBA plans to issue regulations to implement the small business energy provisions in the Energy Independence and Security Act of 2007. The new regulations will provide guidance on several program changes, including larger 504 loan limits to help small businesses develop energy efficient technologies, investments in energy saving small businesses, and an energy saving debenture program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: James W. Hammersley, Director, Office of Loan Policy, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205–6490

RIN: 3245–AF86

285. • IMPLEMENTATION OF MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

Legal Authority: 15 USC 632(q); 15 USC 636(j)

Abstract: SBA plans to issue regulations to implement section 205 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. These regulations will provide guidance on tolling of time limitations for veteran-owned small businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dean R. Koppel, Assistant Administrator, Office of Policy, Planning, and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–7322
Fax: 202 481–1540

RIN: 3245–AF87

286. • IMPLEMENTATION OF SMALL BUSINESS DISASTER RESPONSE AND LOAN IMPROVEMENTS ACT OF 2008

Legal Authority: 15 USC 636(b);636(c);636(d)

SBA — Proposed Rule Stage

Abstract: SBA plans to issue regulations to implement the Small Business Disaster Response and Loan Improvements Act of 2008, located in subtitle B of the Food, Conservation, and Energy Act of 2008. The new regulations will make conforming changes to existing regulations and establish three new programs: The Private Disaster Loan program, the Immediate Disaster Assistance program, and the Expedited Disaster Assistance program for businesses. Additional new regulations will provide guidance on expanded assistance during catastrophic disasters and address coordination with the Federal Emergency Management Agency (FEMA).

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steven G Smith, Chief, Executive Office of Disaster Strategic Planning & Operations, Small Business Administration, 409 3rd St SW, Washington, DC 20416
Phone: 202 205–7192
Fax: 202 292–3778
Email: steven.smith@sba.gov

RIN: 3245–AF88

Small Business Administration (SBA) — Final Rule Stage

287. LENDER OVERSIGHT PROGRAM

Legal Authority: 15 USC 634(b)(6),(b)(7),(b)(14),(h), and note; 687(f),697(e)(c)(8), and 650.

Abstract: This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (Reauthorization Act) to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also would conform SBA rules to various changes in the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Timetable:

Action	Date	FR Cite
NPRM	10/31/07	72 FR 61752
NPRM Comment Period Extended	12/20/07	72 FR 72264
NPRM Comment Period End	02/29/08	
Interim Final Rule	12/11/08	73 FR 75498
Interim Final Rule Comment Period End	03/11/09	
Interim Final Rule Effective	01/12/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Bryan Hooper, Director, Office of Credit Risk Management, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–3049
Fax: 202 205–6831
Email: bryan.hooper@sba.gov

RIN: 3245–AE14

288. DEFINITION OF ''EMPLOYEE'' FOR PURPOSES OF THE HUBZONE PROGRAM

Legal Authority: 15 USC 657 (a)

Abstract: The purpose of this final rule is to amend the definition of ''employee'' under 13 CFR 126.103. The definition of ''employee'' in part 126 is relevant to SBA's determination of whether a concern is eligible for certification as a HUBZone small business concern. On May 13, 2004, SBA issued an Advance Notice of Proposed Rulemaking requesting comments on, among other things, specific issues related to the definition of ''employee,'' including the status of part-time, leased, and temporary employees, and the use of the term ''full-time equivalent'' in the definition of ''employee.'' After careful consideration of the comments received, SBA has decided to amend the definition of ''employee'' to reflect current business operations, market conditions, and personnel practices within the small business community.

Timetable:

Action	Date	FR Cite
NPRM	01/26/07	72 FR 3750
NPRM Comment Period End	02/26/07	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mariana Pardo, Acting Director, Office of Hubzone, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–2985
Email: mariana.pardo@sba.gov

RIN: 3245–AF44

289. ● WOMEN–OWNED SMALL BUSINESS FEDERAL CONTACT ASSISTANCE PROCEDURES—ELIGIBLE INDUSTRIES

Legal Authority: Not Yet Determined

Abstract: The U.S. Small Business Administration (SBA) is prohibited from using funding in Fiscal Year 2009 to implement the program relating to Women-Owned Small Business (WOSB) Federal Contract Assistance Procedures published on October 1, 2008, but the Omnibus Appropriations Act, 2009, Div. D, title V, section 522 (March 11, 2009). SBA plans to withdraw this proposed rule and promulgate a new rule in order to establish and implement and effective WOSB procurement program. SBA is committed to moving forward to implement a successful WOSB procurement program.

SBA — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/01/08	73 FR 57014
NPRM Comment Period End	10/31/08	
Reopening of Comment Period	01/12/09	74 FR 1153
Comment Period End	03/13/09	
Withdrawal and New Rule	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dean R. Koppel, Assistant Administrator, Office of Policy, Planning, and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–7322
Fax: 202 481–1540

RIN: 3245–AF80

290. • IMPLEMENTATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Legal Authority: 15 USC 636; 15 USC 683(b); 15 USC 686(a); 15 USC 695,697

Abstract: SBA plans to issue regulations to implement the American Recovery and Reinvestment Act of 2009. The new regulations will make conforming changes to existing regulations and establish several new programs. These programs include a secondary market guarantee program for 504 first mortgages, a refinancing program for community development loans, a business stabilization loan program for small businesses experiencing immediate financial hardship, and a program to make loans to systemically important SBA secondary market broker-dealers. In addition, new regulations will increase the maximum leverage limits for small business investment companies, and will increase the maximum contract amount in the Surety Bond Guarantee program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Eric R Zarnikow, Associate Administrator, Office of Capital Access, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205–6657
Fax: 202 481–0797
Email: eric.zarnikow@sba.gov

RIN: 3245–AF89

Small Business Administration (SBA) — Completed Actions

291. SMALL BUSINESS SIZE STANDARDS; SUPPORT ACTIVITIES FOR AIR TRANSPORTATION

Legal Authority: 15 USC 632(a)

Abstract: This rule revises the $6.5 million small business size standard applicable to airport operations and other support activities for air transportation. This rule was developed after an internal review conducted by SBA suggested that the size standard did not reflect the structural characteristics of firms in this industry.

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gary M. Jackson
Phone: 202 205–6618
Fax: 202 205–6390
Email: gary.jackson@sba.gov

RIN: 3245–AF29

292. SMALL BUSINESS SIZE STANDARDS; CALCULATION OF THE NUMBER OF EMPLOYEES

Legal Authority: 15 USC 632

Abstract: The U.S. Small Business Administration proposes a technical change to the manner in which it calculates the number of employees to determine a firm's small business size status by revising the method for calculating an average number of employees. The current method uses a rolling average of the pay periods over the preceding 12 months.

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gary M. Jackson
Phone: 202 205–6618
Fax: 202 205–6390
Email: gary.jackson@sba.gov

RIN: 3245–AF60

[FR Doc. E9–10264 Filed 05–08–09; 8:45 am]
BILLING CODE 8025–01–S

Federal Register

Monday,
May 11, 2009

Part XVI

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking website at http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Hada Flowers, Supervisor, Regulatory Secretariat Division, 1800 F Street, NW, Room 4041, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and are produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at http://www.acquisition.gov/far.

Dated: February 25, 2009.

Rodney P. Lantier,

Acting Senior Procurement Executive, Office of the Chief Acquisition Officer.

DOD/GSA/NASA (FAR)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
293	FAR Case 2006-005, HUBZone Program Revisions	9000–AL18

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
294	FAR Case 2009-009, American Recovery and Reinvestment Act—Reporting Requirements	9000–AL21

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
295	FAR Case 2006-034, Socioeconomic Program Parity	9000–AK92

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
296	FAR Case 2006-032, Small Business Size Rerepresentation	9000–AK78
297	FAR Case 2001-004, Exemption of Certain Service Contracts From the Service Contract Act (SCA)	9000–AK82
298	FAR Case 2006-030, Electronic Products Environmental Assessment Tool	9000–AK85

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

293. • FAR CASE 2006–005, HUBZONE PROGRAM REVISIONS

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement revisions to the Small Business Administration's HUBZone Program as a result of revisions to the Small Business Administration's regulations. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/13/09	74 FR 16823
NPRM Comment Period End	06/12/09	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AL18

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

294. • FAR CASE 2009–009, AMERICAN RECOVERY AND REINVESTMENT ACT—REPORTING REQUIREMENTS

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 1512 of the American Recovery and Reinvestment Act of 2009, which requires contractors to report on their use of Recovery Act funds. This is a significant regulatory action and, therefore, was subject to Office of Management and Budget (OMB) review under section 6(b) of Executive Order 12866 "Regulatory Planning and Review," dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/09	74 FR 14639
Interim Final Rule Comment Period End	06/01/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AL21

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Long-Term Actions

295. FAR CASE 2006–034, SOCIOECONOMIC PROGRAM PARITY

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: This rule proposes to amend the Federal Acquisition Regulation to ensure that the FAR reflects the Small Business Administration's (SBA) interpretation of the Small Business Act and SBA regulations with regard to the relationship among various small business programs.

Timetable:

Action	Date	FR Cite
NPRM	03/10/08	73 FR 12699
NPRM Comment Period End	05/09/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AK92

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

296. FAR CASE 2006–032, SMALL BUSINESS SIZE REREPRESENTATION

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's (SBA) final rule published on November 15, 2006 (71 FR 66434) entitled, Small Business Size Regulations; Size for Purposes of Governmentwide Acquisition Contracts, Multiple Award Schedule Contracts and Other Long-Term Contracts; 8(a) Business Development/Small Disadvantaged Business; Business Status Determinations. The purpose of the SBA rule is to improve the accuracy of small business size status reporting over the life of certain contracts. This is a significant regulatory action and, therefore, was subject to Office of Management and Budget review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Action	03/19/09	74 FR 11821
Final Rule Effective	04/20/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AK78

297. FAR CASE 2001–004, EXEMPTION OF CERTAIN SERVICE CONTRACTS FROM THE SERVICE CONTRACT ACT (SCA)

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, with changes, the interim rule that amending the Federal Acquisition Regulation (FAR) to revise the current SCA exemption and to add a SCA exemption for contracts for certain additional services that meet specific criteria. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Rule	01/15/09	74 FR 2724
Final Rule Effective	02/17/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AK82

298. FAR CASE 2006–030, ELECTRONIC PRODUCTS ENVIRONMENTAL ASSESSMENT TOOL

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, without change, the interim rule published in the Federal Register at 72 FR 73215, December 26, 2007. The interim rule amended the Federal Acquisition Regulation (FAR) to provide regulations for purchasing environmentally preferable products and services when acquiring personal computer products such as desktops, notebooks (also known as laptops) and monitors with the use of the Electronic Products Environmental Assessment Tool (EPEAT) pursuant to the Energy Policy Act of 2005 and Executive Order 13423, Strengthening Federal Environmental, Energy, Transportation Management. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Rule	01/15/09	74 FR 2740
Final Rule Effective	02/17/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers
Phone: 202 208–7282
Fax: 202 501–4067
Email: hada.flowers@gsa.gov

RIN: 9000–AK85

[FR Doc. E9–10265 Filed 05–08–09; 8:45 am]

BILLING CODE 6820–EP–S

Federal Register

Monday,
May 11, 2009

Part XVII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions-Spring 2009

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. See 5 U.S.C. 602. The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554; (202) 418-0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.*, Docket No. 96-1 or Docket No. 99-1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MM Docket No. 96-222,'' which indicates that the responsible bureau is the Mass Media Bureau (now the Media Bureau). A docket number consisting of only five digits (*e.g.*, Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

William F. Caton,

Deputy Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
299	Policies and Rules Governing Interstate Pay-Per-Call and Other Information Services Pursuant to the Telecommunications Act of 1996 (CC Docket Nos. 96-146, 93-22)	3060–AG42
300	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94-129)	3060–AG46
301	Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons With Disabilities	3060–AG58
302	In the Matter of the Telecommunications Relay Services, the Americans With Disabilities Act of 1990, and the Telecommunications Act of 1996 (CC Docket No. 90-571)	3060–AG75
303	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02-278)	3060–AI14
304	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03-123)	3060–AI15
305	Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04-53)	3060–AI20
306	Rules and Regulations Implementing Minimum Customer Account Record Exchange (CARE) Obligations on All Local and Interexchange Carriers (CG Docket No. 02-386)	3060–AI58
307	Truth in Billing and Billing Format	3060–AI61
308	Closed Captioning of Video Programming **(Section 610 Review)**	3060–AI72

FCC

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Telecommunications Relay Services (TRS) and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, Americans With Disabilities Act of 1990 (ADA)	3060–AG76

OFFICE OF ENGINEERING AND TECHNOLOGY—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
310	Revision of the Rules Regarding Ultra-Wideband Transmission	3060–AH47
311	New Advanced Wireless Services (ET Docket No. 00-258)	3060–AH65
312	Transfer of the 3650 Through 3700 MHz Band From Federal Government Use (WT Docket No. 05-96; ET Docket No. 02-380)	3060–AH75
313	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17
314	Unlicensed Operation of the 3650-3700 Band (ET Docket No. 04-151)	3060–AI50
315	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186)	3060–AI52
316	Unlicensed Devices and Equipment Approval (ET Docket No. 03-201)	3060–AI54

INTERNATIONAL BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
317	Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures (IB Docket No. 95-117)	3060–AD70
318	Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the L-Band (IB Docket No. 96-132)	3060–AF89
319	Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band (IB Docket No. 95-91; GEN Docket No. 90-357)	3060–AF93
320	Allocate & Designate: Spec for Fixed-Sat Srv (37.5-38.5, 40.5-41.5 & 48.2-50.2 GHz Bands); Allocate: Fixed & Mobile 40.5-42.5 GHz; Wireless 46.9-47 GHz; Gov Oper 37-38 & 40-40.5 GHz (IB Docket No. 97)	3060–AH23
321	Space Station Licensing Reform (IB Docket No. 02-34)	3060–AH98
322	Mitigation of Orbital Debris (IB Docket No. 02-54)	3060–AI06
323	Amendment of the Commission's Rules (IB Docket No. 04-47)	3060–AI41
324	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04-112)	3060–AI42
325	Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands (IB Docket No. 02-364)	3060–AI44
326	Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07-101)	3060–AI90

MEDIA BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
327	Cable Television Rate Regulation	3060–AF41
328	Cable Television Rate Regulation: Cost of Service	3060–AF48
329	Cable Home Wiring	3060–AG02
330	Competitive Availability of Navigation Devices (CS Docket No. 97-80)	3060–AG28
331	Cable Horizontal and Vertical Ownership Limits (MM Docket No. 92-264)	3060–AH09
332	Digital Audio Broadcasting Systems (MM Docket No. 99-325)	3060–AH40
333	Second Periodic Review of Rules and Policies Affecting the Conversion to DTV	3060–AH54
334	Direct Broadcast Public Interest Obligations (MM Docket No. 93-25)	3060–AH59
335	Revision of EEO Rules and Policies (MM Docket No. 98-204)	3060–AH95
336	Broadcast Multiple and Cross-Ownership Limits	3060–AH97
337	Establishment of Rules for Digital Low Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03-185)	3060–AI38

FCC

MEDIA BUREAU—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
338	Joint Sales Agreements in Local Television Markets (MB Docket No. 04-256)	3060–AI55
339	Significantly Viewed Out-of-Market Broadcast Stations (MB Docket No. 05-49)	3060–AI56
340	Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services (MB Docket No. 05-210)	3060–AI63
341	Digital Television Distributed Transmission System Technologies (MB Docket No. 05-312)	3060–AI68
342	Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992	3060–AI69
343	Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements; (MB Docket Nos. 07-29, 07-198)	3060–AI87
344	Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 07-91)	3060–AI89
345	DTV Consumer Education Initiative (MB Docket No. 07-148)	3060–AI96
346	Broadcast Localism (MB Docket No. 04-233)	3060–AJ04
347	Creating a Low Power Radio Service (MM Docket NO. 99-25)	3060–AJ07
348	Sponsorship Identification Rules and Embedded Advertising (MB Docket No. 08-90)	3060–AJ10

MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
349	Digital Broadcast Content Protection (MB Docket No. 02-230)	3060–AI37

OFFICE OF MANAGING DIRECTOR—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
350	Assessment and Collection of Regulatory Fees	3060–AI79

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
351	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
352	Enhanced 911 Services for Wireline	3060–AG60
353	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
354	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements	3060–AG85
355	1998 Biennial Regulatory Review—Review of Accounts Settlement in Maritime Mobile and Maritime Mobile-Satellite Radio Services; (IB Docket No. 98-96)	3060–AH30
356	Implementation of 911 Act	3060–AH90
357	Commission Rules Concerning Disruptions to Communications	3060–AI22
358	E911 Requirements for IP-Enabled Service Providers	3060–AI62
359	Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks	3060–AI78
360	Stolen Vehicle Recovery System (SVRS)	3060–AJ01
361	The Commercial Mobile Alert System	3060–AJ03

FCC

WIRELESS TELECOMMUNICATIONS BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
362	Amendment of the Commission's Rules Concerning Maritime Communications	3060–AF14
363	39 GHz Channel Plan	3060–AG16
364	Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap	3060–AG21
365	Amendment of Part 90 of the Rules To Adopt Regulations for Automatic Vehicle Monitoring Systems	3060–AH12
366	Fixed Satellite Service and Terrestrial System in the Ku-Band	3060–AH17
367	Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to the Commission's Rules	3060–AH32
368	Implementation of the Communications Act of 1934 as Amended	3060–AH33
369	Amendment of the Rules To License Fixed Services at 24 GHz	3060–AH41
370	Amendment of Parts 13 and 80 of the Commission's Rules Governing Maritime Communications	3060–AH55
371	Competitive Bidding Procedures	3060–AH57
372	2000 Biennial Regulatory Review Spectrum Aggregation Limits for Commercial Mobile Radio Services	3060–AH81
373	In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets	3060–AH82
374	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
375	Year 2000 Biennial Review (WT Docket No. 01-108)	3060–AI26
376	Air-Ground Telecommunications Services	3060–AI27
377	Amendments of Various Rules Affecting Wireless Radio Services (WT Docket No. 03-264)	3060–AI30
378	Facilitating the Provision of Spectrum-Based Services to Rural Areas	3060–AI31
379	Improving Public Safety Communications in the 800 MHz Band Industrial/Land Transportation and Business Channels	3060–AI34
380	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01-289)	3060–AI35
381	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05-211)	3060–AI88
382	Facilitating the Provision of Fixed and Mobile Broadband Access Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geost	3060–AJ12
383	Amendment of the Rules Regarding Maritime Automatic Identification Systems; WT Docket No. 04-344	3060–AJ16
384	Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band	3060–AJ19
385	Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands	3060–AJ20
386	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket No. 08-166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary	3060–AJ21
387	Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels	3060–AJ22

WIRELESS TELECOMMUNICATIONS BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
388	Resale and Roaming Obligations Pertaining to Commercial Mobile Radio Services	3060–AF58
389	Implementation of the Communications Act, Competitive Bidding; 218-219 MHz Competitive Bidding Rules	3060–AG00
390	Multiple Access Systems	3060–AG86
391	Amendment of Part I of the Commission's Rules—Competitive Bidding Procedures	3060–AG87
392	Amendment to Licensing Low Power Operations in 450-470 MHz Band	3060–AH84
393	Review of Quiet Zones Application Procedures	3060–AH88
394	Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)	3060–AH89
395	Extending Wireless Telecommunications Services to Tribal Lands	3060–AI32
396	Amendment of Commission Rules Concerning Airport Terminal Use Frequencies 450-470 MHz Band of the Private Land Mobile Radio Services (WT Docket No. 02-318)	3060–AI33
397	Hearing Aid-Compatible Telephones (WT Docket Nos. 01-309 & 06-150)	3060–AI57

FCC

WIRELINE COMPETITION BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
398	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
399	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information	3060–AG43
400	Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	3060–AG50
401	Local Telephone Networks That LECs Must Make Available to Competitors	3060–AH44
402	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
403	Access Charge Reform and Universal Service Reform	3060–AH74
404	Numbering Resource Optimization	3060–AH80
405	National Exchange Carrier Association Petition	3060–AI47
406	IP-Enabled Services	3060–AI48
407	Consumer Protection in the Broadband Era	3060–AI73
408	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07-135)	3060–AJ02
409	Jurisdictional Separations	3060–AJ06
410	Implementation of NET 911 Improvement Act	3060–AJ09

Federal Communications Commission (FCC) — Long-Term Actions

Consumer and Governmental Affairs Bureau

299. POLICIES AND RULES GOVERNING INTERSTATE PAY–PER–CALL AND OTHER INFORMATION SERVICES PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996 (CC DOCKET NOS. 96–146, 93–22)

Legal Authority: 47 USC 228

Abstract: The Commission received comments on proposed rules designed to implement the 1996 Telecommunications Act with respect to information services to prevent abusive and deceptive practices by entities that might try to circumvent the statutory requirements. The proposed rules address generally the use of dialing sequences other than the 900 service access code to provide information services. The Commission issued an NPRM on these issues July 16, 2004.

Timetable:

Action	Date	FR Cite
NPRM	07/26/96	61 FR 39107
Order	07/26/96	61 FR 39084
NPRM Comment Period End	09/16/96	
Notice to Refresh Record	03/27/03	68 FR 14939
Comment Period End	05/27/03	
NPRM	10/15/04	69 FR 61184
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Erica H. McMahon, Chief, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2512
Email: erica.mcmahon@fcc.gov

RIN: 3060–AG42

300. IMPLEMENTATION OF THE SUBSCRIBER SELECTION CHANGES PROVISION OF THE TELECOMMUNICATIONS ACT OF 1996 (CC DOCKET NO. 94–129)

Legal Authority: 47 USC 154; 47 USC 201; 47 USC 258

Abstract: In December 1998, the Commission established new rules and policies implementing section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, which makes it unlawful for any telecommunications carrier to ''submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.'' The rules provide, among other things, that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to 150 percent of all charges paid by the subscriber after such violation. In April 2000, the Commission modified the slamming liability rules by giving victims of slamming adequate redress, ensuring that carriers that slam do not profit from their fraud, and allowing States to act as the primary administrator of slamming complaints. In May 2001, the Commission adopted streamlined procedures for the carrier-to-carrier sale or transfer of customer bases.

In February 2003, the Commission adopted a Reconsideration Order and Second FNPRM. The Reconsideration Order addresses, amongst other things, the requirement that a carrier's sales agent drop-off a carrier change request phone call once the customer has been connected to an independent third party verifier, and the applicability of our slamming rules to local exchange carriers. In the Second FNPRM, the Commission sought comment on rule modifications with respect to third party verifications.

On January 4, 2008, the Commission released an Order that confirmed that a LEC that is executing a carrier change on behalf of another carrier may not re-verify whether the person listed on the change order is actually authorized to do so.

On January 9, 2008, the Commission released a Fourth Report and Order that modified the slamming rules regarding the content of independent third party

verifications of a consumer's intent to switch carriers.

Timetable:

Action	Date	FR Cite
MO&O on Recon and FNPRM	08/14/97	62 FR 43493
FNPRM Comment Period End	09/30/97	
Second R&O and Second FNPRM	02/16/99	64 FR 7745
First Order on Recon	04/13/00	65 FR 47678
Third R&O and Second Order on Recon	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First R&O and Fourth R&O	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon	03/17/03	68 FR 19152
Second FNPRM Comment Period End	06/17/03	
First Order on Recon & Fourth Order on Recon	03/15/05	70 FR 12605
Fifth Order on Recon	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Nancy Stevenson, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2512
Fax: 202 418–1196
Email: nancy.stevenson@fcc.gov

RIN: 3060–AG46

301. IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996; ACCESS TO TELECOMMUNICATIONS SERVICE, TELECOMMUNICATIONS EQUIPMENT AND CUSTOMER PREMISES EQUIPMENT BY PERSONS WITH DISABILITIES

Legal Authority: 47 USC 255; 47 USC 251(a)(2)

Abstract: This proceeding is initiated to implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
Notice	03/07/96	61 FR 9164
Notice	07/30/96	61 FR 39657
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
Notice	10/23/96	61 FR 54999
NPRM	05/22/98	63 FR 28456
Notice	10/28/98	63 FR 57686
Notice	04/13/99	64 FR 18021
Notice	04/19/99	64 FR 19178
Notice	06/02/99	64 FR 29644
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	07/13/00	65 FR 43372
Public Notice	01/07/02	67 FR 678
Notice	04/23/02	67 FR 19753
Notice	09/06/02	67 FR 57009
Notice	10/30/02	67 FR 66154
Public Notice	07/21/04	69 FR 43586
Notice	07/29/04	69 FR 45318
Notice	02/14/05	70 FR 7503
Notice	04/06/05	70 FR 17456
Public Notice	07/20/05	70 FR 41754
Notice	03/29/06	71 FR 15738
Notice	07/26/06	71 FR 42396
Public Notice	08/02/06	71 FR 43768
R&O	08/06/07	72 FR 43546
Notice	08/06/07	72 FR 43638
Notice	12/10/07	72 FR 69686
Notice	12/11/07	72 FR 70324
Notice	03/06/08	73 FR 12174
Comment Period End	01/07/08	
Notice/Announcement of Effective Date	03/20/08	73 FR 14941
Final Rule: Notice Removal	04/21/08	73 FR 21251
R&O	05/07/08	73 FR 25566
Notice	06/13/08	73 FR 33820
Public Notice	08/01/08	73 FR 45008
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2284
TDD Phone: 202 418–0416
Fax: 202 418–0037
Email: cheryl.king@fcc.gov

RIN: 3060–AG58

302. IN THE MATTER OF THE TELECOMMUNICATIONS RELAY SERVICES, THE AMERICANS WITH DISABILITIES ACT OF 1990, AND THE TELECOMMUNICATIONS ACT OF 1996 (CC DOCKET NO. 90–571)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 225

Abstract: This item addresses the requirement that telecommunications relay services be capable of handling any type of call normally provided by common carriers.

Timetable:

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50037
R&O and Request for Comments	08/01/91	56 FR 36729
Order on Recon & Second R&O	03/03/93	58 FR 12175
FNPRM	03/30/93	58 FR 12204
MO&O	11/28/95	60 FR 58626
Order	09/08/97	62 FR 47152
Second NPRM	04/05/01	66 FR 18059
Fifth R&O	02/07/03	68 FR 6352
R & O (Correction)	02/24/03	68 FR 8553
Recon of Fifth R&O and Order Comment Deadline	04/04/03	
Public Notice	04/15/03	68 FR 18205
Comment Period End for Petitions for Recon	04/30/03	
Notice	08/27/04	69 FR 52694
Petitions for Recon of Fifth R&O Denied	09/01/04	69 FR 53346
Notice	09/01/04	69 FR 53442
Comment Period End	11/01/04	
Public Notice	11/12/04	69 FR 65401
Comment Period End	11/30/04	
Notice	12/27/04	69 FR 77246
Comment Period End	01/26/05	
Notice	04/06/05	70 FR 17456
Notice	04/19/06	71 FR 20101
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas Chandler, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1475
Email: thomas.chandler@fcc.gov

RIN: 3060–AG75

303. RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT (TCPA) OF 1991 (CG DOCKET NO. 02–278)

Legal Authority: 47 USC 227

Abstract: The Commission released a Notice of Proposed Rulemaking (NPRM) on September 18, 2002, seeking comment on the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). The NPRM sought comment on the effectiveness of the company-specific do-not-call lists and whether to revisit the option of establishing a national do-not-call list.

On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements.

On September 21, 2004, the Commission released an Order adopting a limited safe harbor period from the prohibition on placing automatic telephone dialing systems or prerecorded message calls to wireless numbers when such calls are made to numbers that have been recently ported from wireline to wireless service. In addition, the Commission amended its existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every three months.

On December 9, 2005, the Commission released an NPRM proposing to amend the fax advertising rules to implement the Junk Fax Protection Act of 2005. On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration.

On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party.

Following a December 4, 2007 NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
NPRM Comment Period Extended	11/29/02	67 FR 71126
Reply Comment Period Extended	12/26/02	67 FR 78763
Comment Period End	01/31/03	
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Erica H. McMahon, Chief, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2512
Email: erica.mcmahon@fcc.gov

RIN: 3060–AI14

304. RULES AND REGULATIONS IMPLEMENTING SECTION 225 OF THE COMMUNICATIONS ACT (TELECOMMUNICATIONS RELAY SERVICE) (CG DOCKET NO. 03–123)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98-67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
Public Notice	07/26/04	69 FR 44534
R&O, Order on Recon	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	11/12/04	69 FR 65401
Comment Period End	12/30/04	
Public Notice	01/11/05	70 FR 2360
Comment Period End	01/19/05	
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/ Interpretation	02/25/05	70 FR 9239
Comment Period End	03/04/05	
Public Notice	03/07/05	70 FR 10930
Public Notice	03/16/05	70 FR 12884
Order	03/23/05	70 FR 14568
Public Notice/ Announcement of Date	04/06/05	70 FR 17334
Comment Period End	05/02/05	
Public Notice	05/11/05	70 FR 24790
Comment Period End	05/25/05	
Order	07/01/05	70 FR 38134
Deadline	07/01/05	
Public Notice	07/13/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Public Notice	09/07/05	70 FR 53191
Order on Clarification	09/14/05	70 FR 54294
Notice	09/14/05	70 FR 54381
Comment Period End	10/07/05	
Order on Clarification	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
Public Notice	11/30/05	70 FR 71849
R&O/Order on Recon	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
Notice	01/11/06	71 FR 1753
Notice	01/11/06	71 FR 1755
Comment Period End	01/17/06	
Public Notice/Petition for Rulemaking Withdrawn	01/18/06	71 FR 2942
NPRM	02/01/06	71 FR 5221
Notice	02/01/06	71 FR 5221
Comment Period End	02/10/06	
Comment Period End	03/08/06	
Notice/Announcement of Effective Date	03/15/06	71 FR 13281
Notice	03/24/06	71 FR 14893
Public Notice	05/10/06	71 FR 27252
Notice	05/24/06	71 FR 29961
Declaratory Ruling/Clarification	05/31/06	71 FR 30818

Action	Date	FR Cite
FNPRM	05/31/06	71 FR 30848
Declaratory Ruling/Dismissal of Petition	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Public Notice	06/28/06	71 FR 36795
Public Notice	06/28/06	71 FR 36796
Public Notice	06/28/06	71 FR 36794
Declaratory Ruling on Recon	07/06/06	71 FR 38268
Comment Period End	07/17/06	
Comment Period End	07/17/06	
Public Notice	08/02/06	71 FR 43768
Order on Recon	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
FNPRM Comment Period End	10/30/06	
Correction	09/27/06	71 FR 56442
FNPRM Comment Period End	11/13/06	
PRA Comment Period End	11/13/06	
Final Rule; Clarification	02/14/07	72 FR 6960
Notice Comment Period End	04/16/07	
Notice	02/14/07	72 FR 7031
Public Notice	03/01/07	72 FR 9333
Notice	03/01/07	72 FR 9332
Public Notice	03/07/07	72 FR 10214
Order	03/14/07	72 FR 11789
Public Notice	04/12/07	72 FR 18478
Notice	04/18/07	72 FR 19501
Notice	05/02/07	72 FR 24305
Public Notice	05/16/07	72 FR 27570
Public Notice	05/16/07	72 FR 27569
Notice	06/06/07	72 FR 31327
Notice	06/13/07	72 FR 32661
Public Notice	07/18/07	72 FR 39423
R&O	08/06/07	72 FR 43546
Notice	08/06/07	72 FR 43638
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Notice	12/11/07	72 FR 70324
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling	01/17/08	73 FR 3197
Notice	01/17/08	73 FR 3253
Order	02/19/08	73 FR 9031
Public Notice	02/19/08	73 FR 9118
Public Notice	03/27/08	73 FR 16304
Public Notice	04/07/08	73 FR 18796
Comment Period End	05/22/08	
R&O	04/21/08	73 FR 21252
Order	04/21/08	73 FR 21347
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Public Notice	05/23/08	73 FR 26992
Notice	06/16/08	73 FR 34015
PRA Comment Period End	07/16/08	
Declaratory Ruling	07/08/08	73 FR 38928
R&O	07/18/08	73 FR 41286
FNPRM	07/18/08	73 FR 41307
Comment Period End	08/25/08	
PRA Comment Period End	09/16/08	
Notice	07/18/08	73 FR 41351
PRA Comment Period End	09/16/08	
Notice/Announcement of Effective Date	07/30/08	73 FR 4417
Public Notice	08/01/08	73 FR 45006
Comment Period End	09/29/08	
Public Notice	08/05/08	73 FR 45354
Public Notice	08/22/08	73 FR 49670
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Recon	12/30/08	73 FR 79683
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas Chandler, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1475
Email: thomas.chandler@fcc.gov

RIN: 3060–AI15

305. RULES AND REGULATIONS IMPLEMENTING THE CONTROLLING THE ASSAULT OF NON–SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003 (CG DOCKET NO. 04–53)

Legal Authority: 15 USC 7706; 15 USC 7712; PL 108–187

Abstract: The Commission has adopted rules to protect consumers from unwanted electronic mobile service messages to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003.

Timetable:

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16873
NPRM Comment Period End	05/17/04	
Order	09/16/04	69 FR 55765
Order Cross Referencing Federal Trade Commission Definitions	03/25/05	70 FR 34665
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Julie Saulnier, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Government Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1598
Email: julie.saulnier@fcc.gov

RIN: 3060–AI20

306. RULES AND REGULATIONS IMPLEMENTING MINIMUM CUSTOMER ACCOUNT RECORD EXCHANGE (CARE) OBLIGATIONS ON ALL LOCAL AND INTEREXCHANGE CARRIERS (CG DOCKET NO. 02–386)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 and 202; 47 USC 303(r)

Abstract: On December 20, 2002, the Commission issued a Public Notice directing interested parties to file comments on issues raised in a petition filed with the Commission by Americatel Corporation and on a separate petition filed by AT&T, Sprint, and MCI. The petitions asked the Commission to address problems relating to the exchange of customer account records between local and long distance telephone service providers. On March 25, 2004, the Commission released a Notice of Proposed Rulemaking (NPRM) in CG Docket No. 02-386 seeking further comment on the two petitions and seeking comment as to whether to replace the current voluntary industry process for the exchange of customer account information between local and long distance service providers with mandatory, minimum standards applicable to all such providers.

On February 25, 2005, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in CG Docket No. 02-386. The Report and Order adopted final rules governing the exchange of customer account information between local and long distance telephone service providers. The Commission adopted these rules to help to ensure that consumers' phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay. In the Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on the need for rules governing the exchange of customer

account information between local telephone service providers.

On April 15, 2005, and June 15, 2005, a coalition of local and long distance carriers proposed minor modifications and clarifications to section 64.4002 of the Commission's CARE rules. On August 29, 2005, the Commission released a public notice requesting comment on the coalition's proposed clarifications and modifications. Notice of the proposed changes was published in the Federal Register on September 7, 2005 (70 FR 53137). The comment cycle established by the August 29 public notice closed October 3, 2005.

On September 13, 2006, the Commission released an Order on Reconsideration adopting the clarifications and technical corrections to the Report and Order, as proposed by the coalition of carriers.

On December 21, 2007, the Commission released a Report and Order declining to adopt mandatory data exchange requirements between local exchange carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/19/04	69 FR 20845
NPRM Comment Period End	06/18/04	
R&O and FNPRM	06/02/05	70 FR 32258
FNPRM Comment Period End	08/01/05	
Public Notice	08/29/05	70 FR 53137—01
Public Notice Comment Period End	10/03/05	
Order on Recon	12/13/06	71 FR 74819
R&O	01/08/08	73 FR 1297
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lisa Boehley, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7395
Fax: 202 418–0236
Email: lisa.boehley@fcc.gov

RIN: 3060–AI58

307. TRUTH IN BILLING AND BILLING FORMAT

Legal Authority: 47 USC 201; 47 USC 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and FNPRM to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard D. Smith, Special Counsel, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 717 338–2797
Fax: 717 338–2574
Email: richard.smith@fcc.gov

RIN: 3060–AI61

308. CLOSED CAPTIONING OF VIDEO PROGRAMMING (SECTION 610 REVIEW)

Legal Authority: 47 USC 613

Abstract: The Commission's closed captioning rules are designed to make video programming more accessible to deaf and hard of hearing Americans. This proceeding resolves some issues regarding the Commission's closed captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Notice	10/02/97	62 FR 54848
Order on Recon	10/28/98	63 FR 55959
Notice	09/29/00	65 FR 58552
Notice	01/05/01	66 FR 1136
Notice	12/31/03	68 FR 75558
Notice	05/11/04	69 FR 26095
NPRM	09/26/05	70 FR 56150
Comment Period Extended	11/25/05	70 FR 71077
Comment Period End	12/16/05	
Notice	09/27/07	72 FR 70324
Order on Declaratory Ruling	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Comment Period End	02/27/09	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Amelia L. Brown, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2799
TDD Phone: 202 418–7804
Fax: 202 418–0037
Email: amelia.brown@fcc.gov

RIN: 3060–AI72

Federal Communications Commission (FCC) Completed Actions

Consumer and Governmental Affairs Bureau

309. TELECOMMUNICATIONS RELAY SERVICES (TRS) AND SPEECH–TO–SPEECH SERVICES FOR INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES, AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 225

Abstract: Title IV of the ADA requires the Commission to ensure that TRS is available to the extent possible in the most efficient manner to persons with hearing or speech disabilities in the United States. TRS enables an individual with a hearing or speech disability to communicate by telephone or other assistive communication device. The Commission issued its first order pursuant to title IV of the ADA implementing TRS on July 26, 1991, CC Docket No. 90-571. Since 1991, the Commission has revisited the regulations governing TRS on numerous occasions, in part, to make available to consumers new forms of TRS, and to amend the mandatory

FCC—Consumer and Governmental Affairs Bureau — Completed Actions

minimum standards to improve the quality of TRS, consistent with the goal of functional equivalency set forth in section 225. Through these actions the Commission has broadly defined TRS to include any service that enables persons with hearing or speech disabilities to use the telecommunications network to communicate by wire or radio, and not to be limited to either telecommunications service or services that require a TTY. This docket and RIN flow from CC Docket No. 90-571 AND RIN 3060-AG75.

Timetable:

Action	Date	FR Cite
NPRM	05/20/98	63 FR 32798
NPRM Comment Period End	09/14/98	
FNPRM	06/21/00	65 FR 38490
R&O	06/21/00	65 FR 38432
Public Notice	07/19/01	66 FR 37631
Public Notice Correction	08/03/01	66 FR 40666
Public Notice	08/15/01	66 FR 42858
Public Notice Correction	10/26/01	66 FR 54165
MO&O	01/29/02	67 FR 4203
FNPRM	01/29/02	67 FR 4227
Declaratory Ruling	06/11/02	67 FR 39863
FNPRM	06/11/02	67 FR 39929
Public Notice	07/24/02	67 FR 48415
Public Notice	07/29/02	67 FR 49024
Comment Period End	08/12/02	
Public Notice	08/26/02	67 FR 57641
Public Notice	10/31/02	67 FR 66399
Public Notice	10/31/02	67 FR 66400
Public Notice	10/31/02	67 FR 66397
Public Notice	12/17/02	67 FR 77272
Public Notice	01/27/03	68 FR 3880
Fifth R&O	02/07/03	68 FR 6352
Fifth R&O Correction	02/24/03	68 FR 8553
Public Notice	03/04/03	68 FR 10245
Order on Recon	04/06/03	68 FR 18826
Public Notice	05/30/03	68 FR 32511
NPRM	06/23/03	68 FR 37158
Public Notice	08/18/03	68 FR 49478
Public Notice	08/20/03	68 FR 50146
NPRM	08/25/03	68 FR 50993
Second R&O and Order on Recon	08/25/03	68 FR 50973
Public Notice	11/07/03	68 FR 63029
Waiver & Clarification	04/16/03	68 FR 18826
Notice	04/16/03	68 FR 18828
Comment Period End	04/21/03	
Notice	05/29/03	68 FR 32038
Public Notice	07/25/03	68 FR 44082
Public Notice	08/04/03	68 FR 45819
Notice	08/14/03	68 FR 48609
Public Notice	08/18/03	68 FR 49478
Notice	08/25/03	68 FR 51014
Public Notice	09/29/03	68 FR 55955
Declaratory Ruling	09/29/03	68 FR 55898
Notice	10/27/03	68 FR 61217
Comment Period End	10/30/03	
Notice	11/30/03	68 FR 62249
Public Notice	12/01/03	68 FR 67166
Notice	12/24/03	68 FR 74504
Public Notice	12/31/03	68 FR 75559
Notice	02/24/04	69 FR 8331
Notice	03/26/04	69 FR 15730
Public Notice	07/26/04	69 FR 44534
Notice	07/28/04	69 FR 44970
Comment Period End	08/30/04	
R&O and Order on Recon	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Notice	09/01/04	69 FR 53442
Correction	09/17/04	69 FR 55985
Comment Period End re: 69 FR 53442	11/01/04	
Comment Period End re: 69 FR 53382	11/15/04	
Correction	09/24/04	69 FR 57231
Public Notice	11/15/04	69 FR 64573
Comment Period End	11/30/04	
Notice	12/27/04	69 FR 77246
Public Notice	01/11/05	70 FR 1894
Comment Period End	01/19/05	
Public Notice	01/13/05	70 FR 2360
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/ Interpretation	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Comment Period End	03/04/05	
Public Notice	03/16/05	70 FR 12884
Comment Period End	05/02/05	
Order	03/23/05	70 FR 14568
Order on Recon	04/06/05	70 FR 17330
Public Notice/ Announcement of Date	04/06/05	70 FR 17334
Notice	04/06/05	70 FR 17456
Public Notice	05/11/05	70 FR 24790
Comment Period End	05/25/05	
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order/Clarification	09/14/05	70 FR 54294
Notice	09/14/05	70 FR 54381
Notice	01/11/06	71 FR 1753
Comment Period End	02/10/06	
Notice	03/24/06	71 FR 14893
Notice	04/19/06	71 FR 20101

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas Chandler, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1475
Email: thomas.chandler@fcc.gov

RIN: 3060–AG76

Federal Communications Commission (FCC) — Long-Term Actions
Office of Engineering and Technology

310. REVISION OF THE RULES REGARDING ULTRA–WIDEBAND TRANSMISSION

Legal Authority: 47 USC 154; 47 USC 302 to 304; 47 USC 307; 47 USC 544A

Abstract: The First Report and Order amends the Commission's rules to permit the marketing and operation of certain types of new products incorporating Ultra-Wideband (UWB) technology. UWB devices operate by employing very narrow or short duration pulses that result in very large or wideband transmission bandwidths. UWB technology holds great promise for a vast array of new applications that we believe will provide significant benefits for public safety, businesses and consumers. With appropriate technical standards, UWB devices can operate using spectrum occupied by existing radio services without causing interference, thereby permitting scarce spectrum resources to be used more efficiently.

The Memorandum Opinion and Order responded to fourteen petitions for reconsideration that were filed in response to the regulations for unlicensed ultra-wideband (UWB) operations. In general, this document does not make any significant changes to the existing UWB parameters as the Commission is reluctant to do so until it has more experience with UWB devices. The Commission believes that any major changes to the rules for existing UWB product categories at this early stage would be disruptive to current industry product development efforts.

The Further Notice of Proposed Rulemaking proposed new rules to address issues raised by some of the petitions for reconsideration that were

outside the scope of the proceeding. New rules were proposed to address issues regarding the operation of low pulse repetition frequency UWB systems, including vehicular radars, in the 3.1-10.6 GHz band; and the operation frequency hopping vehicular radars in the 22-29 GHz band as UWB devices. The Commission also proposed new rules that would establish new peak power limits for wideband part 15 devices that do no operate as UWB devices and proposed to eliminate the definition of a UWB device.

The Second Report and Order and Second Memorandum Opinion and Order responds to two petitions for reconsideration that were filed in response to the Commission's decision to establish regulations for unlicensed UWB operation. It also responds to the rulemaking proposals contained in the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in this docket. The order establishes new rules for wideband unlicensed devices operating in the 5925-7250 MHz, 16.2-17.7 GHz, and 22.12-29 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/14/00	65 FR 37332
NPRM Comment Period End	10/12/00	
First R&O	05/16/02	67 FR 34852
MO&O	04/22/03	68 FR 19746
FNPRM	04/22/03	68 FR 19773
Second R&O and Second MO&O	02/09/05	70 FR 6771
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Reed, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2455
Fax: 202 418–1944
Email: jreed@fcc.gov

RIN: 3060–AH47

311. NEW ADVANCED WIRELESS SERVICES (ET DOCKET NO. 00–258)

Legal Authority: 47 USC 154(i); 47 USC 157(a); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910-1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155-2160/62 MHz bands, the Emerging Technology spectrum, at 2160-2165 MHz, and the bands reallocated from MSS 91990-2000 MHz, 2020-2025 MHz, and 2165-2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services.

The 7th Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710-1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710-1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band.

The 8th Report and Order reallocated the 2155-2160 MHz band for Fixed and Mobile services and designates the 2155-2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services.

The Order requires Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation.

The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150-2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495-2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160-2175 MHz band.

The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensee's relocation obligations.

The 9th Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150-2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160-2175 MHz band, and modified existing relocation procedures for the 2110-2150 MHz and 2175-2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110-2150 MHz and 2160-2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150-2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot.

Two petitions for Reconsideration were filed in response to the 9th Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438

Action	Date	FR Cite
NPRM Comment Period End	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2452
Fax: 202 418–1944
Email: rodney.small@fcc.gov

RIN: 3060–AH65

312. TRANSFER OF THE 3650 THROUGH 3700 MHZ BAND FROM FEDERAL GOVERNMENT USE (WT DOCKET NO. 05–96; ET DOCKET NO. 02–380)

Legal Authority: 47 USC 154; 47 USC 157; 47 USC 303; 47 USC 307; 47 USC 332

Abstract: This proceeding seeks to determine whether the 3650 to 3700 MHz band should be used for unlicensed devices or some or all of the band should be used for unlicensed options.

In January 1999, the 3650-3700 MHz band (3650 MHz band) was transferred from Government/non-Government shared use to a mixed-use band. In October 2000, in ET Docket No. 98-237, the FCC allocated the band to fixed and mobile terrestrial services on a co-primary basis, but in order to protect grandfathered Fixed Satellite Service (FSS) earth stations and Federal Government radiolocation operations, limited the mobile allocation to base stations use only. At this same time, the FCC proposed licensing and service rules for fixed and mobile operations in the band. Subsequently, in December 2002, in ET Docket No. 02-380, the FCC sought comment, in part, on the possibility of allowing unlicensed devices to operate in the 3650 MHz band. In April 2004, in ET Docket No. 04-151, the FCC followed-up on this inquiry by releasing a Notice of Proposed Rulemaking (NPRM) seeking comment on whether the 3650 MHz band should be used for unlicensed devices or part or all of the band should be used for licensed operations.

The NPRM proposes to allow unlicensed devices to operate in all, or part, of the 3650 MHz band at higher power levels than usually permitted for unlicensed services. These devices would be subject to smart (or cognitive) requirements and other safeguards designed to prevent interference to the licensed FSS earth stations now resident in the band. As with other unlicensed devices, these devices would not be permitted to cause interference to licensed services, such as the FSS earth stations, and would have to accept interference. The NPRM also seeks comment on other options for the band, including licensed use of the band by fixed and mobile services, or segmenting the 3650 MHz band to provide for a combination of unlicensed and licensed terrestrial services. The Notice seeks comment on issues related both to allocation changes necessary to set the relative priority between terrestrial and FSS licensed operations, and to licensing rule changes necessary to implement licensed terrestrial service operations.

Timetable:

Action	Date	FR Cite
NPRM	03/16/00	65 FR 14230
First R&O and Second NPRM	11/17/00	65 FR 69612
Petition for Recon	03/28/01	66 FR 16940
R&O	02/27/02	67 FR 17038
MO&O and Third R&O	05/02/03	68 FR 38635
Notice of Inquiry	01/21/03	68 FR 2730
NPRM	05/14/04	69 FR 26790
Final Rule	05/11/05	70 FR 24712
Final Rule	07/20/05	70 FR 41631
MO&O	07/25/07	72 FR 40767
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeffrey Dygert, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7300
Email: jeffrey.dygert@fcc.gov

RIN: 3060–AH75

313. EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS

Legal Authority: 47 USC 151; 47 USC 302 and 303; 47 USC 309(j); 47 USC 336

Abstract: The Notice of Proposed Rulemaking (NPRM) proposed amendments to the FCC rules relating to compliance of transmitters and facilities with guidelines for human exposure to radio frequency (RF) energy.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End	12/08/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0616
Fax: 202 418–1944
Email: ikeltz@fcc.gov

RIN: 3060–AI17

314. UNLICENSED OPERATION OF THE 3650–3700 BAND (ET DOCKET NO. 04–151)

Legal Authority: 47 USC 154

Abstract: The notice of proposed rulemaking proposed to maximize the efficient use of the 3650-3700 MHz band. The proposal would allow unlicensed devices to operate in either all, or portions of, this radiofrequency (RF) band under flexible technical limitations with smart/cognitive features that should prevent interference to licensed satellite services. The proposal fostered the introduction of new and advanced services to the American public, especially in rural areas.

The Report and Order adopted rules that provide for nationwide, non-exclusive, licensing of terrestrial operations, utilizing technology with a contention-base protocol, in the 3650-3700 MHz band. The Commission also adopted a streamlined licensing

mechanism with minimal regulatory entry requirements that will encourage multiple entrants and stimulate the rapid expansion of wireless broadband services—-especially in rural American and will also serve as a safeguard to protect incumbent satellite earth stations from harmful interference.

In the Memorandum Opinion and Order, the Commission addressed several petitions for reconsideration and an emergency motion for stay that were filed in response 3650 MHz Allocation Order in ET Docket No. 98-237.

In light of its full review of the refreshed record in this proceeding, and in light of the decisions made in the companion Report and Order, the Commission denied the aspects of the petitions that challenge and seek to reverse the allocation decisions made in the 3650 MHz Allocation Order.

The Commission denied the motion for stay. When the Commission established the November 30, 2000, filing deadline, it did so because it found that additional new FSS facilities permitted by the Freeze Memorandum Opinion and Order could affect the use of the 3650-3700 MHz band by the terrestrial services. By deciding in this Order to maintain the FSS allocation changes made in the 3650 MHz Allocation Order, the Commission, reaffirmed its conclusion that allowing additional primary FSS earth stations in the 3650 MHz band could negatively affect the prospects for viable FS/MS terrestrial operations.

The Memorandum Opinion and Order addressed petitions for reconsideration filed in response to the Commission's Report and Order relating to the 3650-3700 MHz band (3650 MHz band) proceeding. The Commission affirmed its previous decisions to create a spectrum environment that will encourage multiple entrants and stimulate the expansion of broadband service to rural and under served areas. To facilitate rapid deployment in the band, the Commission maintains the previously adopted, non-exclusive licensing scheme. The clarification and modification will facilitate operation of the widest variety of broadband technologies with minimal risk of interference in both the near and long terms. They should further reduce the potential for co-channel interference, provide additional protections to the multiple users in the band under the current licensing regime, and create incentives for the rapid development of broadly compatible contention technologies.

Timetable:

Action	Date	FR Cite
NPRM	05/14/04	69 FR 26790
R&O & MO&O	05/11/05	70 FR 24712
MO&O	07/25/07	72 FR 40767
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeffrey Dygert, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7300
Email: jeffrey.dygert@fcc.gov

RIN: 3060–AI50

315. UNLICENSED OPERATION IN THE TV BROADCAST BANDS (ET DOCKET NO. 04–186)

Legal Authority: 47 USC 154(i); 47 USC 302; 47 USC 303(e) and 303(f); 47 USC 303(r); 47 USC 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary correct, any interference that may occur.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/08	73 FR 7314
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7506
Fax: 202 418–1944
Email: hugh.vantuyl@fcc.gov

RIN: 3060–AI52

316. UNLICENSED DEVICES AND EQUIPMENT APPROVAL (ET DOCKET NO. 03–201)

Legal Authority: 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 306

Abstract: The Notice of Proposed Rulemaking (NPRM) proposed to update section 15.247 of the rules to allow the use of more efficient antenna technologies with unlicensed devices.

The Report and Order updates several technical rules for unlicensed radiofrequency devices in part 15 of the Commission's rules. The rule changes will allow device manufacturers to develop expanded applications for unlicensed devices and will allow unlicensed device operators, including Wireless Internet Service providers greater flexibility to modify or substitute parts as long as the overall system operation is unchanged. The changes are part of an ongoing process of updating our rules to promote more efficient sharing of spectrum used by unlicensed devices and remove unnecessary regulations that inhibit such sharing. The Commission received one petition for reconsideration in this proceeding.

The Second Report and Order amended the Commission's rules to provide for more efficient equipment authorization of both existing modular transmitter devices and emerging partitioned (or ''split'') modular transmitter devices. These rule changes will benefit manufacturers by allowing greater flexibility in certifying equipment and providing relief from the need to obtain a new equipment authorization each time the same transmitter is installed in a different final product. The rule changes will also enable manufacturers to develop more flexible and more advanced unlicensed transmitter technologies. The Commission further found that modular transmitter devices authorized in accordance with the revised equipment authorization procedures will not pose any increased

FCC—Office of Engineering and Technology — Long-Term Actions

risk of interference to other radio operations.

The Further NPRM, seeks comment on whether there is a need to require unlicensed transmitters operating in the 915 MHz band under sections 15.247 and 15.249 of the rules to comply with a spectrum etiquette requirement, and the impact that requiring an etiquette would have on the development and operation of unlicensed 915 MHz devices operating under those rule sections. The Commission also seeks comment on the particular etiquette suggested by Cellnet that would require digitally modulated spread spectrum transmitters operating in the 915 MHz band under section 15.247 of the rules to operate at less than the 1-watt maximum power if they are continuously silent less than 90 percent of the time within a 0.4 second interval. This etiquette would require that the maximum permitted power level decrease in accordance with a specified formula as the silent interval between transmission decreases. The Commission further seeks comment on alternatives to the etiquette suggested by Cellnet.

The Memorandum Opinion and Order dismissed two petitions for reconsideration of the rules adopted in the Report and Order, 69 FR 54027, September 7, 2004, in this proceeding. It dismissed a petition for reconsideration filed by Warren C. Havens and Telesaurus Holdings GB LLC (Havens) requesting that the Commission suspend the rule changes adopted for unlicensed devices in the 902-928 MHz (915 MHz) band until such time as it completes a formal inquiry with regard to the potential effect of such changes to Location and Monitoring Service (LMS) licensees in the band. The Commission also dismissed a petition for reconsideration filed by Cellnet Technology (Cellnet) requesting that the Commission adopt spectrum sharing requirements in the unlicensed bands, for example, a ''spectrum etiquette,'' particularly in the 915 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	09/17/03	68 FR 68823
R&O	09/07/04	69 FR 54027
Petition for Recon	11/19/04	69 FR 67736
Petition for Recon	02/15/05	70 FR 7737
Second R&O	05/23/07	72 FR 28889
FNPRM	08/01/07	72 FR 42011
MO&O	08/01/07	72 FR 41937
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7506
Fax: 202 418–1944
Email: hugh.vantuyl@fcc.gov

RIN: 3060–AI54

Federal Communications Commission (FCC) International Bureau — Long-Term Actions

317. STREAMLINING THE COMMISSION'S RULES AND REGULATIONS FOR SATELLITE APPLICATION AND LICENSING PROCEDURES (IB DOCKET NO. 95–117)

Legal Authority: 47 USC 4; 47 USC 154; 47 USC 303; 47 USC 554; 47 USC 701 to 744

Abstract: On February 10, 1997, the FCC adopted rules and policies that streamlined the application and licensing requirements of part 25 of its rules, which deals with communication satellites and earth stations. The streamlined rules waived the construction permit requirement for satellite space stations, changed the license term for temporary fixed earth stations; and adjusted or changed the rules concerning minor modifications and basic requirements for satellite service applications. The streamlined rules also resulted in the creation of a new application form, FCC Form 312. Form 312 eliminated from the International Bureau's use of the FCC Form 493, FCC Form 430, FCC Form 702, and FCC Form 704. Petitions for Reconsideration were filed in this matter. In March 1997, the Commission released a Public Notice concerning these petitions. The Commission addressed the issues in the Petitions for Reconsideration in an Order released on October 10, 2008.

Timetable:

Action	Date	FR Cite
NPRM	09/09/95	60 FR 46252
R&O, Recon Pending	02/10/97	62 FR 5924
Public Notice/Petitions for Recon	03/26/97	62 FR 14430
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steven Spaeth, Assistant Division Chief, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1539
Fax: 202 418–0748
Email: steven.spaeth@fcc.gov

RIN: 3060–AD70

318. ESTABLISHING RULES AND POLICIES FOR THE USE OF SPECTRUM FOR MOBILE SATELLITE SERVICE IN THE L–BAND (IB DOCKET NO. 96–132)

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 316; 47 USC 403

Abstract: The Commission has established licensing policies to govern mobile-satellite services (MSS) in the L-band. Specifically, the Commission has modified the license of Motient Services, Inc. (Motient), the only U.S. MSS system currently authorized to operate in the L-band, to use up to 20 megahertz of spectrum across the entire L-band. Previously, Motient was authorized only to operate in the upper portion of the L-band. In addition, the Commission has adopted and incorporated into part 25 of the rules specific operational parameters and technical requirements to ensure the integrity of maritime distress and safety communications service will not be compromised by MSS operation in the lower portion of the L-band. Petitions for reconsideration were filed.

Timetable:

Action	Date	FR Cite
NPRM	06/18/96	61 FR 40772
NPRM Comment Period End	09/23/96	
R&O	08/07/02	67 FR 51105
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrea Kelly, Chief, Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7877
Fax: 202 418–0748
Email: andrea.kelly@fcc.gov

RIN: 3060–AF89

319. ESTABLISHMENT OF RULES AND POLICIES FOR THE DIGITAL AUDIO RADIO SATELLITE SERVICE IN THE 2310–2360 MHZ FREQUENCY BAND (IB DOCKET NO. 95–91; GEN DOCKET NO. 90–357)

Legal Authority: 47 USC 151; 47 USC 151(i); 47 USC 154(j); 47 USC 157; 47 USC 309(j)

Abstract: The Commission is proposing rules to govern satellite digital audio radio services (SDARS). The Commission adopted service rules for SDARS in 1997 and sought further comment on proposed rules governing the use of complementary terrestrial repeaters. The Commission released a second further notice of proposed rulemaking in January 2008 to consider new proposals for rules governing terrestrial repeaters and operations of Wireless Communications Service (WCS) devices in the 2305—2360 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	06/15/95	60 FR 35166
R&O	03/11/97	62 FR 11083
FNPRM	04/18/97	62 FR 19095
Second FNPRM	01/15/08	73 FR 2437
FNPRM Comment Period End	03/17/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Duall, Attorney, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1103
Fax: 202 418–0748
Email: stephen.duall@fcc.gov

RIN: 3060–AF93

320. ALLOCATE & DESIGNATE: SPEC FOR FIXED–SAT SRV (37.5–38.5, 40.5–41.5 & 48.2–50.2 GHZ BANDS); ALLOCATE: FIXED & MOBILE 40.5–42.5 GHZ; WIRELESS 46.9–47 GHZ; GOV OPER 37–38 & 40–40.5 GHZ (IB DOCKET NO. 97)

Legal Authority: 47 USC 154(i); 47 USC 301 and 302; 47 USC 303(e) to 303(g); 47 USC 303(r); 47 USC 304; 47 USC 307

Abstract: This item adopts a plan for nongovernment operations in the 36.0-51.4 GHz portion of the V-band, establishing priorities for different services in different parts of this band.

Timetable:

Action	Date	FR Cite
NPRM	04/04/97	62 FR 16129
R&O	01/15/99	64 FR 2585
Correction	02/08/99	64 FR 6138
Correction	02/10/99	64 FR 6565
Notice of Petition for Recon	03/22/99	64 FR 13796
Order on Recon	12/01/99	
FNPRM	07/05/01	66 FR 35399
Second R&O	08/25/04	69 FR 52198
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sean O'More, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2453
Email: sean.omore@fcc.gov

RIN: 3060–AH23

321. SPACE STATION LICENSING REFORM (IB DOCKET NO. 02–34)

Legal Authority: 47 USC 154(i); 47 USC 157; 47 USC 303(c); 47 USC 303(g);

Abstract: The Commission has adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Currently, the Commission uses processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issues a public notice establishing a cut-off date for other mutually exclusive satellite applications, and then considers all those applications together. In cases where sufficient spectrum to accommodate all the applicants is not available, the Bureau directs the applicants to negotiate a mutually agreeable solution. Those negotiations usually take a long time, and delay provision of satellite services to the public.

The NPRM invites comment on two alternatives for expediting the satellite application process. One alternative is to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative is to streamline the processing round procedure by adopting one or more of the following proposals: (1) Placing a time limit on negotiations; (2) establishing criteria to select among competing applicants; (3) dividing the available spectrum evenly among the applicants.

In the First Report and Order in this proceeding, the Commission determined that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis.

In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests.

In the Third Report and Order in this proceeding, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications.

In the Fourth Report and Order in this proceeding, the Commission extended

the mandatory electronic filing requirement to all satellite applications.

In the Fifth Report and Order in this proceeding, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End	07/02/02	
Second R&O (Release Date)	06/20/03	68 FR 62247
Second FNPRM (Release Date)	07/08/03	68 FR 53702
Third R&O (Release Date)	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End	10/27/03	
Fourth R&O (Release Date)	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date)	07/06/04	69 FR 51586
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steven Spaeth, Assistant Division Chief, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1539
Fax: 202 418–0748
Email: steven.spaeth@fcc.gov

RIN: 3060–AH98

322. MITIGATION OF ORBITAL DEBRIS (IB DOCKET NO. 02–54)

Legal Authority: 47 USC 154(i); 47 USC 157(a); 47 USC 303(c); 47 USC 303(f) and 303(g); 47 USC 303(r)

Abstract: The Commission has adopted rules that require all entities seeking FCC authorization for satellite services to address orbital debris mitigation as part of their application for FCC authorization. Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. In addition, the Commission established requirements for the removal of geostationary spacecraft from operational orbits at the end of their useful lives and amended the Commission's rules regarding orbit-raising maneuvers, the use of inclined orbits, and orbital longitudinal tolerance station-keeping requirements. The Commission indicated that it will seek further comment on the application of the Commission's longitudinal tolerance station-keeping requirements for Fixed-Satellite space stations to space stations in the Mobile-Satellite Service and remote sensing services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/02	67 FR 22376
NPRM Comment Period End	08/16/02	
First R&O	08/27/03	68 FR 59127
Second R&O	09/09/04	69 FR 54581
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Stephen Duall, Attorney, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1103
Fax: 202 418–0748
Email: stephen.duall@fcc.gov

RIN: 3060–AI06

323. AMENDMENT OF THE COMMISSION'S RULES (IB DOCKET NO. 04–47)

Legal Authority: 47 USC 34 to 39; 47 USC 151; 47 USC 161; 47 USC 201 to 205;

Abstract: FCC amended several rules. Specifically, FCC: (1) Amended the procedures for discontinuing an international service; (2) allowed U.S. carriers to resell the U.S.-inbound service of foreign carriers; and (3) amended the submarine cable landing licensing procedures compliance with the Coastal Zone Management Act of 1972. The North American Submarine Cable Association filed a petition for reconsideration regarding the amendment to the submarine cable licensing procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/22/04	69 FR 13276
NPRM Comment Period End	06/07/04	
R&O	09/25/07	72 FR 54363
Petition for Recon	01/02/08	73 FR 187
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1460
Fax: 202 418–2824
Email: david.krech@fcc.gov

RIN: 3060–AI41

324. REPORTING REQUIREMENTS FOR U.S. PROVIDERS OF INTERNATIONAL TELECOMMUNICATIONS SERVICES (IB DOCKET NO. 04–112)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 161; 47 USC 201 to 205;

Abstract: FCC is reviewing the reporting requirements to which carriers providing U.S. international services are subject under 47 CFR part 43. FCC proposes to amend 47 CFR 43.61 and 47 CFR 43.82 and to repeal 47 CFR 43.53.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	
NPRM Comment Period End	08/23/04	69 FR 29676
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1460
Fax: 202 418–2824
Email: david.krech@fcc.gov

RIN: 3060–AI42

325. REVIEW OF THE SPECTRUM SHARING PLAN AMONG NON–GEOSTATIONARY SATELLITE ORBIT MOBILE SATELLITE SERVICE SYSTEMS IN THE 1.6/2.4 GHZ BANDS (IB DOCKET NO. 02–364)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 302(a); 47 USC 303(e);

Abstract: This docket involves the spectrum sharing plan for the low earth orbit satellite systems in the 1.6 GHz and 2.4 GHz bands (Big LEOs). In November 2007, the Commission resolved the 1.6 GHz spectrum sharing plan between Globalstar Inc. and Iridium Satellite LLC, whereby Globalstar will have exclusive MSS use

of 7.775 megahertz of spectrum at 1610-1617.775 MHz, Iridium will have exclusive MSS use of 7.775 megahertz of spectrum at 1618.725-1626.5 MHz, and the two Big LEO operators will share 0.95 megahertz of spectrum at 1617.775-1618.725 MHz. Separately, in April 2006, the Commission affirmed the spectrum sharing plan between Globalstar and the fixed and mobile (except aeronautical mobile) services in the 2495-2500 MHz band in order to accommodate the relocation of Broadband Radio Service Channel 1 to the 2496-2502 MHz band. (Iridium does not operate in the 2.4 GHz band.)

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 33666
R&O	08/09/04	69 FR 48157
FNPRM	08/09/04	69 FR 48192
Petitions for Recon	10/12/04	69 FR 60626
First Order on Recon	06/19/06	71 FR 35178
Petitions for Further Recon	07/27/06	71 FR 44029
Second Order on Recon and Second R&O	12/13/07	72 FR 70807
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Howard Griboff, Deputy Chief, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0657
Fax: 202 418–1414
Email: howard.griboff@fcc.gov

RIN: 3060–AI44

326. AMENDMENT OF THE COMMISSION'S RULES TO ALLOCATE SPECTRUM AND ADOPT SERVICE RULES AND PROCEDURES TO GOVERN THE USE OF VEHICLE–MOUNTED EARTH STATIONS (IB DOCKET NO. 07–101)

Legal Authority: 47 USC 151; 47 USC 154(i) and (j); 47 USC 157(a); 47 USC 301; 47 USC 303 (c); 47 USC 303 (f); 47 USC 303 (g); 47 USC 303 (r); 47 USC 303 (y); 47 USC 308

Abstract: The Commission seeks comment on the proposed amendment of parts 2 and 25 of the Commission's rules to allocate spectrum for use with Vehicle-Mounted Earth Stations (VMES) in the Fixed-Satellite Service in the Ku-band uplink at 14.0-14.5 GHz and Ku-band downlink 11.72-12.2 GHz on a primary basis, and in the extended Ku-band downlink at 10.95-11.2 GHz and 11.45-11.7 GHz on a non-protected basis, and to adopt Ku-band VMES licensing and service rules modeled on the FCC's rules for Ku-band Earth Stations on Vessels (ESVs). The record in this proceeding will provide a basis for Commission action to facilitate introduction of this proposed service.

Timetable:

Action	Date	FR Cite
NPRM	07/08/07	72 FR 39357
NPRM Comment Period End	09/04/07	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Howard Griboff, Deputy Chief, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0657
Fax: 202 418–1414
Email: howard.griboff@fcc.gov

RIN: 3060–AI90

Federal Communications Commission (FCC) Media Bureau

Long-Term Actions

327. CABLE TELEVISION RATE REGULATION

Legal Authority: 47 USC 154; 47 USC 543

Abstract: The Commission has adopted rate regulations to implement section 623 of the 1992 Cable Act to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. Reconsideration was requested. The Fourteenth Order on Reconsideration addresses petitions on issues governing regulated services by cable systems. In a subsequent notice, comment was sought on recalibrating the competitive differential between rates of systems subject to effective competition and noncompetitive systems. In addition, comment was sought as to whether there may be a different approach to establish reasonable rates on the basic service tier.

Timetable:

Action	Date	FR Cite
NPRM	01/04/93	58 FR 48
R&O and FNPRM	05/21/93	58 FR 29736
MO&O and FNPRM	08/18/93	58 FR 43816
Third R&O	11/30/93	58 FR 63087
Order on Recon, Fourth R&O, and Fifth NPRM	04/15/94	59 FR 17943
Third Order on Recon	04/15/94	59 FR 17961
Fifth Order on Recon and FNPRM	10/13/94	59 FR 51869
Fourth Order on Recon	10/21/94	59 FR 53113
Sixth Order on Recon, Fifth R&O, and Seventh NPRM	12/06/94	59 FR 62614
Seventh Order on Recon	01/25/95	60 FR 4863
Ninth Order on Recon	02/27/95	60 FR 10512
Eighth Order on Recon	03/17/95	60 FR 14373
Sixth R&O and Eleventh Order on Recon	07/12/95	60 FR 35854
Thirteenth Order on Recon	10/05/95	60 FR 52106
Twelfth Order on Recon	10/26/95	60 FR 54815
Tenth Order on Recon	04/08/96	61 FR 15388
Order on Recon of the First R&O and FNPRM	04/15/96	61 FR 16447
MO&O	02/12/97	62 FR 6491
Report on Cable Industry Prices	02/24/97	62 FR 8245
R&O	03/31/97	62 FR 15118
Fourteenth Order on Recon	10/15/97	62 FR 53572
NPRM and Order	09/05/02	67 FR 56882
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7037
TDD Phone: 202 418–7172
Fax: 202 418–1196
Email: john.norton@fcc.gov

RIN: 3060–AF41

328. CABLE TELEVISION RATE REGULATION: COST OF SERVICE

Legal Authority: 47 USC 154; 47 USC 543

Abstract: The Commission has established rules pursuant to which cable operators may set rates for regulated cable service in accordance with traditional cost-of-service principles, as modified to take account of unique characteristics of the cable industry. In the latest NPRM, comment was sought on rule changes that may be necessary or desirable in order to account for changes in the regulatory process resulting from the end of the Commission's statutory authority to regulate certain tiers of cable programming service.

Timetable:

Action	Date	FR Cite
NPRM	07/30/93	58 FR 40762
R&O	04/15/94	59 FR 17975
Second NPRM	04/15/94	59 FR 18066
MO&O	10/14/94	59 FR 52087
Second R&O/First Order on Recon/FNPRM	03/08/96	61 FR 9361
Correction	03/22/96	61 FR 11749
NPRM and Order	09/05/02	67 FR 56882
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7037
TDD Phone: 202 418–7172
Fax: 202 418–1196
Email: john.norton@fcc.gov

RIN: 3060–AF48

329. CABLE HOME WIRING

Legal Authority: 47 USC 544(i)

Abstract: On October 6, 1997, the FCC adopted a Report and Order and Second Notice of Proposed Rulemaking (FCC 97-376) that amends its cable inside wiring rules to enhance competition in the video distribution marketplace. The Second FNPRM seeks comment on, among other things, whether there are circumstances where the FCC should adopt restrictions on exclusive contracts in order to further promote competition in the multiple dwelling unit marketplace. The 2nd Report and Order addresses multiple dwelling units when the occupant charges video service providers. In the First Order on Reconsideration and the Second Report and Order, the Commission modified its rules in part. The United States Court of Appeals for the District of Columbia Circuit remanded a portion of the Commission decision back to the Commission for further consideration. In September 2004, the Commission issued an FNPRM in response to the courts decision. The subsequent Report and Order and Declaratory Ruling concluded that cable wiring behind sheet rock is physically inaccessible for determining the demarcation point.

Timetable:

Action	Date	FR Cite
NPRM	11/17/92	57 FR 54209
R&O	03/02/93	58 FR 11970
NPRM	02/01/96	61 FR 3657
First Order on Recon & FNPRM	02/16/96	61 FR 6210
FNPRM	09/03/97	62 FR 46453
R&O and Second FNPRM	11/14/97	62 FR 60165
First Order on Recon and Second R&O	03/21/03	68 FR 13850
FNPRM	10/15/04	69 FR 61193
R&O and Declaratory Ruling	08/30/07	72 FR 50074
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7037
TDD Phone: 202 418–7172
Fax: 202 418–1196
Email: john.norton@fcc.gov

RIN: 3060–AG02

330. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES (CS DOCKET NO. 97–80)

Legal Authority: 47 USC 549

Abstract: The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of ''navigation devices,'' the equipment used to access video programming and other services from multichannel video programming systems.

Specifically, in 1998, the Commission required MVPDs to make available by July 1, 2000, a security element separate from the basic navigation device (e.g., cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the ''integration ban'') was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. MVPDs were permitted to continue providing equipment with integrated security until January 1, 2005, so long as modular security components, known as point-of-deployment modules, were also made available for use with host devices obtained through retail outlets. In April 2003, in response to requests from cable operators, the Commission extended the effective date of the integration ban until July 1, 2006. Then, in 2005, again at the urging of cable operators, the Commission extended that date until July 1, 2007. Also, in this proceeding, in April 2003, the Commission adopted unidirectional ''plug and play'' rules, to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators. In June 2007, the Commission solicited comment on proposed standards to ensure bidirectional compatibility of cable television systems and consumer electronics equipment.

Timetable:

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM	06/17/03	68 FR 35818
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1573

Email: brendan.murray@fcc.gov

RIN: 3060–AG28

331. CABLE HORIZONTAL AND VERTICAL OWNERSHIP LIMITS (MM DOCKET NO. 92–264)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 533

Abstract: Section 613 of the Communications Act requires the Commission to ''prescribe rules and regulations establishing reasonable limits on the number of cable subscribers a person is authorized to reach through cable systems owned by such person, or in which such person has an attributable interest.'' On October 8, 1999, the Commission issued a Third Report and Order, FCC 99-289, in this matter. The Commission revised the horizontal ownership rules as follows: (1) All multichannel video subscribers will be counted when calculating the 30 percent ownership limit; (2) actual subscriber numbers, rather than potential subscriber numbers, will be used for calculating an owner's share; and (3) the minority exception which allowed a 35 percent ownership limit for minority-owned entities under certain circumstances was eliminated. On March 2, 2001, the District of Columbia Circuit Court reversed and remanded the cable horizontal and vertical limits, as well as two aspects of the attribution rules used to determine compliance with these limits. (Time Warner Entertainment Co. v. FCC, 240 F.3d 1126 (DC cir. 2001)). Pursuant to the court's remand, the Commission solicited comment in a Further Notice of Proposed Rulemaking (September 2001) and a Second Further Notice of Proposed Rulemaking.

In the Fourth Report and Order, the Commission set the cable horizontal ownership limit at 30 percent. In the accompanying Further Notice of Proposed Rulemaking, comment was sought on issues regarding the cable attribution rules and appropriate channel occupancy limits.

Timetable:

Action	Date	FR Cite
Second MO&O on Recon and FNPRM	07/14/98	63 FR 37790
Third R&O	12/01/99	64 FR 67198
Order on Recon	03/08/00	65 FR 12135
MO&O	06/08/00	65 FR 36382
FNPRM	10/11/01	66 FR 51905
Second FNPRM	06/18/05	70 FR 33680
Fourth R&O and FNPRM	02/29/08	73 FR 11048
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Royce Sherlock, Chief, Industry Analysis Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7030
Fax: 202 418–1196
Email: rsherlock@fcc.gov

RIN: 3060–AH09

332. DIGITAL AUDIO BROADCASTING SYSTEMS (MM DOCKET NO. 99–325)

Legal Authority: 47 USC 154; 47 USC 303

Abstract: The rulemaking proceeding was initiated to foster the development and implementation of terrestrial digital audio broadcasting (DAB). The transition to DAB promises the benefits that have generally accompanied digitalization—better audio fidelity, more robust transmission systems, and the possibility of new auxiliary services. In the First Report and Order, the Commission selected in-band, on-channel as the technology that will permit AM and FM radio broadcasters to introduce digital operations. Consideration of formal standard-setting procedures and related broadcasting licensing and service rule changes are addressed in a Further Notice of Proposed Rulemaking. Further technical guidance is provided in a Second Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	11/09/99	64 FR 61054
First R&O	12/23/02	67 FR 78193
FNPRM and NOI	05/14/04	69 FR 27815
Second R&O	08/15/07	72 FR 45712
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Peter Doyle, Chief, Audio Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2700
Email: peter.doyle@fcc.gov

RIN: 3060–AH40

333. SECOND PERIODIC REVIEW OF RULES AND POLICIES AFFECTING THE CONVERSION TO DTV

Legal Authority: 47 USC 4(i) and 4(j); 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 336

Abstract: On January 18, 2001, the Commission adopted a Report and Order (R&O) and Further Notice of Proposed Rulemaking, addressing a number of issues related to the conversion of the nation's broadcast television system from analog to digital television. The Second Report and Order resolved several major technical issues including the issue of receiver performance standards, DTV tuners, and revisions to certain components of the DTV transmission standard. A subsequent NPRM commenced the Commission's second periodic review of the progress of the digital television conversion. The resulting R&O adopted a multi-step process to create a new DTV table of allotments and authorizations. Also in the R&O, the Commission adopted replication and maximization deadlines for DTV broadcasters and updated rules in recognition revisions to broadcast transmission standards.

The Second R&O adopts disclosure requirements for televisions that do not include a digital tuner.

Timetable:

Action	Date	FR Cite
NPRM	03/23/00	65 FR 15600
R&O	02/13/01	66 FR 9973
MO&O	12/18/01	66 FR 65122
Third MO&O and Order on Recon	10/02/02	67 FR 61816
Second R&O and Second MO&O	10/11/02	67 FR 63290
NPRM	02/18/03	68 FR 7737
R&O	10/04/04	69 FR 59500
Second R&O	05/10/07	72 FR 26554
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Eloise Gore, Associate Bureau Chief, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1066
TDD Phone: 202 418–7172
Fax: 202 418–1069
Email: eloise.gore@fcc.gov

RIN: 3060–AH54

334. DIRECT BROADCAST PUBLIC INTEREST OBLIGATIONS (MM DOCKET NO. 93–25)

Legal Authority: 47 USC 335

Abstract: The Commission adopted rules in 1998 that implement section 25 of the Cable Television Consumer Protection and Competition Act of 1992, as codified at section 335 of the Communications Act of 1934. Section 335 directs the Commission to impose certain public interest obligations on direct broadcast satellite providers.

Timetable:

Action	Date	FR Cite
NPRM	03/08/93	58 FR 12917
R&O	02/08/99	64 FR 52399
Order on Recon	04/22/04	69 FR 21761
Order on Recon	04/28/04	69 FR 23155
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rosalee Chiara, Staff Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0754
Email: rchiara@fcc.gov

RIN: 3060–AH59

335. REVISION OF EEO RULES AND POLICIES (MM DOCKET NO. 98–204)

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 257; 47 USC 301; 47 USC 303; 47 USC 307 to 309; 47 USC 334; 47 USC 403; 47 USC 554

Abstract: FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. The Third Notice of Proposed Rulemaking (NPRM) requests comment as to the applicability of the EEO rules to part-time employees. The Third Report and Order adopted revised forms for broadcast station and MVPDs Annual Employment Report. In the Fourth NPRM, comment was sought regarding public access to the data contained in the forms.

Timetable:

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1704
Second R&O and Third NPRM	01/07/03	68 FR 670
Correction	01/13/03	68 FR 1657
Fourth NPRM	06/23/04	69 FR 34986
Third R&O	06/23/04	69 FR 34950
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lewis Pulley, Asst. Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1450
Email: lewis.pulley@fcc.gov

RIN: 3060–AH95

336. BROADCAST MULTIPLE AND CROSS–OWNERSHIP LIMITS

Legal Authority: 47 USC 151; 47 USC 152(a); 47 USC 154(i); 47 USC 303; 47 USC 307; 47 USC 309 and 310

Abstract: In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule.

The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. Petitions for Reconsideration are pending. Also, the Third Circuit Court of Appeals remanded portions of the Commission's decisions. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking.

In the Report and Order and Order on Reconsideration, the Commission adopts rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retains the other broadcast ownership rules currently in effect.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon	02/21/08	73 FR 9481
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mania K. Baghdadi, Deputy Division Chief, Industry Analysis Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2130
Email: mbaghda@fcc.gov

RIN: 3060–AH97

337. ESTABLISHMENT OF RULES FOR DIGITAL LOW POWER TELEVISION, TELEVISION TRANSLATOR, AND TELEVISION BOOSTER STATIONS (MB DOCKET NO. 03–185)

Legal Authority: 47 USC 309; 47 USC 336

Abstract: This proceeding initiates the digital television conversion for low power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. Petitions for reconsideration of the Report and Order are pending resolution.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
R&O	11/29/04	69 FR 69325
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Keith Larson, Chief Engineer, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2607
Email: keith.larson@fcc.gov

RIN: 3060–AI38

338. JOINT SALES AGREEMENTS IN LOCAL TELEVISION MARKETS (MB DOCKET NO. 04–256)

Legal Authority: 47 USC 151 to 152(a); 47 USC 154(i); 47 USC 303;

Abstract: A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Debra Sabourin, Attorney Advisor, Federal Communications Commission, Mass Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2130
Email: debra.sabourin@fcc.gov

RIN: 3060–AI55

339. SIGNIFICANTLY VIEWED OUT–OF–MARKET BROADCAST STATIONS (MB DOCKET NO. 05–49)

Legal Authority: 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 340

Abstract: Section 202 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 creates section 340 of the Communications Act, which provides satellite carries with the authority to offer Commission determined ''significantly viewed'' signals of out-of-market broadcast stations to subscribers. In the NPRM, comment was sought on implementation of section 340. The resulting Report and Order adopted a list of significantly viewed stations and procedures for stations to petition the Commission for inclusion on the list.

Timetable:

Action	Date	FR Cite
NPRM	03/08/05	70 FR 11314
R&O	12/27/05	70 FR 76504
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2120
Email: evan.baranoff@fcc.gov

RIN: 3060–AI56

340. REVISION OF PROCEDURES GOVERNING AMENDMENTS TO FM TABLE OF ALLOTMENTS AND CHANGES OF COMMUNITY OF LICENSE IN THE RADIO BROADCAST SERVICES (MB DOCKET NO. 05–210)

Legal Authority: 47 USC 154; 47 USC 303

Abstract: The rulemaking was initiated to reduce backlog in, and streamline, the FM allotment procedures and, to a lesser extent, streamline certain procedures pertaining to AM applications. Although the Commission has made important changes to streamline the processing of radio broadcast applications, the basic procedures for amending the Table have not changed since 1982. The Notice seeks comment on a number of specific rule and procedural changes in the handling of FM and AM applications and rulemaking petitions to amend the Table. In the area of applications procedures, the Notice seeks comments on various proposals designed to encourage only bona fide proponents to submit petitions and to limit the complexity of such petitions. If these changes are adopted, it will expedite the approval and implementation on new and upgraded radio service to the public. The Report and Order adopted the proposals from the notice.

Timetable:

Action	Date	FR Cite
NPRM	06/22/05	70 FR 44537
NPRM Comment Period End	10/03/05	
R&O	12/20/06	71 FR 76208
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tom Nessinger, Attorney Advisor, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2709
Email: thomas.nessinger@fcc.gov

RIN: 3060–AI63

341. DIGITAL TELEVISION DISTRIBUTED TRANSMISSION SYSTEM TECHNOLOGIES (MB DOCKET NO. 05–312)

Legal Authority: 47 USC 151; 47 USC 154(i) to (j); 47 USC 157; 47 USC 301;

Abstract: A digital television transmission system (DTS) employs multiple synchronized transmitters spread around a station's service area. Such distributed transmitters fill in unserved areas in the parent station's coverage area. The Notice of Proposed Rulemaking (NPRM) examines issues related to the use of DTS and proposes rules for future DTS operation.

Timetable:

Action	Date	FR Cite
NPRM	12/07/05	70 FR 72763
R&O	12/05/08	73 FR 74047
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2120
Email: evan.baranoff@fcc.gov

RIN: 3060–AI68

342. IMPLEMENTATION OF THE CABLE COMMUNICATIONS POLICY ACT OF 1984 AS AMENDED BY THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 541(a)(1); 47 USC 556(c)

Abstract: Section 621(a)(1) of the Communications Act of 1934, as amended, states in relevant part that ''a franchising authority . . .may not unreasonably refuse to award an additional competitive franchise.'' The Notice of Proposed Rulemaking (NPRM) solicits comment on implementation of section 621(a)(1)'s directive, and whether the franchising process unreasonably impedes the achievement of the interrelated Federal goals of enhanced cable competition and accelerated broadband deployment and, if so, how the Commission should act to address that problem.

The subsequent Report and Order found that certain actions by local franchising authorities constitute an unreasonable refusal to award a

competitive franchise within the meaning of section 621(a)(1). The item included a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on how the findings should affect existing franchises.

In the Second Report and Order, a number of the rules promulgated in this docket are extended to incumbent cable operators.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 73973
R&O and FNPRM	03/21/07	72 FR 13230
Second R&O	11/23/07	72 FR 65670
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Holly Saurer, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7283
Fax: 202 418–1069
Email: holly.saurer@fcc.gov

RIN: 3060–AI69

343. PROGRAM ACCESS RULES—SUNSET OF EXCLUSIVE CONTRACTS PROHIBITION AND EXAMINATION OF PROGRAMMING TYING ARRANGEMENTS; (MB DOCKET NOS. 07–29, 07–198)

Legal Authority: 47 USC 548

Abstract: The program access provisions of the Communications Act (section 628) generally prohibit exclusive contracts for satellite delivered programming between programmers in which a cable operator has an attributable interest (vertically integrated programmers) and cable operators. This limitation was set to expire on October 5, 2007, unless circumstances in the video programming marketplace indicate that an extension of the prohibition continues ''to be necessary to preserve and protect competition and diversity in the distribution of video programming.'' The proceeding undertakes the required review. The Report and Order concluded the prohibition continues to be necessary, and accordingly, retained it until October 5, 2012. The accompanying Notice of Proposed Rulemaking (NPRM) sought comment on revisions to the Commission's program access and retransmission consent rules.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9289
R&O	10/04/07	72 FR 56645
NPRM	10/31/07	72 FR 61590
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David Konczal, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2228
Email: david.konczal@fcc.gov

RIN: 3060–AI87

344. THIRD PERIODIC REVIEW OF THE COMMISSION'S RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL TELEVISION (MB DOCKET NO. 07–91)

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 301 to 303; 47 USC 307 to 309; 47 USC 312; 47 USC 316; 47 USC 318 and 319; 47 USC 324 and 325; 47 USC 336 and 337

Abstract: Congress has mandated that after February 17, 2009, full-power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. This proceeding is the Commission's third periodic review of the transition of the nation's broadcast television system from analog to digital television (DTV). The Commission conducts these periodic reviews in order to assess the progress of the transition and make any necessary adjustments to the Commission's rules and policies to facilitate the introduction of DTV service and the recovery of spectrum at the end of the transition. In this review, the Commission considers how to ensure that broadcasters complete construction of their final post-transition (digital) facilities by the statutory deadline.

Timetable:

Action	Date	FR Cite
NPRM	07/09/07	72 FR 37310
R&O	01/30/08	73 FR 5634
Order on Clarification	07/10/08	73 FR 39623
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2120
Email: evan.baranoff@fcc.gov

RIN: 3060–AI89

345. DTV CONSUMER EDUCATION INITIATIVE (MB DOCKET NO. 07–148)

Legal Authority: 47 USC 154(i); 47 USC 303(r); 47 USC 335 and 336

Abstract: Congress has mandated that after February 17, 2009, full-power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. From the beginning of the digital transition, the Commission has been committed to working with representatives from industry, public interest groups, and Congress to make the significant benefits of digital broadcasting available to the public. The digital transition will make valuable spectrums available for both public safety uses and expanded wireless competition and innovation. It will also provide consumers with better quality television picture and sound, and make new services available through multicasting. These innovations, however, are dependent upon widespread consumer understanding of the benefits and the mechanics of the transition. While the Commission has been engaged in various DTV outreach efforts, this proceeding was initiated to seek public comment on whether there are additional steps relating to consumer education about the digital transition which the Commission should take.

Timetable:

Action	Date	FR Cite
NPRM	08/16/07	72 FR 46014
R&O	03/24/08	73 FR 15431
FNPRM	05/28/08	73 FR 30591
Order	06/26/08	73 FR 36282
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lyle Elder, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2120
Email: lyle.elder@fcc.gov

RIN: 3060–AI96

346. BROADCAST LOCALISM (MB DOCKET NO. 04–233)

Legal Authority: 47 USC 154(i); 47 USC 303; 47 USC 532; 47 USC 536

Abstract: The concept of localism has been a cornerstone of broadcast regulation. The Commission has consistently held that as temporary trustee of the public's airwaves, broadcasters are obligated to operate their stations to serve the public interest. Specifically, broadcasters are required to air programming responsive to the needs and issues of the people in their licensed communities. The Commission opened this proceeding to seek input on a number of issues related to broadcast localism.

Timetable:

Action	Date	FR Cite
NPRM	02/13/08	73 FR 8255
NPRM Comment Period End	03/14/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Freedman, Associate Chief, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1415
Email: william.freedman@fcc.gov

RIN: 3060–AJ04

347. CREATING A LOW POWER RADIO SERVICE (MM DOCKET NO. 99–25)

Legal Authority: 47 USC 151 to 152; 47 USC 154(i); 47 USC 303; 47 USC 403; 47 USC 405

Abstract: This proceeding was initiated to establish a new noncommercial educational low power FM radio service for non-profit community organizations and public safety entities. In January 2000, the Commission adopted a Report and Order establishing two classes of LPFM stations, 100 watt (LP100) and 10 watt (LP10) facilities, with service radii of approximately 3.5 miles and 1-2 miles, respectively. The Report and Order also established ownership and eligibility rules for the LPFM service. The Commission generally restricted ownership to entities with no attributable interest in any other broadcast station or other media. To choose among entities filing mutually exclusive applications for LPFM licenses, the Commission established a point system favoring local ownership and locally-originated programming. The Report and Order imposed separation requirements for LPFM with respect to full power stations operating on co-, first- and second-adjacent and intermediate frequency (IF) channels. In December 2000, legislation was enacted that required the Commission to modify its rules to (i) prescribe LPFM station third-adjacent channel interference protection standards and (ii) prohibit any applicant from obtaining an LPFM station license if the applicant previously has engaged in the unlicensed operation of a station. In March 2001, the Commission adopted a Second Report and Order implementing this statute.

In a Further Notice issued in 2005, the Commission reexamined some of its rules governing the LPFM service, noting that the rules may adjustment in order to ensure that the Commission maximizes the value of the LPFM service without harming the interests of full-power FM stations or other Commission licensees. The Commission sought comment on a number of issues with respect to LPFM ownership restrictions and eligibility.

The Third Report and Order resolves issues raised in the Further Notice. The accompanying Second Further Notice of Proposed Rulemaking (FNPRM) considers rule changes to avoid the potential loss of LPFM stations.

Timetable:

Action	Date	FR Cite
NPRM	12/16/99	64 FR 2577
R&O	02/15/00	65 FR 7616
MO&O and Order on Recon	11/09/00	65 FR 67289
Second R&O	05/10/01	66 FR 23861
Second Order on Recon and FNPRM	07/07/05	70 FR 3918
Third R&O and Second FNPRM	01/17/08	73 FR 3202
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Peter Doyle, Chief, Audio Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2700
Email: peter.doyle@fcc.gov

RIN: 3060–AJ07

348. SPONSORSHIP IDENTIFICATION RULES AND EMBEDDED ADVERTISING (MB DOCKET NO. 08–90)

Legal Authority: 47 USC 154(i) and (j); 47 USC 303(r); 47 USC 303(a); 47 USC 317; 47 USC 405; 47 USC 508

Abstract: The Commission undertook this proceeding to seek comment on the relationship between the Commission's sponsorship identification rules and the increasing reliance on industry by embedded advertising techniques. Due to recent technological changes that allow consumers to more easily bypass traditional commercial content, content providers may be turning to more subtle and sophisticated means of incorporating commercial messages into programming. The NPRM will seek to determine how embedded advertising affects the efficacy of the sponsorship identification rules in protecting the public's right to know who is paying to air commercials or other programming matter on broadcast outlets and cable television systems.

Timetable:

Action	Date	FR Cite
NPRM and NOI	07/24/08	73 FR 43194
NPRM Comment Period End	09/22/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1573
Email: brendan.murray@fcc.gov

RIN: 3060–AJ10

Federal Communications Commission (FCC) — Completed Actions
Media Bureau

349. DIGITAL BROADCAST CONTENT PROTECTION (MB DOCKET NO. 02–230)

Legal Authority: 47 USC 303; 47 USC 403; 47 USC 601

Abstract: This rulemaking examines the use of a content protection mechanism for digital broadcast television. The Report and Order adopted an anti-piracy mechanism known as the ''broadcast flag.'' Products capable of receiving DTV over-the-air signals must comply with the broadcast flag requirements by July 1, 2005. The Further Notice of Proposed Rulemaking (FNPRM) seeks comment on the process for approving digital recording and output content protection technologies.

Timetable:

Action	Date	FR Cite
NPRM	08/20/02	67 FR 53903
R&O	12/03/03	68 FR 67599
FNPRM	12/03/03	68 FR 67624
Final Rule	01/20/04	69 FR 2688

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Susan Mort, Attorney Advisor, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1043
Fax: 202 418–1069
Email: susan.mort@fcc.gov

RIN: 3060–AI37

Federal Communications Commission (FCC) — Long-Term Actions
Office of Managing Director

350. ASSESSMENT AND COLLECTION OF REGULATORY FEES

Legal Authority: 47 USC 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 20213
R&O and FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O and FNPRM	08/26/08	73 FR 50201
Comment Period End	09/25/08	
Reply Comment Period End	10/27/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mika Savir, Attorney, Federal Communications Commission, Office of the Managing Director, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0384
Email: mika.savir@fcc.gov

RIN: 3060–AI79

Federal Communications Commission (FCC) — Long-Term Actions
Public Safety and Homeland Security Bureau

351. REVISION OF THE RULES TO ENSURE COMPATIBILITY WITH ENHANCED 911 EMERGENCY CALLING SYSTEMS

Legal Authority: 47 USC 134(i); 47 USC 151; 47 USC 201; 47 USC 208; 47 USC 215; 47 USC 303; 47 USC 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth R&O, Third NPRM, and NPRM	09/19/00	65 FR 56752
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
Second R&O, Second FNPRM	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End	08/20/07	
Order on Recon	10/11/07	72 FR 57879
R&O	02/14/08	73 FR 8617
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0952
Email: tom.beers@fcc.gov

RIN: 3060–AG34

352. ENHANCED 911 SERVICES FOR WIRELINE

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 201; 47 USC 222; 47 USC 251

Abstract: The rules generally will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578

Action	Date	FR Cite
Public Notice	01/13/05	70 FR 2405
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0952
Email: tom.beers@fcc.gov

RIN: 3060–AG60

353. IN THE MATTER OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

Legal Authority: 47 USC 229; 47 USC 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0952
Email: tom.beers@fcc.gov

RIN: 3060–AG74

354. DEVELOPMENT OF OPERATIONAL, TECHNICAL, AND SPECTRUM REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATIONS REQUIREMENTS

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 160; 47 USC 201 and 202; 47 USC 303; 47 USC 337(a); 47 USC 403

Abstract: This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

Timetable:

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
MO&O	11/04/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
MO&O	09/27/02	67 FR 61002
NPRM	11/08/02	67 FR 68079
R&O	12/13/02	67 FR 76697
NPRM	04/27/05	70 FR 21726
R&O	04/27/05	70 FR 21671
NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
Ninth NPRM Comment Period End	02/26/07	
R&O and FNPRM	05/02/07	72 FR 24238
R&O and FNPRM Comment Period End	05/23/07	
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeff Cohen, Senior Legal Counsel, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0799
Email: jeff.cohen@fcc.gov

RIN: 3060–AG85

355. 1998 BIENNIAL REGULATORY REVIEW—REVIEW OF ACCOUNTS SETTLEMENT IN MARITIME MOBILE AND MARITIME MOBILE–SATELLITE RADIO SERVICES; (IB DOCKET NO. 98–96)

Legal Authority: 47 USC 154(i) and 154(j); 47 USC 201 to 205; 47 USC 303(r)

Abstract: The FCC seeks comment regarding Accounts Settlement in the Maritime Mobile and Maritime Mobile Satellite Service (MSS) Radio Services.

Timetable:

Action	Date	FR Cite
NPRM	07/24/98	63 FR 39800
FNPRM	07/28/99	64 FR 40808
R&O	07/28/99	64 FR 40774
Comment Period Extended	09/03/99	64 FR 48337
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Timothy Peterson, Chief of Staff, PSHSB, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1575

RIN: 3060–AH30

356. IMPLEMENTATION OF 911 ACT

Legal Authority: 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 157; 47 USC 160; 47 USC 202; 47 USC 208; 47 USC 210; 47 USC 214; 47 USC 251(e); 47 USC 301; 47 USC 303; 47 USC 308 to 309(j); 47 USC 310

Abstract: This proceeding is separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it is intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, a chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and is aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David H. Siehl, Attorney, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1313
Fax: 202 418–2816
Email: david.siehl@fcc.gov

RIN: 3060–AH90

357. COMMISSION RULES CONCERNING DISRUPTIONS TO COMMUNICATIONS

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 303(r)

Abstract: The Report and Order extended the Commission's disruption reporting requirements to communications providers who are not wireline carriers. The Commission also streamlined compliance with the reporting requirements through electronic filing with a ''fill in the blank'' template and by simplifying the application of that rule. In addition, the Commission delegates authority to the Chief, Office of Engineering and Technology, to make the revisions to the filing system and template necessary to improve the efficiency of reporting and to reduce, where reasonably possible, the time for providers to prepare, and for the Commission staff to review, the communications disruption reports required to be filed. Such authority was subsequently delegated to the Chief of the Public Safety and Homeland Security Bureau. These actions will allow the Commission to obtain the necessary information regarding service disruptions in an efficient and expeditious manner and to achieve significant concomitant public interest benefits.

The Commission received nine petitions for reconsideration in this proceeding, which are pending.

The Further Notice of Proposed Rulemaking (NPRM) expands the record in the proceeding to focus specifically on the unique communications needs of airports, including wireless and satellite communications. In this regard, the Commission requested comment on the additional types of airport communications (e.g., wireless, satellite) that should be required to file service disruption reports—particularly from a homeland security and defense perspective. These types of airport communications may include, for example, communications that are provided by ARINC as well as commercial communications (e.g., air-to-ground and ground-to-air telephone communications) as well as intra-airline commercial links. The Commission also requested comment on whether the outage-reporting requirements for special facilities should be extended to cover general aviation airports (GA) and, if so, what the applicable threshold criteria should be.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay	12/30/04	69 FR 78338
Petition for Recon	02/15/05	70 FR 7737
Amendment of Delegated Authority	02/21/08	73 FR 9462
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7452
Email: lisa.fowlkes@fcc.gov

RIN: 3060–AI22

358. E911 REQUIREMENTS FOR IP–ENABLED SERVICE PROVIDERS

Legal Authority: 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 251(e); 47 USC 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of voice-over Internet protocol services that interconnect with the public switched telephone network provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	06/29/05	70 FR 37307
NPRM Comment Period End	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End	07/11/07	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0952
Email: tom.beers@fcc.gov

RIN: 3060–AI62

359. RECOMMENDATIONS OF THE INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE KATRINA ON COMMUNICATIONS NETWORKS

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 218; 47 USC 303(r)

Abstract: In the Notice of Proposed Rulemaking (NPRM)in EB Docket No. 06-119, the Commission initiated a comprehensive rulemaking to address and implement the recommendations presented by the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Independent Panel). The Independent Panel's report included recommendations which relate to: (1) Pre-positioning the communications industry and the government for disasters in order to achieve greater network reliability and resiliency; (2) improving recovery coordination to address existing shortcomings and to maximize the use of existing resources; (3) improving the operability and interoperability of public safety and 911 communications in times of crisis; and (4) improving communication of emergency information to the public. The Commission, in this proceeding, is to take the lessons learned from this disaster and build upon them to promote more effective, efficient response and recovery efforts as well as heightened readiness and preparedness in the future. To accomplish this goal, the Commission invited comment on what actions the Commission can take to address the Independent Panel's recommendations.

FCC—Public Safety and Homeland Security Bureau — Long-Term Actions

In the Order released June 8, 2007 (EB Docket No. 06-119 and WC Docket No. 06-63), the Commission directed the Public Safety and Homeland Security Bureau to implement several of the recommendations made by the Independent Panel. The Commission also adopted rules requiring some communications providers to have emergency/backup power and requiring certain communications providers to conduct analyses and submit reports on the redundancy and resiliency of their 911 and E911 networks and/or systems. Finally, the Commission extended limited regulatory relief from Section 272 of the Communications Act of 1934, as amended, previously accorded by the Wireline Competition Bureau.

In an Order on Reconsideration released on October 4, 2007, the Commission considered six petitions for reconsideration and/or clarification of the June 2007 Order that adopted the backup power rule (section 12.2 of the Commission's rules). The Order on Reconsideration granted in part and denied in part the petitions. The Commission modified the backup power rule to address several meritorious issues raised by petitioners. This modification will facilitate carrier compliance and reduce the burden on local exchange carriers and commercial mobile radio service providers, while continuing to further important homeland security and public safety goals.

Timetable:

Action	Date	FR Cite
NPRM	07/07/06	71 FR 38564
Order	07/11/07	72 FR 37655
Delay of Effective Date of Rule	08/10/07	72 FR 44978
Petitions for Recon	08/20/07	72 FR 46485
Order on Recon	10/11/07	72 FR 57879
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7452
Email: lisa.fowlkes@fcc.gov

RIN: 3060–AI78

360. • STOLEN VEHICLE RECOVERY SYSTEM (SVRS)

Legal Authority: 47 USC 151 and 152; 47 USC 154(i); 47 USC 301 to 303

Abstract: The Report and Order amends 47 CFR 90.20(e)(6) governing stolen vehicle recovery system operations at 173.075 MHz, by increasing the radiated power limit for narrowband base stations; increasing the power output limit for narrowband base stations; increasing the power output limit for narrowband mobile transceivers; modifying the base station duty cycle; increasing the tracking duty cycle for mobile transceivers; and retaining the requirement for TV channel 7 interference studies and that such studies must be served on TV channel 7 stations.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49401
NPRM Comment Period End	10/10/06	
R&O	10/14/08	73 FR 60631
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Zenji Nakazawa, Assoc. Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7949
Email: zenji.nakazaw@fcc.gov

RIN: 3060–AJ01

361. THE COMMERCIAL MOBILE ALERT SYSTEM

Legal Authority: PL 109–347 title VI; EO 13407; 47 USC 151; 47 USC 154(i)

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
Third R&O	09/22/08	73 FR 54511
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7452
Email: lisa.fowlkes@fcc.gov

RIN: 3060–AJ03

Federal Communications Commission (FCC) Wireless Telecommunications Bureau — Long-Term Actions

362. AMENDMENT OF THE COMMISSION'S RULES CONCERNING MARITIME COMMUNICATIONS

Legal Authority: 47 USC 154; 47 USC 303

Abstract: This amendment of the Maritime Radio Service Rules is to encourage growth and improve the regulatory structure in VHF maritime communications.

Timetable:

Action	Date	FR Cite
NOI/NPRM	11/05/92	57 FR 57717
FNPRM	04/26/95	60 FR 35507
First R&O	04/26/95	60 FR 34198
Second FNPRM	06/17/97	62 FR 37533
Second R&O	06/17/97	62 FR 40281
Third R&O and MO&O	07/06/98	63 FR 40059
MO&O	04/26/99	64 FR 26885
Third NPRM	12/08/00	65 FR 76966
Fourth R&O	12/13/00	65 FR 77821
Fourth NPRM	02/04/02	67 FR 5080
Second MO&O and Fifth R&O	07/25/02	67 FR 48560
R&O	08/13/03	68 FR 48446
MO&O	04/15/04	69 FR 19947
Correcting Amendment	07/26/04	69 FR 44471

Action	Date	FR Cite
Second R&O and Sixth R&O	11/08/04	69 FR 64664
Final Rule	10/12/06	71 FR 60075
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: jeff.tobias@fcc.gov

RIN: 3060–AF14

363. 39 GHZ CHANNEL PLAN

Legal Authority: 47 USC 154; 47 USC 302; 47 USC 524

Abstract: This proceeding amends the FCC's rules to facilitate more effective use of the 39 GHz band.

Timetable:

Action	Date	FR Cite
NPRM	01/26/96	61 FR 2465
NPRM Comment Period End	02/12/96	
Order	02/22/96	61 FR 6809
Reply Comments	02/27/96	
Order	05/01/96	61 FR 19236
Second NPRM	01/21/98	63 FR 3075
R&O	02/06/98	63 FR 6079
MO&O	08/23/99	64 FR 45891
NPRM	12/20/99	64 FR 71088
R&O	01/02/01	66 FR 33
NPRM	12/21/01	66 FR 65866
R&O	03/04/02	67 FR 9610
R&O	12/03/02	67 FR 71861
R&O	08/13/03	68 FR 48446
Third NPRM	08/27/04	69 FR 52632
Third NPRM Comment Period Extended	10/04/04	69 FR 59166
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ken Burnley, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0664
Email: kburnley@fcc.gov

Jennifer Burton, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7581

RIN: 3060–AG16

364. IMPLEMENTATION OF THE COMMUNICATIONS ACT, AMENDMENT OF THE COMMISSION'S RULES—BROADBAND PCS COMPETITIVE BIDDING AND THE COMMERCIAL MOBILE RADIO SERVICE SPECTRUM CAP

Legal Authority: 47 USC 154(i); 47 USC 301 and 302; 47 USC 303(r); 47 USC 309(j); 47 USC 332

Abstract: NPRM to modify the competitive bidding rules for the Broadband PCS F Block. Report and Order, adopted June 21,1996, modified the PCS/cellular rule and the cellular spectrum cap.

Timetable:

Action	Date	FR Cite
O on Recon of Fifth MO&O and D, E, & F R&O	11/15/00	65 FR 68927
Final Rule	03/02/01	66 FR 13022
Final Rule	06/04/01	66 FR 29911
Third NPRM	08/27/04	69 FR 52632
Third NPRM Comment Period Extended	10/04/04	69 FR 59166
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7535
Email: abashkin@fcc.gov

RIN: 3060–AG21

365. AMENDMENT OF PART 90 OF THE RULES TO ADOPT REGULATIONS FOR AUTOMATIC VEHICLE MONITORING SYSTEMS

Legal Authority: 47 USC 154; 47 USC 251 and 252; 47 USC 303; 47 USC 309; 47 USC 332

Abstract: This Second Report and Order adopts rules and procedures governing competitive bidding for multilateration Location and Monitoring Service (LMS) frequencies.

Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52078
NPRM Comment Period End	11/20/97	
Second R&O	07/30/98	63 FR 40659
NPRM	05/03/99	64 FR 23571
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard Arsenault, Chief Counsel, Mobility Division, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0920
Email: richard.arsenault@fcc.gov

RIN: 3060–AH12

366. FIXED SATELLITE SERVICE AND TERRESTRIAL SYSTEM IN THE KU–BAND

Legal Authority: 47 USC 154; 47 USC 157; 47 USC 303

Abstract: The Memorandum Opinion and Order and 2nd Report and Order addressed petitions for reconsideration and established technical, service, and licensing rules for Multichannel Video Distribution and Data Service (MVDDS) in the 12 GHz band. MVDDS will facilitate the delivery of new communications services, such as video and broadband services, to a wide range of populations, including those that are unserved or underserved. These rules will allow MVDDS licensees to share the 12 GHz band with new operators on a com-primary basis, and non-harmful interference basis with incumbent Direct Broadcast Satellite service providers.

Timetable:

Action	Date	FR Cite
NPRM	01/12/99	64 FR 1786
Order	02/16/99	64 FR 7577
Public Notice	12/15/99	64 FR 70028
FNPRM	01/24/01	66 FR 7607
R&O	02/16/01	66 FR 10601
Petitions for Recon	04/09/01	66 FR 18474
Second R&O	06/26/02	67 FR 43031
Third R&O	06/18/03	68 FR 42610
Order To Deny	07/25/03	68 FR 43942
Final Rule	05/18/04	69 FR 28062
Final Rule	06/07/04	69 FR 28062
Correcting Amendment	10/04/04	69 FR 59145
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jennifer Mock, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1890
Email: jennifer.mock@fcc.gov

RIN: 3060–AH17

367. SERVICE RULES FOR THE 746–764 AND 776–794 MHZ BANDS, AND REVISIONS TO THE COMMISSION'S RULES

Legal Authority: 47 USC 1; 47 USC 4(i); 47 USC 7; 47 USC 10; 47 USC 201 and 202; 47 USC 208; 47 USC 214; 47 USC 301; 47 USC 303; 47 USC 307 and 308; 47 USC 309(j) and 309(k); 47 USC 310 and 311; 47 USC 315; 47 USC 317; 47 USC 324; 47 USC 331 and 332; 47 USC 336

Abstract: The Report and Order in this proceeding adopts service rules for licensing and auction of commercial services in spectrum in the 700 MHz band to be vacated by UHF television licensees.

Timetable:

Action	Date	FR Cite
NPRM	07/07/99	64 FR 36686
R&O	01/20/00	65 FR 3139
Second R&O	04/04/00	65 FR 17594
MO&O and FNPRM	07/12/00	65 FR 42879
Second MO&O	02/06/01	66 FR 9035
Third R&O	02/14/01	66 FR 10204
Second MO&O	02/15/01	66 FR 10374
Order on Recon of Third R&O	10/10/01	66 FR 51594
Third MO&O and Order	07/30/02	67 FR 49244
Second FNPRM	05/21/08	73 FR 29582
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2109
Fax: 202 418–0890
Email: whuber@fcc.gov

RIN: 3060–AH32

368. IMPLEMENTATION OF THE COMMUNICATIONS ACT OF 1934 AS AMENDED

Legal Authority: 47 USC 154(i); 47 USC 303(r); 47 USC 309(j)

Abstract: In the Fourth Memorandum Opinion and Order in WT Docket No. 99-87 (Fourth Memorandum Opinion and Order), the Federal Communications Commission (Commission or FCC) clarifies the Commission's Third Report and Order in this docket, and takes the opportunity to correct the inadvertent deletion of language in the rules regarding the schedule for Private Land Mobile Radio systems in the 150-174 MHz and 421-512 MHz bands to transition to narrowband kHz technology.

Timetable:

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23571
R&O	01/02/01	66 FR 33
MO&O	05/16/02	67 FR 34848
NPRM	07/17/03	68 FR 42337
R&O	07/17/03	68 FR 42296
Order	04/06/04	69 FR 17959
Final Rule	06/15/05	70 FR 34666
NPRM	06/15/05	70 FR 34726
Final Rule	05/11/05	70 FR 24712
Final Rule	07/15/05	70 FR 41631
Final Rule	04/18/07	72 FR 19387
Fourth MO&O	06/17/08	73 FR 34201
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roberto Mussenden, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1428
Email: roberto.mussenden@fcc.gov

RIN: 3060–AH33

369. AMENDMENT OF THE RULES TO LICENSE FIXED SERVICES AT 24 GHZ

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 309(j)

Abstract: This rulemaking proposes licensing and service rules to govern the 24 GHz band generally.

Timetable:

Action	Date	FR Cite
NPRM	12/20/99	64 FR 71088
R&O	08/05/00	65 FR 59350
Order	06/01/01	66 FR 29722
NPRM	12/21/01	66 FR 65866
Final Rule	07/27/04	69 FR 44608
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Nese Guendelsberger, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0634
Fax: 202 418–1186
Email: nguendel@fcc.gov

Nancy Zaczek, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: nzaczek@fcc.gov

RIN: 3060–AH41

370. AMENDMENT OF PARTS 13 AND 80 OF THE COMMISSION'S RULES GOVERNING MARITIME COMMUNICATIONS

Legal Authority: 47 USC 302 to 303

Abstract: This matter concerns the amendment of the rules governing maritime communications in order to consolidate, revise and streamline the regulations as well as address new international requirements and improve the operational ability of all users of marine radios.

Timetable:

Action	Date	FR Cite
NPRM	03/24/00	65 FR 21694
NPRM	08/17/00	65 FR 50173
NPRM	05/17/02	67 FR 35086
Report & Order	08/07/03	68 FR 46957
Second R&O, Sixth R&O, Second FNPRM	04/06/04	69 FR 18007
Comments Due	06/07/04	
Reply Comments Due	07/06/04	
Second R&O and Sixth R&O	11/08/04	69 FR 64664
NPRM	11/08/06	71 FR 65447
Final Action	01/25/08	73 FR 4475
Petition for Reconsideration	03/18/08	73 FR 14486
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: jeff.tobias@fcc.gov

RIN: 3060–AH55

371. COMPETITIVE BIDDING PROCEDURES

Legal Authority: 47 USC 154; 47 USC 301 to 303; 47 USC 309; 47 USC 332

Abstract: This proceeding proposes resumption of installment payments for broadband Personal Communications Services (PCS), for example, for C and F Block, with payment deadline to be reinstated as of March 31, 1998. The proposal contemplates, inter alia,

changes to the FCC's C Block rules to govern re-auction of surrendered spectrum in the C Block. The proposal was released on October 16, 1997, and published in the Federal Register.

Timetable:

Action	Date	FR Cite
Second R&O	10/24/97	62 FR 55348
FNPRM	10/24/97	62 FR 55375
Order on Recon of Second R&O	04/08/98	63 FR 17111
Fourth R&O	09/23/98	63 FR 50791
Second Order on Recon of Second R&O	05/18/99	64 FR 26887
Recon of Fourth R&O	03/16/00	65 FR 14213
FNPRM	06/13/00	65 FR 37092
Sixth R&O and Order on Recon	09/05/00	65 FR 53620
Order on Recon	02/12/01	66 FR 9773
Seventh R&O	10/29/01	66 FR 54447
Eighth R&O	04/08/02	67 FR 16647
Final Rule	07/21/03	68 FR 42984
Final Rule	10/07/03	68 FR 57828
Final Rule	09/30/05	70 FR 57183
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7535
Email: abashkin@fcc.gov

RIN: 3060–AH57

372. 2000 BIENNIAL REGULATORY REVIEW SPECTRUM AGGREGATION LIMITS FOR COMMERCIAL MOBILE RADIO SERVICES

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)

Abstract: The Commission has adopted a final rule in a proceeding reexamining the need for Commercial Mobile Radio Services spectrum aggregation limits.

Timetable:

Action	Date	FR Cite
NPRM	02/12/01	66 FR 9798
NPRM Comment Period End	05/14/01	
Final Rule	01/14/02	67 FR 1626
Correction to Final Rule	01/31/02	67 FR 4675
Petition for Recon	03/21/02	67 FR 13183
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael J. Rowan, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1883
Fax: 202 418–7447
Email: michael.rowan@fcc.gov

RIN: 3060–AH81

373. IN THE MATTER OF PROMOTING EFFICIENT USE OF SPECTRUM THROUGH ELIMINATION OF BARRIERS TO THE DEVELOPMENT OF SECONDARY MARKETS

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201 and 202; 47 USC 208; 47 USC 214; 47 USC 301; 47 USC 303; 47 USC 308 to 310

Abstract: The Commission has opened a proceeding to examine actions it may take to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81475
NPRM Comment Period End	01/29/01	66 FR 8149
New NPRM Comment Period End	02/09/01	
NPRM	11/25/03	68 FR 66232
Final Rule	11/25/03	68 FR 66252
NPRM Comment Period End	01/05/04	
Final Rule	02/12/04	69 FR 6920
Final Rule	02/25/04	69 FR 8569
Final Rule	11/15/04	69 FR 65544
Final Rule	12/27/04	69 FR 77522
NPRM	12/27/04	69 FR 77560
Final Rule	08/01/07	72 FR 41935
Final Action	01/26/09	74 FR 4344
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Paul Murray, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0688
Fax: 202 418–7447
Email: pmurray@fcc.gov

RIN: 3060–AH82

374. REEXAMINATION OF ROAMING OBLIGATIONS OF COMMERCIAL MOBILE RADIO SERVICE PROVIDERS

Legal Authority: 47 USC 151; 47 USC 152(n); 47 USC 154(i) and 154(j); 47 USC 201(b); 47 USC 251(a); 47 USC 253; 47 USC 303(r); 47 USC 332(c)(1)(B); 47 USC 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for Commercial Mobile Radio Services and sunset the current manual roaming requirement.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christina Clearwater, Attorney, Federal Communications Commission, Wireless Telecom. Bureau, Auctions Division, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1893
Email: christina.clearwater@fcc.gov

Won Kim, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1368
Email: won.kim@fcc.gov

RIN: 3060–AH83

375. YEAR 2000 BIENNIAL REVIEW (WT DOCKET NO. 01–108)

Legal Authority: Not Yet Determined

Abstract: The year 2000 part 22 Biennial Review Report and Order and subsequent Order on Reconsideration examined whether certain rules should be modified or eliminated as a result of technological changes or increased competition.

Timetable:

Action	Date	FR Cite
Final Rule	04/01/04	69 FR 17063
Final Rule Effective	06/01/04	
Final Rule	09/15/04	69 FR 55516
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Linda Chang, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1339
Fax: 202 418–7447
Email: lchang@fcc.gov

RIN: 3060–AI26

376. AIR–GROUND TELECOMMUNICATIONS SERVICES

Legal Authority: 47 USC 151 and 151(i); 47 USC 161; 47 USC 303(r)

Abstract: Re-examination of rules governing air-ground telecommunications services on commercial airplanes.
Revision/elimination of 47 CFR 22 non-cellular provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/25/03	68 FR 44003
NPRM Comment Period End	10/23/03	
Final Rule	04/13/05	70 FR 19293
NPRM	04/13/05	70 FR 19377
Final Rule Correction	04/27/05	70 FR 21663
Final Rule	12/27/05	70 FR 76411
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard Arsenault, Chief Counsel, Mobility Division, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0920
Email: richard.arsenault@fcc.gov

RIN: 3060–AI27

377. AMENDMENTS OF VARIOUS RULES AFFECTING WIRELESS RADIO SERVICES (WT DOCKET NO. 03–264)

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 161; 47 USC 303(r)

Abstract: This rulemaking proposes to streamline and harmonize wireless radio service rules.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8132
NPRM Comment Period End	05/24/04	
NPRM	10/19/05	70 FR 60770
Final Rule	10/20/05	70 FR 61049
Proposed Rule	05/02/07	72 FR 24238
Final Rule	05/16/07	72 FR 27688
Final Rule	08/24/07	72 FR 48814
Final Rule	05/02/08	73 FR 24180
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Nina Shafran, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2781
Email: nina.shafran@fcc.gov

RIN: 3060–AI30

378. FACILITATING THE PROVISION OF SPECTRUM–BASED SERVICES TO RURAL AREAS

Legal Authority: Not Yet Determined

Abstract: This rulemaking will facilitate the provision of spectrum-based services to rural areas.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64050
NPRM Comment Period End	01/26/04	
NPRM	12/15/04	69 FR 75174
Final Rule	12/15/04	69 FR 75144
Final Rule	04/27/05	70 FR 21652
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Allen A. Barna, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0620
Email: allen.barna@fcc.gov

RIN: 3060–AI31

379. IMPROVING PUBLIC SAFETY COMMUNICATIONS IN THE 800 MHZ BAND INDUSTRIAL/LAND TRANSPORTATION AND BUSINESS CHANNELS

Legal Authority: 47 USC 154(i); 47 USC 303(f); 47 USC 303(r); 47 USC 332

Abstract: The Commission seeks to improve public safety communications in the 800 MHz band and consolidate the 800 MHz Industrial/Land Transportation and Business Pool channels.

Timetable:

Action	Date	FR Cite
NPRM	04/05/02	67 FR 16351
Final Rule	08/19/02	67 FR 53754
Proposed Rule	02/10/03	68 FR 6687
Final Rule	11/22/04	69 FR 67823
Final Rule	11/22/04	69 FR 67853
Final Rule	02/08/05	70 FR 6750
Final Rule	02/08/05	70 FR 6761
Final Rule	04/06/05	70 FR 17327
Notice	06/15/05	70 FR 34764
Final Rule	09/28/05	70 FR 56583
Notice	10/26/05	70 FR 61823
Final Rule	12/28/05	70 FR 76704
Proposed Rule	09/21/06	71 FR 55149
Clarification	06/20/07	72 FR 33914
Final Rule	07/20/07	72 FR 39756
Final Rule; Correction	09/28/07	72 FR 54847
Notice	09/28/07	72 FR 55208
Final Rule; Clarification	10/05/07	72 FR 56923
Petition for Recon	10/01/07	72 FR 557722
Proposed Rule	11/13/07	72 FR 63869
Petition for Recon	11/14/07	72 FR 65734
Proposed Rule	03/31/08	73 FR 16822
Final Rule	06/13/08	73 FR 33728
Proposed Rule	07/13/08	73 FR 40274
Petition for Recon	07/28/08	73 FR 4375
Final Rule	11/17/08	73 FR 67794
Final Rule	02/06/09	74 FR 6235
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Wilhelm, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0870
Email: michael.wilhelm@fcc.gov

RIN: 3060–AI34

380. REVIEW OF PART 87 OF THE COMMISSION'S RULES CONCERNING AVIATION (WT DOCKET NO. 01–289)

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 307(e)

Abstract: This proceeding is intended to streamline, consolidate and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
Final Rule	12/06/06	71 FR 70671
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: jeff.tobias@fcc.gov

RIN: 3060–AI35

381. IMPLEMENTATION OF THE COMMERCIAL SPECTRUM ENHANCEMENT ACT (CSEA) AND MODERNIZATION OF THE COMMISSION'S COMPETITIVE BIDDING RULES AND PROCEDURES (WT DOCKET NO. 05–211)

Legal Authority: 15 USC 79; 47 USC 151; 47 USC 154(i) and (j); 47 USC 155; 47 USC 155(c); 47 USC 157; 47 USC 225; 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 309(j); 47 USC 325(e); 47 USC 334; 47 USC 336; 47 USC 339; 47 USC 554

Abstract: This proceeding implements rules and procedures needed to comply with the recently enacted Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing federal agencies out of spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress's directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
Comment Period End	09/20/06	
Reply Comment Period End	10/20/06	
2nd Order and Recon of 2nd R&O	04/04/08	73 FR 18528
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7384
Email: kelly.quinn@fcc.gov

RIN: 3060–AI88

382. FACILITATING THE PROVISION OF FIXED AND MOBILE BROADBAND ACCESS EDUCATIONAL AND OTHER ADVANCED SERVICES IN THE 2150–2162 AND 2500–2690 MHZ BANDS; REVIEWING OF THE SPECTRUM SHARING PLAN AMONG NON–GEOST

Legal Authority: 47 USC 154; 47 USC 301 to 303; 47 USC 307 ; 47 USC 309; 47 USC 332; 47 USC 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the nation.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
FNPRM	07/29/04	69 FR 72048
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
Further NPRM	03/20/08	73 FR 26067
MO&O	03/20/08	73 FR 26032
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Schauble, Deputy Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0797
Email: john.schauble@fcc.gov

RIN: 3060–AJ12

383. • AMENDMENT OF THE RULES REGARDING MARITIME AUTOMATIC IDENTIFICATION SYSTEMS; WT DOCKET NO. 04–344

Legal Authority: 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 306; 47 USC 307(e); 47 USC 332; 47 USC 154(i); 47 USC 161

Abstract: This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our nation's homeland security as well as maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective	03/02/09	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: jeff.tobias@fcc.gov

RIN: 3060–AJ16

384. • SERVICE RULES FOR ADVANCED WIRELESS SERVICES IN THE 2155–2175 MHZ BAND

Legal Authority: 47 USC 151 and 152; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 214; 47 USC 301

Abstract: This proceeding explores the possible uses of the 2155-2175 MHz frequency band (AWS-3) to support the

introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS-3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS-3 rules, which include adding 5 megahertz of spectrum (2175-80 MHz) to the AWS-3 band, and requiring licensees of that spectrum to provide—-using up to 25 percent of its wireless network capacity—-free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End	08/11/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jennifer Mock, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1890
Email: jennifer.mock@fcc.gov

RIN: 3060–AJ19

385. • SERVICE RULES FOR ADVANCED WIRELESS SERVICES IN THE 1915–1920 MHZ, 1995–2000 MHZ, 2020–2025 MHZ AND 2175–2180 MHZ BANDS

Legal Authority: 47 USC 151 and 152; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 214; 47 USC 301;

Abstract: This proceeding explores the possible uses of the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands (collectively AWS-2) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS-2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed rules for the 1915-1920 MHz and 1995-2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175-80 MHz band) to the 2155-2175 MHz band, and would require the licensee of the 2155-2180 MHz band to provide—-using up to 25 percent of its wireless network capacity—-free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End	01/24/05	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End	08/11/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jennifer Mock, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1890
Email: jennifer.mock@fcc.gov

RIN: 3060–AJ20

386. • RULES AUTHORIZING THE OPERATION OF LOW POWER AUXILIARY STATIONS IN THE 698–806 MHZ BAND, WT DOCKET NO. 08–166; PUBLIC INTEREST SPECTRUM COALITION, PETITION FOR RULEMAKING REGARDING LOW POWER AUXILIARY

Legal Authority: 47 USC 151 and 152; 47 USC 154(i) and 154(j); 47 USC 301 and 302(a); 47 USC 303; 47 USC 303(r); 47 USC 304; 47 USC 307 to 309; 47 USC 316; 47 USC 332; 47 USC 336 and 337

Abstract: In the Notice of Proposed Rulemaking and Order, to facilitate the DTV transition the Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will no longer be permitted after the end of the DTV transition. The Commission also tentatively concludes to prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band. In addition, for those licensees that have obtained authorizations to operate low power auxiliary stations in spectrum that includes the 700 MHz Band beyond the end of the DTV transition, the Commission tentatively concludes that it will modify these licenses so as not to permit such operations in the 700 MHz Band after February 17, 2009. The Commission also seeks comment on issues raised by the Public Interest Spectrum Coalition (PISC) in its informal complaint and petition for rulemaking.

The Commission also imposes a freeze on the filing of new license applications that seek to operate on any 700 MHz Band frequencies (698- 806 MHz) after the end of the DTV transition, February 17, 2009 as well as on granting any request for equipment authorization of low power auxiliary station devices that would operate in any of the 700 MHz Band frequencies. The Commission also holds in abeyance, until the conclusion

FCC—Wireless Telecommunications Bureau — Long-Term Actions

of this proceeding, any pending license applications and equipment authorization requests that involve operation of low power auxiliary devices on frequencies in the 700 MHz Band after the end of the DTV transition.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End	10/20/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0563
Fax: 202 418–3956
Email: bill.stafford@fcc.gov

RIN: 3060–AJ21

387. • AMENDMENT OF THE COMMISSION'S RULES TO IMPROVE PUBLIC SAFETY COMMUNICATIONS IN THE 800 MHZ BAND, AND TO CONSOLIDATE THE 800 MHZ AND 900 MHZ BUSINESS AND INDUSTRIAL/LAND TRANSPORTATION POOL CHANNELS

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 303; 47 USC 309; 47 USC 332

Abstract: This action adopts rules which retains the current site-based licensing paradigm for the 900 MHz B/ILT ''white space,'' adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004, the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Connelly, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0132
Email: michael.connelly@fcc.gov

RIN: 3060–AJ22

Federal Communications Commission (FCC) — Completed Actions
Wireless Telecommunications Bureau

388. RESALE AND ROAMING OBLIGATIONS PERTAINING TO COMMERCIAL MOBILE RADIO SERVICES

Legal Authority: PL 103–66, sec 6002, Omnibus Budget Reconciliation Act of 1993

Abstract: On an interim basis, the First Report and Order extends to broadband PCS and covered SMR providers the cellular rule that prohibits restricting resale of communications services. The new rules sunset five years after the last group of initial licensees for currently allocated broadband PCS spectrum is awarded. The rules also eliminate all exceptions to the rule that allowed cellular licensees to restrict resale by competing with fully operational cellular licensees in the same geographic market. The Commission successfully adopted a Second Report and Order and Third Notice of Proposed Rulemaking in this proceeding. The Second Report and Order extends the Commission's cellular rules on manual roaming by any individual whose handset is capable of accessing the network of a cellular, broadband PCS, or covered SMR provider. The Third NPRM, among other things, sought comment on whether the Commission should adopt rules requiring cellular, broadband PCS, and covered SMR providers to provide automatic roaming in their coverage areas, and whether both automatic and manual roaming requirements should sunset five years after the initial grant of PCS licenses. The Third MO&O generally affirmed the Commission's earlier decision to extend the cellular resale rule to include certain PCS and SMR providers and to sunset the rule until November 24, 2002. However, it modified the prior decision by removing customer premise equipment (CPE) and CPE in bundled packages from the scope of the resale rule, by revising the scope of the resale rule to exclude all C, D, E, and F block PCS licensees that do not own and control and are not controlled by cellular or A or B block licensees, and by exempting from the rule all SMR and other CMRS providers that do not utilize in-network switching facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/13/94	59 FR 35664
NOI	07/13/94	59 FR 35664
NPRM Comment Period End	09/29/94	
NPRM	04/04/95	60 FR 20949
NPRM Comment Period End	07/14/95	
First R&O	07/12/96	61 FR 38399
Second R&O and Third NPRM	08/15/96	61 FR 44026
MO&O and O on Recon	11/09/99	64 FR 61022

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jane Phillips, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1310

RIN: 3060–AF58

389. IMPLEMENTATION OF THE COMMUNICATIONS ACT, COMPETITIVE BIDDING; 218–219 MHZ COMPETITIVE BIDDING RULES

Legal Authority: 47 USC 154(i); 47 USC 303(r); 47 USC 309(j)

Abstract: Tenth Report and Order modifies the competitive bidding rules for the upcoming auction of 218-219 MHz: (1) Eliminates bidding credits available to women- and minority-owned 218-219 MHz applicants; (2) extends two levels of bidding credits to small businesses based on a two-tiered small business definition; (3)

clarifies the attribution rules for affiliates of 218-219 MHz applicants; and (4) increases the amount of the upfront payments required to participate in the 218-219 MHz auction.

Timetable:

Action	Date	FR Cite
R&O	04/25/94	59 FR 24947
FNPRM	08/06/96	61 FR 49103
R&O	11/15/96	61 FR 60198
FNPRM	09/30/98	63 FR 52215
MO&O	10/08/98	63 FR 54073
R&O and MO&O	11/03/99	64 FR 59656
Order on Recon	12/29/99	64 FR 72956
Second Order on Recon	02/07/01	66 FR 9212
Third Order on Recon of R&O and MO&O	06/24/02	67 FR 42507

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2109
Fax: 202 418–0890
Email: whuber@fcc.gov

RIN: 3060–AG00

390. MULTIPLE ACCESS SYSTEMS

Legal Authority: 47 USC 302 to 303

Abstract: This proceeding amended the FCC's rules regarding multiple address systems (MAS) in the microwave service. It streamlined regulations and established a framework for MAS spectrum that provides opportunities for continued development of competitive service offerings by allowing a variety of services.

Timetable:

Action	Date	FR Cite
NPRM	01/19/97	62 FR 11407
Order	09/17/98	63 FR 53350
FNPRM	05/18/99	64 FR 38617
R&O	04/03/00	65 FR 17445
MO&O	07/03/01	66 FR 35107
Final Rule	07/22/04	69 FR 43772

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shellie Blakeney, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: sblakene@fcc.gov

RIN: 3060–AG86

391. AMENDMENT OF PART I OF THE COMMISSION'S RULES—COMPETITIVE BIDDING PROCEDURES

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 202; 47 USC 303; 47 USC 309(j)

Abstract: This proceeding proposes to amend and modify the competitive bidding rules for all auctionable services.

Timetable:

Action	Date	FR Cite
NPRM	03/21/97	62 FR 13570
NPRM Comment Period End	04/16/97	
Second FNPRM	01/07/98	63 FR 770
Third R&O	01/15/98	63 FR 2315
Fifth R&O, Order on Recon	08/29/00	65 FR 52323
Fourth FNPRM	08/29/00	65 FR 52401
Seventh R&O	10/29/01	66 FR 54447
Eighth R&O	04/08/02	67 FR 16647
Second Order on Recon of Third R&O and Order on Recon of Fifth R&O	07/21/03	68 FR 42984
Final Rule	09/30/05	70 FR 57183

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2109
Fax: 202 418–0890
Email: whuber@fcc.gov

RIN: 3060–AG87

392. AMENDMENT TO LICENSING LOW POWER OPERATIONS IN 450–470 MHZ BAND

Legal Authority: 47 USC 1; 47 USC 154; 47 USC 302 and 303; 47 USC 332

Abstract: The proposed amendments facilitate the viability of low power operations in the private land mobile radio 450-470 MHz Band.

Timetable:

Action	Date	FR Cite
NPRM	09/12/01	66 FR 47435
R&O	04/21/03	68 FR 19444
Final Rule	09/25/03	68 FR 55319
Final Rule	10/12/04	69 FR 60561

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Scot Stone, Federal Communications Commission, Wireless Telecom Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0680
Email: scot.stone@fcc.gov

RIN: 3060–AH84

393. REVIEW OF QUIET ZONES APPLICATION PROCEDURES

Legal Authority: 47 USC 1; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)

Abstract: Review of Quiet Zones rules for possible streamlining while ensuring adequate protection from interference.

Timetable:

Action	Date	FR Cite
NPRM	12/21/01	66 FR 65866
NPRM Comment Period End	02/06/02	
R&O	04/06/04	69 FR 17946
Final Rule	09/23/04	69 FR 56956
Final Rule	12/06/04	69 FR 70378

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Linda Chang, Attorney, Federal Communications Commission, Wireless Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1339
Email: linda.chang@fcc.gov

RIN: 3060–AH88

394. REALLOCATION AND SERVICE RULES FOR THE 698–746 MHZ SPECTRUM BAND (TELEVISION CHANNELS 52–59)

Legal Authority: 47 USC 151 and 152; 47 USC 154(i); 47 USC 155(c); 47 USC 157; 47 USC 201 and 202; 47 USC 208; 47 USC 214; 47 USC 301 to 302(g); 47 USC 303; 47 USC 307; 47 USC 309 to 311; 47 USC 314; 47 USC 316; 47 USC 319; 47 USC 324; 47 USC 331 to 333; 47 USC 336; 47 USC 534 and 535

Abstract: The Commission has adopted allocation and service rules for the 48 MHz of spectrum in the 698-746 MHz band currently occupied by television channels 52-59.

Timetable:

Action	Date	FR Cite
NPRM	04/13/01	66 FR 19106
R&O	02/06/02	67 FR 5491
MO&O	07/09/02	67 FR 45380
Final Rule	08/28/04	69 FR 51706

Regulatory Flexibility Analysis Required: Yes

FCC—Wireless Telecommunications Bureau — Completed Actions

Agency Contact: Michael J. Rowan, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1883
Fax: 202 418–7447
Email: michael.rowan@fcc.gov

RIN: 3060–AH89

395. EXTENDING WIRELESS TELECOMMUNICATIONS SERVICES TO TRIBAL LANDS

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 303(r); 47 USC 309(j);

Abstract: This action amends rules to encourage carriers to provide telecommunications services to tribal lands.

Timetable:

Action	Date	FR Cite
Final Rule	05/02/03	68 FR 23417
Final Rule Effective	07/01/03	
Final Rule	10/18/04	69 FR 61317

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Connelly, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0132
Email: michael.connelly@fcc.gov

RIN: 3060–AI32

396. AMENDMENT OF COMMISSION RULES CONCERNING AIRPORT TERMINAL USE FREQUENCIES 450–470 MHZ BAND OF THE PRIVATE LAND MOBILE RADIO SERVICES (WT DOCKET NO. 02–318)

Legal Authority: 47 USC 154(i); 47 USC 303(g); 47 USC 303(r); 47 USC 332(c)(7)

Abstract: The Commission seeks comment on revisions to the use of Airport Terminal Use (ATU) frequencies in the 45-470 Private Land Mobile Radio Industrial Business Pool.

Timetable:

Action	Date	FR Cite
NPRM	11/21/02	67 FR 70196
NPRM Comment Period End	01/06/03	
Final Rule	03/24/05	70 FR 15005

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Evanoff, Attorney, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0848
Email: john.evanoff@fcc.gov

RIN: 3060–AI33

397. HEARING AID–COMPATIBLE TELEPHONES (WT DOCKET NOS. 01–309 & 06–150)

Legal Authority: 47 USC 154; 47 USC 160; 47 USC 251 to 254; 47 USC 303; 47 USC 332

Abstract: This item modifies exemptions for wireless phones under the Hearing Aid Compatibility Act of 1988 (HAC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. It finds that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities—including emergency, business, and social communications—thereby increasing the value of the wireless network for all Americans.

This proceeding was terminated in 2007 pursuant to Commission decision in 22 FCC Rcd 19670 (2007).

Timetable:

Action	Date	FR Cite
NPRM	11/23/01	66 FR 58703
R&O	09/16/03	68 FR 54173
Notice	11/14/03	68 FR 64625
NPRM	07/27/05	70 FR 43386
Final Rule	07/27/05	70 FR 43323
NPRM	08/21/06	71 FR 48506
NPRM Comment Period End	09/20/06	
NPRM	09/26/06	71 FR 57455
NPRM	05/02/07	72 FR 24236
Final Rule	05/16/07	72 FR 27688
Final Rule	08/24/07	72 FR 48814

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andra Cunningham, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1630
Fax: 202 428–2227
Email: andra.cunningham@fcc.gov

RIN: 3060–AI57

Federal Communications Commission (FCC) — Long-Term Actions

Wireline Competition Bureau

398. IMPLEMENTATION OF THE UNIVERSAL SERVICE PORTIONS OF THE 1996 TELECOMMUNICATIONS ACT

Legal Authority: 47 USC 151 et seq

Abstract: The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at just, reasonable, and affordable rates; increase access to advanced telecommunications services throughout the Nation; advance the availability of such services to all consumers, including those in low income, rural, insular, and high-cost areas at rates that are reasonably comparable to those charged in urban areas. In addition, the 1996 Act states that all providers of telecommunications services should contribute to Federal universal service in some equitable and nondiscriminatory manner; there should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; all schools, classrooms, health care providers, and libraries should, generally, have access to advanced telecommunications services; and finally, that the Federal-State Joint Board and the Commission should determine those other principles that, consistent with the 1996 Act, are necessary to protect the public interest.

On April 16, 2007, the Commission issued a Notice of Inquiry, which begins the 5th inquiry under section 706 of the Telecom Act of 96. The Commission seeks comment on various market, investment, and technological trends in order for the Commission to analyze and assess whether infrastructure capable of supporting advanced services is being made available to all Americans.

On May 14, 2007, the Commission issued a Notice of Proposed

Rulemaking where it sought comment on the recommendation of the Federal-State Joint Board on Universal Service (Joint Board) that the Commission take immediate action to rein in the explosive growth in high-cost universal service support disbursements. The Commission specifically sought comment on the Joint Board's recommendation that the Commission impose an interim, emergency cap on the amount of high-cost support that competitive eligible telecommunications carriers (ETCs) may receive. The Joint Board also recommended that both it and the Commission further explore comprehensive high-cost distribution reform, and sought comment on various reform proposals in a Public Notice released on the same day as the Recommended Decision.

On August 29, 2007, the Commission issued a Report and Order where the Commission adopted measures to safeguard the Universal Service Fund from waste, fraud, and abuse as well as measures to improve the management, administration, and oversight of the USF.

On November 19, 2007, the Commission issued an Order where the Commission selected participants for the universal service RHC Pilot Program established by the Commission in the 2006 Pilot Program Order.

On November 20, 2007, the Joint Board on Universal Service issued a Recommended Decision that recommends the FCC address the long-term reform issues facing the high-cost universal service support system and make fundamental revisions in the structure of existing Universal Service mechanisms.

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on the it's rules governing the amount of high-cost universal service support provided to competitive eligible telecommunications carriers (ETCs).

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on the merits of using reverse auctions (a form of competitive bidding) to determine the amount of high-cost universal service support provided to eligible telecommunications carriers (ETCs) serving rural, insular, and high-cost areas.

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on ways to reform the high-cost universal service program. Specifically, the Commission sought comment on the recommendation of the Federal-State Joint Board on Universal Service regarding comprehensive reform of high-cost universal service support.

On May 1, 2008, the Commission issued a Public Notice informing the public that the FCC takes action to cap high-cost support under the universal service fund interim cap that will keep costs down for consumers pending comprehensive reform.

On July 31, 2008, the Commission issued a Notice of Proposed Rulemaking that sought comment on changes to the eligible services list.

On September 12, 2008, the Commission issued a Notice of Inquiry where the Commission sought comment on ways to further strengthen management, administration, and oversight of the universal service fund (USF), how to define more clearly the goals of the USF, and to identify any additional quantifiable performance measures that may be necessary or desirable.

On November 5, 2008, the Commission issued an Order on Remand, Report and Order, and Further Notice of Proposed Rulemaking that addressed compensation rates for ISP-bound traffic, declines to adopt the Joint Board's recommendations for reforming distribution of high-cost universal service support, and sought further comment on comprehensive universal service and intercarrier compensation reform.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal–State Joint Board, Universal Service	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon	07/18/97	62 FR 41294
Second R&O, and FNPRM	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Recon	11/26/97	62 FR 65036
Fourth Order on Recon	12/30/97	62 FR 2093
Fifth Order on Recon	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon	11/21/98	
Second Recommended Decision	11/25/98	63 FR 67837
Thirteenth Order on Recon	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon	11/16/99	64 FR 62120
Fifteenth Order on Recon	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Recon	12/01/99	64 FR 67416
Nineteenth Order on Recon	12/30/99	64 FR 73427
Twentieth Order on Recon	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM	08/04/00	65 FR 47883
FNPRM and Order	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM	05/23/01	66 FR 30080
FNPRM and Order	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM	06/20/03	68 FR 36961
Twenty–Fifth Order on Recon, R&O, Order, and FNPRM	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Recon	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839

Action	Date	FR Cite
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O	07/30/04	69 FR 55983
Fifth R&O and Order	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM	11/12/08	73 FR 66821

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Adrian Wright, Telecommunications Policy Analyst, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0792
Email: adrian.wright@fcc.gov

RIN: 3060–AF85

399. TELECOMMUNICATIONS CARRIERS' USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION AND OTHER CUSTOMER INFORMATION

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 222; 47 USC 272; 47 USC 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM	04/24/98	63 FR 20364
Order on Recon	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date	01/26/01	66 FR 7865
Clarification Order and Second NPRM	09/07/01	66 FR 50140
Third R&O and Third FNPRM	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date	06/08/07	72 FR 31948

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Melissa Kirkel, Attorney–Advisor, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7958
Email: melissa.kirkel@fcc.gov

RIN: 3060–AG43

400. IMPLEMENTATION OF THE LOCAL COMPETITION PROVISIONS OF THE TELECOMMUNICATIONS ACT OF 1996

Legal Authority: 47 USC 151 to 155; 47 USC 157; 47 USC 201 to 205; 47 USC 207 to 209; 47 USC 218

Abstract: On August 8, 1996, the Commission adopted the Local Competition Second Report and Order (FCC 96-333), implementing the dialing parity, nondiscriminatory access, network disclosure, and numbering administration provisions of the Telecommunications Act of 1996. On July 19, 1999, the Commission released the First Order on Reconsideration (FCC 99-170), denying the petition for reconsideration of the Local Competition Second Report and Order filed by Beehive Telephone Company, Inc., which related to numbering administration.

On September 9, 1999, the Commission released the Second Order on Reconsideration (FCC 99-227), resolving petitions for reconsideration of rules adopted in the Local Competition Second Report and Order to implement the requirement of 47 U.S.C. section 251(b)(3) that LECs provide non-discriminatory access to directory assistance, directory listing and operator services. At the same time, the Commission released a Notice of Proposed Rulemaking (NPRM) (also FCC 99-227) seeking comment on issues related to developments in, and the convergence of, directory publishing and directory assistance.

On October 21, 1999, the Commission released the Third Order on Reconsideration (FCC 99-243), resolving the remaining petitions for reconsideration regarding numbering administration under 47 U.S.C. section 251(e)(1). On January 29, 2002, the Commission released an Order on Reconsideration (FCC02-11) dismissing petitions for reconsideration or clarification of the Local Competition Second Report and Order regarding dialing parity under 47 U.S.C. section 251(b)(3) and network disclosure under 47 U.S.C. section 251(c)(5).

On January 23, 2001, the Commission released a First Report and Order (FCC 01-27) resolving issues raised in the September 9, 1999 NPRM and concluding, among other things, that competing directory assistance (DA) providers that are certified as competitive local exchange carriers (competitive LECs), are agents of competitive LECs, or that offer call completion services are entitled to nondiscriminatory access to LEC local DA databases.

On January 9, 2002, the Commission released the Directory Assistance NPRM (FCC 01-384), in which the Commission solicited comment on whether there is sufficient competition in the retail DA market, and if not, what if any action the Commission should take to promote such competition. The Commission sought specific comment on whether alternative dialing methods would promote competition. Proposed methods include: (1) Presubscription to 411; (2) utilizing national 555 numbers; (3) utilizing carrier access codes (1010

numbers); and (4) utilizing 411XX numbers. The Commission also sought comment on whether the 411 dialing code should be eliminated. This proceeding is pending before the Commission.

On May 3, 2005, the Commission released an Order on Reconsideration (FCC 05-93) resolving petitions for reconsideration of the Second Order on Reconsideration and the First Report and Order. The Commission clarified its rules regarding the use of DA data obtained pursuant to section 251(b)(3) of the Act, and denied BellSouth and SBC's joint petition for reconsideration which sought authority to place contractual restrictions on competing DA providers' use of DA information. The Commission reaffirmed that LECs are required to provide nondiscriminatory access to their entire local DA database including local DA data acquired from third parties. The Commission also accepted Qwest's request to withdraw its petition for reconsideration of the First Report and Order, and resolved SBC's petition for reconsideration of the Second Order on Reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	04/25/96	61 FR 18311
NPRM Comment Period End	06/03/96	
Order	09/06/96	61 FR 47284
NPRM	09/27/99	64 FR 51949
Second Order on Recon	09/27/99	64 FR 51910
Third Order on Recon	11/18/99	64 FR 62983
First R&O	02/21/01	66 FR 10965
NPRM	02/14/02	67 FR 6902
Order on Recon	08/17/05	70 FR 48290
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rodney McDonald, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7513
Email: rodney.mcdonald@fcc.gov

RIN: 3060–AG50

401. LOCAL TELEPHONE NETWORKS THAT LECS MUST MAKE AVAILABLE TO COMPETITORS

Legal Authority: 47 USC 251

Abstract: This revises the rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rule changes are intended to remove uncertainty regarding the incumbent LECs' unbundling obligations under the Telecommunications Act of 1996 and are expected to accelerate the development of local exchange competition.

On December 20, 2001, the Commission issued a Notice of Proposed Rulemaking to comprehensively consider the appropriate changes, if any, to its unbundling policies in light of market developments and technological advances. 67 FR 1947.

On May 29, 2002, the Commission extended the reply comment date of the Notice of Proposed Rulemaking to July 17, 2002, to allow all interested parties to incorporate their review and analysis of USTA v. FCC, 290 F.3d 415 (D.C. Cir. 2002).

On August 21, 2003, the Commission issued a Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking, in which the Commission adopted new unbundling requirements. 68 FR 52276.

In addition, the Commission initiated a Notice of Proposed Rulemaking regarding whether the Commission should modify the so-called pick-and-choose rule that permits requesting carriers to opt into individual portions of interconnection agreements without accepting all the terms and conditions of such agreements. 68 FR 52307.

On September 17, 2003, the Commission issued an Errata correcting the Report and Order and Order on Remand. On October 9, 2003, the Commission issued a Report seeking comment on ten petitions for clarification and/or reconsideration of the Report and Order and Order on Remand released on August 21, 2003. 68 FR 60391. By Order, the Commission denied a request to extend the comment period for petitions for clarification and/or reconsideration.On March 2, 2004, the Commission's August 21, 2003 Report and Order and Order on Remand was affirmed in part and vacated and remanded in part. USTA v. FCC, 359 F.3d 554 (D.C. Cir. 2004).

On July 13, 2004, the Commission's Second Report and Order concluded the rulemaking proceeding initiated regarding the so-called pick-and-choose rule and determined that an all-or-nothing rule for opting into other interconnection agreements will better promote increased give and take negotiations. 69 FR 43762.

On August 9, 2004, the Commission released an Order on Reconsideration addressing in part two petitions for reconsideration of the Commission's fiber-to-the-premises unbundling rules. 69 FR 54589. The Commission clarified in this Order on Reconsideration the applicability of the fiber-to-the-premises rules in multi-dwelling unit buildings.

On August 20, 2004, the Commission issued an Interim Order and Notice of Proposed Rulemaking establishing a new rulemaking proceeding to determine incumbent LEC unbundling obligations as well as establishing interim requirements to govern carrier relationships until the Commission concludes its rulemaking process. 69 FR 55111, 55128.

On October 18, 2004, the Commission released and Order on Reconsideration concluding that fiber-to-the-curb (FTTC) loops shall be subject to the same unbundling framework that the Commission established for fiber-to-the-home (FTTH) loops. 69 FR 77950.

On February 4, 2005, the Commission released an Order on Remand, 70 FR 8940, responding to the D.C. Circuit's remand of certain parts of the Triennial Review Order, including several aspects of the impairment standard as well as new determinations regarding unbundling requirements for local circuit switching, high-capacity loops, and dedicated transport. Specifically, the Commission determined that incumbent LECs have no obligation to unbundle local circuit switching and adopted a 12-monthplan to transition existing customers of unbundled switching to other arrangements. Regarding high-capacity loops, the Commission determined that competing carriers are not impaired (thus, are not entitled to access as UNEs) dark fiber loop circuits. Competing carriers are, however, impaired without access to DS1 and DS3 loops, except in wire centers that meet specific business lines and fiber-based collocation thresholds. Similarly, with respect to dedicated transport, the Commission determined

that competing carriers are impaired without access to DS1, DS3 and dark fiber transport, except on routes connecting a pair of wire centers, each containing a specified number of business lines or a specified number of fiber-based collocators.

On March 14, 2005, the Commission's Wireline Competition Bureau issued an order denying a petition filed by Verizon seeking a stay of the Commission's rule allowing competitive LECs to ''convert'' tariffed incumbent LEC special access arrangements to unbundled network element (UNE) arrangements if the competitive LEC is eligible to order the UNE(s) at issue.

On April 25, 2005, and May 25, 2005, the Commission issued Public Notices establishing comment periods in response to petitions for reconsideration of the Commission's Order on Remand (Triennial Review Order).

On June 16, 2006, the United States Court of Appeals for the District of Columbia Circuit upheld the Commission's Order on Remand, 70 FR 8940.

Timetable:

Action	Date	FR Cite
Second FNPRM	04/26/99	64 FR 20238
Fourth FNPRM	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM	01/18/00	65 FR 2542
Supplemental Order	01/18/00	65 FR 2542
Third R&O	01/18/00	65 FR 2542
Correction	04/11/00	65 FR 19334
Supplemental Order Clarification	06/20/00	65 FR 38214
Public Notice	02/01/01	66 FR 8555
Public Notice	03/05/01	66 FR 18279
Public Notice	04/10/01	
Public Notice	04/23/01	
Public Notice	05/14/01	
NPRM	01/15/02	67 FR 1947
Public Notice	05/29/02	
Public Notice	08/01/02	
Public Notice	08/13/02	
NPRM	08/21/03	68 FR 52276
R&O and Order on Remand	08/21/03	68 FR 52276
Errata	09/17/03	
Report	10/09/03	68 FR 60391
Order	10/28/03	
Order	01/09/04	
Public Notice	01/09/04	
Public Notice	02/18/04	
Order	07/08/04	
Second R&O	07/08/04	69 FR 43762
Order on Recon	08/09/04	69 FR 54589
Interim Order	08/20/04	69 FR 55111
NPRM	08/20/04	69 FR 55128
Public Notice	09/10/04	
Public Notice	09/13/04	
Public Notice	10/20/04	
Order on Recon	12/29/04	69 FR 77950
Order on Remand	02/04/04	
Public Notice	04/25/05	70 FR 29313
Public Notice	05/25/05	70 FR 34765
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tim Stelzig, Associate Chief, Competition Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0942
Email: tim.stelzig@fcc.gov

RIN: 3060–AH44

402. 2000 BIENNIAL REGULATORY REVIEW—TELECOMMUNICATIONS SERVICE QUALITY REPORTING REQUIREMENTS

Legal Authority: 47 USC 154(i) and 154(j); 47 USC 201(b); 47 USC 303(r); 47 USC 403

Abstract: This NPRM proposes to eliminate our current service quality reports (ARMIS Report 43-05 and 43-06) and replace them with a more consumer-oriented report. The NPRM proposes to reduce the reporting categories from more than 30 to 6, and addresses the needs of carriers, consumers, state public utility commissions, and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jeremy Miller, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street, SW., Washington, DC 20554
Phone: 202 418–1507
Fax: 202 418–1413
Email: jeremy.miller@fcc.gov

RIN: 3060–AH72

403. ACCESS CHARGE REFORM AND UNIVERSAL SERVICE REFORM

Legal Authority: 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 201 to 205; 47 USC 254; 47 USC 403

Abstract: On October 11, 2001, the Commission adopted an Order reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-return carriers, and proposed changes to the Commission's ''all-or-nothing'' rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the ''all-or-nothing'' rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS).

The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would

permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
FNPRM	11/30/01	66 FR 59761
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Order	05/06/04	69 FR 25325
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1572
Email: douglas.slotten@fcc.gov

RIN: 3060–AH74

404. NUMBERING RESOURCE OPTIMIZATION

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 et seq; 47 USC 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99-200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration.In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of one thousand, rather than ten thousand, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering).

In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a five-year term for the national Pooling Administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the Notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include 0 or 1, or to grant state commissions the authority to implement the expansion of the D digit as a numbering resource optimization measure at the present time.

In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources.

In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State.

The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) Minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers.

In NRO Third Order on Recon in CC Docket No. 99-200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No, 95-116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs.

In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM	02/08/01	66 FR 9528
Third R&O and Second Order on Recon	02/12/02	67 FR 643
Third O on Recon and Third FNPRM	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM	07/21/03	68 FR 43003
Order and Fifth FNPRM	03/15/06	71 FR 13393
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marilyn Jones, Attorney, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2357
Fax: 202 418–2345
Email: marilyn.jones@fcc.gov

RIN: 3060–AH80

405. NATIONAL EXCHANGE CARRIER ASSOCIATION PETITION

Legal Authority: 47 USC 151 and 152; 47 USC 201 and 202;

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T-1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End	11/12/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1572
Email: douglas.slotten@fcc.gov

RIN: 3060–AI47

406. IP–ENABLED SERVICES

Legal Authority: 47 USC 151 and 152;

Abstract: The notice seeks comment on ways in which the Commission might categorize IP-enabled services for purposes of evaluating the need for applying any particular regulatory requirements. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's

statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

On June 16, 2005, the Commission published in the Federal Register notice that public information collections set forth in the First Report and Order were being submitted for review to the office of management and budget.

On July 27, 2005, the Commission published in the Federal Register notice that the information collection requirements adopted in the First Report and Order were approved in OMB No. 3060-1085 and would become effective on July 29, 2005.

On August 31, 2005, the Commission published in the Federal Register notice of the comment cycle for three Petitions for Reconsideration and/or Clarification of the First Report and Order.On July 10, 2006, the Commission published in the Federal Register notice that it had adopted on June 21, 2006, rules that make interim modifications to the existing approach for assessing contributions to the Federal universal service fund (USF or Fund) in order to provide stability while the Commission continues to examine more fundamental reform.

On June 8, 2007, the Commission published in the Federal Register notice that it had adopted on April 2, 2007, an item strengthening the Commission's rules to protect the privacy of customer proprietary network information (CPNI) that is collected and held by providers of communications services, and a further notice of proposed rulemaking seeking comment on what steps the Commission should take, if any, to secure further the privacy of customer information.

On August 6, 2007, the Commission published in the Federal Register notice that it had adopted on May 31, 2007, and item extending the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers under section 255 of the Communications Act of 1934, as amended, to providers of ''interconnected voice over Internet Protocol (VoIP) services,'' as defined by the Commission, and to manufacturers of specially designed equipment used to provide those services. In addition, the Commission extended the Telecommunications Relay Services (TRS) requirements contained in its regulations to interconnected VoIP providers.

On August 7, 2007, the Commission published in the Federal Register a notice that a petition for reconsideration of the CPNI order described above had been filed.

On August 16, 2007, the Commission published in the Federal Register notice that it had adopted on August 2, 2007, an item amending the Commission's Schedule of Regulatory Fees by, inter alia, incorporating regulatory fee payment obligations for interconnected VoIP service providers, which shall become effective November 15, 2007, which is 90 days from date of notification to Congress.

On November 1, 2007, the Commission gave notice that it granted in part, denied in part, and sought comment on petitions filed by the Voice on the Net Coalition, the United States Telecom Association, and Hamilton Telephone Company seeking a stay or waiver of certain aspects of the Commission's VoIP Telecommunications Relay Services (TRS) Order (72 FR 61813; 72 FR 61882).

On December 13, 2007, the Commission announced the effective date of its revised CPNI rules (72 FR 70808).

On December 6, 2007, OMB approved the public information collection pursuant to the Paperwork Reduction Act of 1995 for the Commission's CPNI rules (72 FR 72358).

On February 21, 2008, the Commission published in the Federal Register notice that the Commission adopted rules extending local number portability obligations and numbering administration support obligations to interconnected VoIP services. The Commission also explained it had responded to the District of Columbia Circuit Court of Appeals stay of the Commission's Intermodal Number Portability Order by publishing a Final Regulatory Flexibility Act (73 FR 9463; R&O 02/21/2008).

On February 21, 2008, the Commission published in the Federal Register notice that it sought comment on other changes to its LNP and numbering related rules, including whether to extend such rules to interconnected VoIP providers (73 FR 9507).

On August 6, 2007, the Commission published in the Federal Register notice that it had extended Telecommunications Relay Services (TRS) regulations to interconnected VoIP providers and extended certain disability access requirements to interconnected VoIP providers and to manufacturers of specially designed equipment used to provide such service (72 FR 43546).

On May 15, 2008, the Commission's Consumer and Governmental Affairs Bureau published in the Federal Register notice that it had granted interconnected VoIP providers an extension of time to route 711-dialed calls to an appropriate telecommunications relay service (TRS) center in certain circumstances (73 FR 28057).

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	05/15/08	73 FR 28057
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Tim Stelzig, Associate Chief, Competition Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–0942
Email: tim.stelzig@fcc.gov

RIN: 3060–AI48

407. CONSUMER PROTECTION IN THE BROADBAND ERA

Legal Authority: 47 USC 151 to 154; 47 USC 160; 47 USC 201 to 205; 47

USC 214; 47 USC 222; 47 USC 225; 47 USC 251 and 252; 47 USC 254 to 256; 47 USC 258; 47 USC 303(R)

Abstract: The Federal Communications Commission initiated this rulemaking in order to develop a framework that ensures that, as the telecommunications industry shifts from narrowband to broadband services, consumer protection needs are met by all providers of broadband Internet access service, regardless of the underlying technology providers use to offer the service. The Commission sought comment on whether adopting regulations, pursuant to its ancillary jurisdiction under title I of the Communications Act, to address consumer privacy, unauthorized changes to service, truth-in-billing, network outage reporting, discontinuance of service, rate averaging, and enforcement concerns, would be desirable and necessary as a matter of public policy. The Commission also sought comment on whether it should instead rely on market forces to address some or all of these areas of potential concern. The rulemaking also explores whether there are other areas of consumer protection related to wireline broadband Internet access service for which the Commission should adopt regulations pursuant to its ancillary jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	10/17/05	70 FR 60259
NPRM Comment Period End	03/01/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Kehoe, Senior Counsel for Convergence, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1580
Fax: 202 418–1413
Email: william.kehoe@fcc.gov

RIN: 3060–AI73

408. ESTABLISHING JUST AND REASONABLE RATES FOR LOCAL EXCHANGE CARRIERS (WC DOCKET NO. 07–135)

Legal Authority: Not Yet Determined

Abstract: The Federal Communications Commission (Commission) is examining whether its existing rules governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission seeks comment on the types of activities that are causing the increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also seeks comment on several means of ensuring just and reasonable rates going forward. The NPRM invites comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008.

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End	12/17/07	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–1572
Email: douglas.slotten@fcc.gov

RIN: 3060–AJ02

409. JURISDICTIONAL SEPARATIONS

Legal Authority: 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 205; 47 USC 221(c); 47 USC 254; 47 USC 403; 47 USC 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze of the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM	05/26/06	71 FR 29882
Order and FNPRM Comment Period End	08/22/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ted Burmeister, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–7389
Email: theodore.burmeister@fcc.gov

RIN: 3060–AJ06

410. IMPLEMENTATION OF NET 911 IMPROVEMENT ACT

Legal Authority: PL 110–283

Abstract: On July 23, 2008, the New and Emerging Technologies Act was enacted.

On August 25, 2008, the Commission released an NPRM seeking comment on implementing the NET 911 Improvement Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/08	73 FR 50741
NPRM Comment Period End	09/09/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554
Phone: 202 418–2419

Email: matthew.warner@fcc.gov

RIN: 3060–AJ09

[FR Doc. E9–10271 Filed 05–08–09; 8:45 am]

BILLING CODE 6712–01–S

Federal Register

Monday,
May 11, 2009

Part XVIII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2009, through October 31, 2009. The next agenda will be published in fall 2009.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Jennifer J. Johnson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2009 agenda as part of the spring 2009 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following web site: www.reginfo.gov.

Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. Matters begun and completed between issues of the agenda have not been included.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Margaret McCloskey Shanks,
Associate Secretary of the Board.

Federal Reserve System—Completed Actions

Sequence Number	Title	Regulation Identifier Number
411	Regulation Z—Truth in Lending (Docket No. R-1286)	7100–AD08

Federal Reserve System (FRS) — Completed Actions

411. REGULATION Z—TRUTH IN LENDING (DOCKET NO. R–1286)

Legal Authority: 15 USC 1601 et seq

Abstract: The Board is conducting a review of Regulation Z, which implements the Truth in Lending Act (TILA). In June 2007, the Board published a notice of proposed rulemaking (NPRM) to amend the regulation, and the regulation's official staff commentary, for rules affecting open-end (revolving) credit that is not home secured. The Board published advance notices of proposed rulemakings seeking comment on a variety of issues affecting the open-end credit in December 2004 and October 2005.

The NPRM seeks comment, among other issues, on amendments that highlight fees and penalty rates in disclosures accompanying credit and charge card applications and solicitations, require a summary of terms when accounts are opened, and breakout costs for fees and interest on periodic statements. The proposal implements amendments to TILA contained in federal bankruptcy reform legislation. Advance notice would be required when penalty rates are imposed, and the time of advance notice for changed terms would be extended. Two alternatives are proposed dealing with the ''effective'' annual percentage rate disclosed on periodic statements.

In May 2008, the Board published a second NPRM, seeking comment on a limited number of additional revisions to the regulation and commentary. Among other issues, the new proposed amendments address creditors' responsibilities to establish reasonable instructions for receiving timely payments and when a due date falls on a weekend or holiday. Creditors' responsibilities when investigating a claim of unauthorized transactions or an allegation of a billing error are also addressed. Advertisements for deferred interest plans would be required to provide additional information about how interest could be imposed.

On December 18, 2008, the Board issued final rules amending Regulation Z, substantially similar to the proposed amendments contained in the June 2007 and May 2008 NPRMs. With respect to the two alternatives dealing with the ''effective'' annual percentage rate in the June 2007 proposal, the final rule deletes the requirement for creditors to provide the ''effective'' annual percentage rate on periodic statements. In addition, the final rule withdrew the proposed amendments related to advertisements for deferred interest plans, because substantive restrictions on these plans were adopted in the Board's final rule amending Regulation AA, which was also issued on December 18, 2008.

FRS **Completed Actions**

Timetable:

Action	Date	FR Cite
Board Requested Comment	06/14/07	72 FR 32948
Board Requested Further Comment	07/18/08	73 FR 28866
Board Adopted FInal Rule	01/29/09	74 FR 5244

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Krista Ayoub, Counsel, Federal Reserve System, Division of Consumer and Community Affairs

Phone: 202 452–3667

RIN: 7100–AD08

[FR Doc. E9–10276 Filed 05–08–09; 8:45 am]

BILLING CODE 6210–01–S

Federal Register

Monday,
May 11, 2009

Part XIX

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch VII

Semiannual Regulatory Agenda

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemakings, reviews of existing regulations, and completed actions as of February 27, 2009, to be included in the Unified Agenda of Federal Regulatory and Deregulatory Actions.

DATES: This information is current as of February 27, 2009.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing, at the above address, unless otherwise noted, or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA, and participate in that process more effectively. Entries for the agenda appear in one of five possible categories: Prerule stage; proposed rule stage; final rule stage; completed/withdrawn actions; or long-term actions.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ''Developing and Reviewing Government Regulations,'' 54 FR 35231 (September 18, 1987), as amended by IRPS 03-2, 68 FR 31949 (May 29, 2003), which sets out NCUA's policy and procedures for developing and reviewing its regulations. NCUA's policy is to ensure that regulations impose only the minimum required burdens on credit unions, consumers, and the public; are appropriate for the size of the financial institution it regulates; are issued only after full public participation; and are clear and understandable. Further, NCUA undertakes to review all regulations every 3 years to clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.

Approved by the NCUA Board on February 27, 2009.

Sheila Albin.

Acting Secretary of the Board.

National Credit Union Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
412	Community Development Revolving Loan Fund **(Section 610 Review)**	3133–AD49
413	Confidentiality of Suspicious Activity Reports **(Section 610 Review)**	3133–AD61

National Credit Union Administration (NCUA) — Proposed Rule Stage

412. COMMUNITY DEVELOPMENT REVOLVING LOAN FUND (SECTION 610 REVIEW)

Legal Authority: 12 USC 1756; 12 USC 1757(5)(d); 12 USC 1757(7)(i); 12 USC 1766; 12 USC 1782; 12 USC 1784 to 1786

Abstract: This proposed rule would update, clarify and improve existing part 705. The changes do not reflect a change to the fundamental mission of the CDRLF but remove unnecessary detail from the current rule.

Timetable:

Action	Date	FR Cite
NPRM	12/18/08	73 FR 77075
NPRM Comment Period End	11/30/09	

Regulatory Flexibility Analysis Required: No

Agency Contact: Moisette I. Green, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
Phone: 703 518–6540
Fax: 703 518–6319
Email: mgreen@ncua.gov

RIN: 3133–AD49

413. • CONFIDENTIALITY OF SUSPICIOUS ACTIVITY REPORTS (SECTION 610 REVIEW)

Legal Authority: 31 USC 5311 to 5330

Abstract: This rule, which corresponds to regulatory action being considered by some of the other Federal financial institution regulators, would clarify the scope of confidentiality rules governing the filing of suspicious activity reports.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ross P. Kendall, Trial Attorney, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
Phone: 703 518–6562
TDD Phone: 703 518–6332
Fax: 703 518–6569
Email: rkendall@ncua.gov

RIN: 3133–AD61

[FR Doc. E9–10278 Filed 05–08–09; 8:45 am]

BILLING CODE 7535–01–S

Federal Register

Monday,
May 11, 2009

Part XX

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on November 24, 2008 (73 FR 71510).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying for a fee at the Nuclear Regulatory Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F21, Rockville, Maryland.

The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact: Michael T. Lesar, Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-492-3663 (e-mail: Michael.Lesar@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1-800-368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

SUPPLEMENTARY INFORMATION: The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC semiannual agenda on November 24, 2008 (73 FR 71510). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through February 27, 2009. The date for the next scheduled action under the heading ''Timetable'' is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. One rule affects small entities.

Dated at Rockville, Maryland, this 27th day of February 2009.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rulemaking, Directives, and Editing Branch,

Division of Administrative Services,

Office of Administration.

Nuclear Regulatory Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
414	Revision of Fee Schedules; Fee Recovery for FY 2009 [NRC-2008-0620]	3150–AI52

Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
415	Distribution of Source Material To Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License [NRC-2009-0084]	3150–AH15
416	Controlling the Disposition of Solid Materials [NRC-1999-0002]	3150–AH18

Nuclear Regulatory Commission (NRC) — Proposed Rule Stage

414. • REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FY 2009 [NRC–2008–0620]

Legal Authority: 42 USC 2201; 42 USC 5841

Abstract: The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. The amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2009, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing, generic homeland security activities, and scholarships and fellowships.

Based on the bill reported by the House Appropriations Committee on June 25, 2008, the NRC's required fee recovery amount for the FY 2009 budget is approximately $ 870.6 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately $ 864.8 million.

Timetable:

Action	Date	FR Cite
NPRM	03/02/09	74 FR 9129
NPRM Comment Period End	04/01/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Renu Suri, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001
Phone: 301 415–0161
Email: renu.suri@nrc.gov

RIN: 3150–AI52

Nuclear Regulatory Commission (NRC) — Long-Term Actions

415. DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND GENERAL LICENSEES AND REVISION OF 10 CFR 40.22 GENERAL LICENSE [NRC–2009–0084]

Legal Authority: 42 USC 2201; 42 USC 5841

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in section 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001
Phone: 301 415–8106
Email: gary.comfort@nrc.gov

RIN: 3150–AH15

416. CONTROLLING THE DISPOSITION OF SOLID MATERIALS [NRC–1999–0002]

Legal Authority: 42 USC 2201; 42 USC 5841

Abstract: The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kimyata Morgan Butler, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001
Phone: 301 415–0733
Email: kimyata.morganbutler@nrc.gov

RIN: 3150–AH18

[FR Doc. E9–10281 Filed 05–08–09; 8:45 am]

BILLING CODE 7590–01–S

Federal Register

Monday,
May 11, 2009

Part XXI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-9020, 34-59634, IA-2858, IC-28679, File No. S7-07-09]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing an agenda of its rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. No. 96-354, 94 Stat. 1164) (Sep. 19, 1980). Information in the agenda was accurate on March 25, 2009, the day on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of a Regulatory Flexibility Act analysis is required. The Commission's complete RFA agenda will be available online at www.reginfo.gov.

DATES: Comments should be received on or before July 31, 2009.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (http://www.sec.gov/rules/other.shtml); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number S7-07-09 on the subject line; or
- Use the Federal eRulemaking Portal (http://www.regulations.gov). Follow the instructions for submitting comments.

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 No. S7-07-09. This file number should be included on the subject line if e-mail is used. To help us 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/other.shtml). Comments are also available for public 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 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202-551-5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, during April and October of each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 26, 2009.

Elizabeth M. Murphy,

Secretary.

DIVISION OF CORPORATION FINANCE—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
417	Amendments to Rules Requiring Internet Availability of Proxy Materials	3235–AK25

DIVISION OF CORPORATION FINANCE—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
418	Revisions of Limited Offering Exemptions in Regulation D	3235–AJ88
419	Proxy Disclosure Regarding Executive Compensation and Related Party Transactions	3235–AI80

SEC

DIVISION OF CORPORATION FINANCE—Completed Actions

Sequence Number	Title	Regulation Identifier Number
420	Interactive Data To Improve Financial Reporting	3235–AJ71
421	Electronic Shareholder Forums	3235–AJ92
422	Modernization of Oil and Gas Reporting	3235–AK00

DIVISION OF INVESTMENT MANAGEMENT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
423	Political Contributions by Certain Investment Advisers	3235–AH72
424	Temporary Rule Regarding Principal Trades With Certain Advisory Clients	3235–AJ96

DIVISION OF INVESTMENT MANAGEMENT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
425	Amendments to Form ADV	3235–AI17

DIVISION OF INVESTMENT MANAGEMENT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
426	Interactive Data for Mutual Fund Risk/Return Summary	3235–AK13
427	Enhanced Disclosure and New Prospectus Delivery Option for Registered Open-End Management Investment Companies	3235–AJ44
428	Rulemaking for EDGAR System: Mandatory Electronic Submission of Applications for Orders Under the Investment Company Act and Filings Made Pursuant to Regulation E	3235–AJ81
429	Indexed Annuities and Certain Other Insurance Contracts	3235–AK16

DIVISION OF TRADING AND MARKETS—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
430	Rule 15c2-2: Confirmation of Transactions in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings	3235–AJ11
431	Rule 15c2-3: Point-of-Sale Disclosure of Purchases in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings	3235–AJ12
432	Rule 15c-100: Schedule 15C	3235–AJ13
433	Rule 15c-101: Schedule 15D	3235–AJ14
434	Processing of Reorganization Events, Tender Offers, and Exchange Offers	3235–AH53

DIVISION OF TRADING AND MARKETS—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
435	Amendments to Regulation SHO	3235–AK22
436	Proposed Rules for Nationally Recognized Statistical Rating Organizations	3235–AK14

SEC

DIVISION OF TRADING AND MARKETS—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
437	Publication or Submission of Quotations Without Specified Information	3235–AH40

Securities and Exchange Commission (SEC) — Proposed Rule Stage
Division of Corporation Finance

417. ● AMENDMENTS TO RULES REQUIRING INTERNET AVAILABILITY OF PROXY MATERIALS

Legal Authority: 15 USC 78c(b); 15 USC 78j; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w(a); 15 USC 78mm; 15 USC 80a–20; 15 USC 80a–29; 15 USC 80a–37

Abstract: The Division is considering recommending that the Commission propose revisions to the notice and access model for providing proxy materials to shareholders electronically.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steven Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549 Phone: 202 551–3430

RIN: 3235–AK25

Securities and Exchange Commission (SEC) — Final Rule Stage
Division of Corporation Finance

418. REVISIONS OF LIMITED OFFERING EXEMPTIONS IN REGULATION D

Legal Authority: 15 USC 77b(a)(15); 15 USC 77b(b); 15 USC 77c(b); 15 USC 77d; 15 USC 77r; 15 USC 77s; 15 USC 77s(a); 15 USC 77z–3

Abstract: The Commission proposed a new exemption from the registration provisions of the Securities Act for offers and sales of securities to ''large accredited'' investors in offerings where each purchaser meets that definition. The Commission also proposed changes to the definition of the term ''accredited investor'' in Regulation D to reflect developments since its first adoption. Finally, the Commission proposed shortening the timing required by the integration safe harbor in Regulation D and applying uniform updated disqualification provisions to all offerings under Regulations A, D, and E.

Timetable:

Action	Date	FR Cite
NPRM	08/10/07	72 FR 45116
NPRM Comment Period End	10/09/07	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Anthony G. Barone, Office of Small Business Policy, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549 Phone: 202 551–3460

RIN: 3235–AJ88

419. PROXY DISCLOSURE REGARDING EXECUTIVE COMPENSATION AND RELATED PARTY TRANSACTIONS

Legal Authority: 15 USC 77a et seq; 15 USC 78a et seq; 15 USC 80a et seq

Abstract: The Division is considering recommending that the Commission propose additional measures to promote clear, cogent, and full disclosure of executive compensation and how compensation decisions are made.

Timetable:

Action	Date	FR Cite
NPRM	02/08/06	71 FR 6542
NPRM Comment Period End	04/10/06	
Final Rule	09/08/06	71 FR 53158
Final Rule Effective	11/07/06	
Second NPRM	09/08/06	71 FR 53267
Second NPRM Comment Period End	10/23/06	
Interim Final Rule	12/29/06	71 FR 78338
Interim Final Rule Effective	12/29/06	
Interim Final Rule Comment Period End	01/29/07	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Anne Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549 Phone: 202 551–3500

RIN: 3235–AI80

Securities and Exchange Commission (SEC) — Completed Actions
Division of Corporation Finance

420. INTERACTIVE DATA TO IMPROVE FINANCIAL REPORTING

Legal Authority: 15 USC 77a et seq; 15 USC 78a et seq; 15 USC 77nnn; 15 USC 77sss; 15 USC 80a et seq; PL 107–204, 116 Stat 745

Abstract: The Commission adopted rules requiring companies to provide financial statement information in an interactive data form that will improve its usefulness to investors. Under the rules, financial statement information can be downloaded directly into spreadsheets, analyzed in a variety of ways using commercial off-the-shelf software, and used within investment models in other software formats.

Timetable:

Action	Date	FR Cite
NPRM	06/10/08	73 FR 32794
NPRM Comment Period End	08/01/08	
Final Action	02/10/09	74 FR 6776
Final Action Effective	04/19/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301
Phone: 202 551–3430
Email: greenm@sec.gov

RIN: 3235–AJ71

421. ELECTRONIC SHAREHOLDER FORUMS

Legal Authority: 15 USC 77c(b); 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78p; 15 USC 78w(a)

Abstract: The Commission adopted amendments to the proxy rules under the Exchange Act facilitating the creation of electronic shareholder forums; other aspects of the proposed rulemaking, including proposed amendments to enable shareholders to include in company proxy materials their proposals for bylaw amendments regarding procedures for nominating candidates to the board of directors, remain under consideration.

Timetable:

Action	Date	FR Cite
NPRM	08/03/07	72 FR 43466
NPRM Comment Period End	10/02/07	
Final Rule	01/25/08	73 FR 4450
Final Rule Effective	02/25/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Steven Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–3430

RIN: 3235–AJ92

422. MODERNIZATION OF OIL AND GAS REPORTING

Legal Authority: 15 USC 77a et seq; 15 USC 78a et seq

Abstract: The Commission adopted revisions to its oil and gas reporting requirements in the current form in Regulation S—K and Regulation S—X under the Securities Act and the Exchange Act.

The revisions are intended to provide investors with a more meaningful and comprehensive understanding of oil and gas reserves, which should help investors evaluate the relative value of oil and gas companies. They codify Industry Guide 2 in Regulation S—K, with several additions to, and deletions of, current Industry Guide items. They also harmonize oil and gas disclosures by foreign private issuers with the proposed disclosures for domestic issuers.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/07	72 FR 71610
ANPRM Comment Period End	02/19/08	
NPRM	07/09/08	73 FR 39526
NPRM Comment Period End	09/08/08	
Final Action	01/14/09	74 FR 2158
Final Action Effective	01/01/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Melissa Duru, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–3740

RIN: 3235–AK00

Securities and Exchange Commission (SEC) — Proposed Rule Stage
Division of Investment Management

423. POLITICAL CONTRIBUTIONS BY CERTAIN INVESTMENT ADVISERS

Legal Authority: 15 USC 204; 15 USC 206(4); 15 USC 211(a)

Abstract: The Commission proposed new Rule 206(4)-5, which would prohibit an investment adviser from providing advisory services for compensation to a Government client for 2 years after the adviser or any of its partners, executive officers, or solicitors makes a contribution to certain elected officials or candidates.

The Commission also proposed rule amendments that would require a registered adviser that has Government clients to maintain certain records of the political contributions made by the adviser or any of its partners, executive officers, or solicitors. The Division is considering recommending that the Commission re-propose a rule related to political contributions made by certain investment advisers.

Timetable:

Action	Date	FR Cite
NPRM	08/10/99	64 FR 43556
NPRM Comment Period End	11/01/99	
Second NPRM	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Daniel Seth Kahl, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6730
Email: kahld@sec.gov

RIN: 3235–AH72

424. TEMPORARY RULE REGARDING PRINCIPAL TRADES WITH CERTAIN ADVISORY CLIENTS

Legal Authority: 15 USC 80b–6a; 15 USC 80b–11(a)

Abstract: The Commission adopted an interim final temporary rule that will expire on December 31, 2009, to provide an alternative means for

SEC—Division of Investment Management — Proposed Rule Stage

investment advisers who are registered with the Commission as broker-dealers to meet the requirements of section 206(3) of the Investment Advisers Act when acting in a principal capacity in transactions with certain of their advisory clients.

As contemplated in the temporary rule release, the Division has been assessing the operation of the temporary rule as well as public comment letters. In that connection, the Division is considering recommending that the Commission propose modifications to the rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/28/07	72 FR 55022
Interim Final Rule Effective	09/30/07	
Interim Final Rule Comment Period End	11/30/07	
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Matthew Goldin, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6726
Fax: 202 772–9284
Email: goldinm@sec.gov

RIN: 3235–AJ96

Securities and Exchange Commission (SEC) — Final Rule Stage
Division of Investment Management

425. AMENDMENTS TO FORM ADV

Legal Authority: 15 USC 80b–4, 80b–6(4), 80bll(a), 80b–3(c)(1); 15 USC 77s(a); 15 USC 78(a), 78bbb(e)(2); 15 USC 77sss(a); 15 USC 78(s)–37(a)

Abstract: The Commission proposed amendments to Form ADV part 2 to require registered investment advisers to deliver to clients and prospective clients a brochure written in plain English.

The amendments are designed to require advisers to provide clients and prospective clients with clear, current, and more meaningful disclosure of the business practices, conflicts of interest, and background of investment advisers and their advisory personnel. Under the proposal, advisers would file their brochures with the Commission electronically, and the brochures would be available to the public through the Commission's Web site.

Timetable:

Action	Date	FR Cite
NPRM	04/17/00	65 FR 20524
NPRM Comment Period End	06/03/00	
Second NPRM	03/14/08	73 FR 13958
Second NPRM Comment Period End	05/16/08	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Vivien Liu, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6728
Email: liuy@sec.gov

RIN: 3235–AI17

Securities and Exchange Commission (SEC) — Completed Actions
Division of Investment Management

426. INTERACTIVE DATA FOR MUTUAL FUND RISK/RETURN SUMMARY

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77j; 15 USC 77s(a); 15 USC 77z–3; 15 USC 78c; 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 uSC 78jj; 15 USC 78mm; 15 USC 80a–6(c); 15 USC 80a–8; 15 USC 80a–24(e); 15 USC 80a–29; 15 USC 80a–37

Abstract: The Commission adopted rules requiring mutual funds to provide risk/return summary information in an interactive data format, which would improve its usefulness to investors. Under the rules, risk/return summary information could be downloaded directly into spreadsheets, analyzed in a variety of ways using commercial off-the-shelf software, and used within investment models in other software formats. Mutual funds will provide the risk/return summary section of their prospectuses to the Commission and on their Web sites in interactive data format using the eXtensible Business Reporting Language, XBRL. The interactive data would be provided as an exhibit to registration statements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/08	73 FR 35442
NPRM Comment Period End	08/01/08	
Final Action	02/19/09	74 FR 7748
Final Action Effective	07/15/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alberto Zapata, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6929
Email: zapataa@sec.gov

RIN: 3235–AK13

427. ENHANCED DISCLOSURE AND NEW PROSPECTUS DELIVERY OPTION FOR REGISTERED OPEN–END MANAGEMENT INVESTMENT COMPANIES

Legal Authority: 15 USC 77a et seq; 15 USC 80a–1 et seq

Abstract: The Commission adopted comprehensive reforms of mutual fund disclosure requirements on Form N-1A, including streamlining the delivery of mutual fund information through increased use of the Internet and other electronic means of delivery and clarifying the disclosure of fees and expenses for mutual funds and exchange-traded funds.

SEC—Division of Investment Management — Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	11/30/07	72 FR 67790
NPRM Comment Period End	02/28/08	
NPRM Comment Period Reopened	08/06/08	73 FR 45646
Comment Period End	08/29/08	
Final Action	01/26/09	74 FR 4546
Final Action Effective	03/31/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kieran Brown, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6773
Email: brownkg@sec.gov

RIN: 3235–AJ44

428. RULEMAKING FOR EDGAR SYSTEM: MANDATORY ELECTRONIC SUBMISSION OF APPLICATIONS FOR ORDERS UNDER THE INVESTMENT COMPANY ACT AND FILINGS MADE PURSUANT TO REGULATION E

Legal Authority: 15 USC 77f to 77h; 15 USC 77s(a); 15 USC 78c; 15 USC 78I to 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 78II; 15 USC 80a–8; 15 USC 80a–29; 15 USC 80a–30; 15 USC 80a–37

Abstract: The Commission adopted rules for mandatory EDGAR submission of applications and Regulation E filings under any section of the Investment Company Act, as well as minor technical corrections to the electronic filing rules.

Timetable:

Action	Date	FR Cite
NPRM	11/09/07	72 FR 67513
NPRM Comment Period End	12/14/07	
Final Action	11/04/08	73 FR 65516
Final Action Effective	01/01/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ruth Armfield Sanders, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6960
Email: sandersr@sec.gov

RIN: 3235–AJ81

429. INDEXED ANNUITIES AND CERTAIN OTHER INSURANCE CONTRACTS

Legal Authority: 15 USC 77c(a)(8); 15 USC 77s(a); 15 USC 78l(h); 15 USC 78m; 15 USC 78o; 15 USC 78w(a); 15 USC 78mm

Abstract: The Commission adopted a new rule that defines the terms ''annuity contract'' and ''optional annuity contract'' under the Securities Act. The rule is intended to clarify the status under the federal securities laws of indexed annuities, under which payments to the purchaser are dependent on the performance of a securities index.

The Commission also adopted a new rule that exempts insurance companies from filing reports under the Exchange Act with respect to indexed securities and other insurance securities registered under the Securities Act, provided that certain conditions are satisfied, including that the securities are regulated under State insurance law, the issuing insurance company and its financial condition are subject to supervision and examination by a State insurance regulator, and the securities are not publicly traded.

Timetable:

Action	Date	FR Cite
NPRM	07/01/08	73 FR 37762
NPRM Comment Period End	09/10/08	
NPRM Comment Period Extended	10/17/08	73 FR 61753
NPRM Comment Period End	11/17/08	
Final Action	01/16/09	74 FR 3138
Final Action Effective	01/12/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Kosoff, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–6754
Fax: 202 772–9285
Email: kosoffm@sec.gov

RIN: 3235–AK16

Securities and Exchange Commission (SEC) — Proposed Rule Stage
Division of Trading and Markets

430. RULE 15C2–2: CONFIRMATION OF TRANSACTIONS IN OPEN–END MANAGEMENT INVESTMENT COMPANY SHARES, UNIT INVESTMENT TRUST INTERESTS, AND MUNICIPAL FUND SECURITIES USED FOR EDUCATION SAVINGS

Legal Authority: 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w(a); 15 USC 78mm

Abstract: The Commission proposed new Rule 15c2-2 under the Exchange Act, together with accompanying Schedule 15C. The Commission also proposed related amendments to Rule 10b-10. Proposed Rule 15c2-2 and Schedule 15C would provide for improved confirmation disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts. The amendments to Rule 10b-10 in part would reflect the new rule and would provide improved confirmation disclosure about certain callable securities. They also would clarify that the confirmation disclosure requirements do not determine broker-dealer disclosure obligations under other provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End	04/12/04	
NPRM Comment Period Extended	03/04/05	70 FR 10521
NPRM Comment Period End	04/04/05	
Second NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dawn Jessen, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5550
Fax: 202 772–9270
Email: jessend@sec.gov

RIN: 3235–AJ11

431. RULE 15C2–3: POINT–OF–SALE DISCLOSURE OF PURCHASES IN OPEN–END MANAGEMENT INVESTMENT COMPANY SHARES, UNIT INVESTMENT TRUST INTERESTS, AND MUNICIPAL FUND SECURITIES USED FOR EDUCATION SAVINGS

Legal Authority: 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w(a); 15 USC 78mm

Abstract: The Commission proposed new Rule 15c2-3 under the Exchange Act, together with accompanying Schedule15D. Proposed Rule 15c2-3 and Schedule 15D would provide for pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End	04/12/04	
NPRM Comment Period Extended	03/04/05	70 FR 10521
NPRM Comment Period End	04/04/05	
Second NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dawn Jessen, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5550
Fax: 202 772–9270
Email: jessend@sec.gov

RIN: 3235–AJ12

432. RULE 15C–100: SCHEDULE 15C

Legal Authority: 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w(a); 15 USC 78mm

Abstract: The Commission proposed new Schedule 15C and Rules 15c2-2 and 15c2-3 under the Exchange Act, together with accompanying Schedule 15D. The Commission also proposed related amendments to Rule 10b-10. Proposed Rules 15c2-2 and 15c2-3 and Schedules 15C and 15D would provide for improved confirmation and pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts. The amendments to Rule 10b-10 in part would reflect the new rules and would provide improved confirmation disclosure about certain callable securities. They also would clarify that the confirmation disclosure requirements do not determine broker-dealer disclosure obligations under other provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End	04/12/04	
NPRM Comment Period Extended	03/04/05	70 FR 10521
NPRM Comment Period End	04/04/05	
Second NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dawn Jessen, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5550
Fax: 202 772–9270
Email: jessend@sec.gov

RIN: 3235–AJ13

433. RULE 15C–101: SCHEDULE 15D

Legal Authority: 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w(a); 15 USC 78mm

Abstract: The Commission proposed new Schedule 15D and Rules 15c2-2 and 15c2-3 under the Exchange Act, together with accompanying Schedule 15C. The Commission also proposed related amendments to Rule 10b-10. Proposed Rules 15c2-2 and 15c2-3 and Schedules 15C and 15D would provide for improved confirmation and pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts. The amendments to Rule 10b-10 in part would reflect the new rules and would provide improved confirmation disclosure about certain callable securities. They also would clarify that the confirmation disclosure requirements do not determine broker-dealer disclosure obligations under other provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End	04/12/04	
NPRM Comment Period Extended	03/04/05	70 FR 10521
NPRM Comment Period End	04/04/05	
Second NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dawn Jessen, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5550
Fax: 202 772–9270
Email: jessend@sec.gov

RIN: 3235–AJ14

434. PROCESSING OF REORGANIZATION EVENTS, TENDER OFFERS, AND EXCHANGE OFFERS

Legal Authority: 15 USC 78b; 15 USC 78k–1(a)(1)(B); 15 USC 78n(d)(4); 15 USC 78o(c)(3); 15 USC 78o(c)(6); 15 USC 78q–1(a); 15 USC 78q–1(d)(1); 15 USC 78w(a)

Abstract: The Commission proposed amendments to Rule 17Ad-14 under the Exchange Act. The amendments would require the establishment of book-entry accounts in connection with reorganization events and would give securities depositories up to 3 business days after the expiration of a tender offer, exchange offer, or reorganization event to deliver physical securities certificates to the agents.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47209
NPRM Comment Period End	11/03/98	
Second NPRM	03/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Matthew Landon, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1001
Phone: 202 551–5716
Fax: 202 772–9270
Email: landonm@sec.gov

RIN: 3235–AH53

Securities and Exchange Commission (SEC) — Final Rule Stage
Division of Trading and Markets

435. AMENDMENTS TO REGULATION SHO

Legal Authority: 15 USC 78b and 78c(b); 15 USC 78F; 15 USC 78j; 15 USC 78k–1; 15 USC 78l(h); 15 USC 78o and 78o–3; 15 USC 78q and 78q–1; 15 USC 78s; 15 USC 78w(a)

Abstract: The Commission adopted an interim final rule, Rule 204T, to address abusive ''naked'' short selling in all equity securities by requiring that participants of a clearing agency registered with the Commission deliver securities by settlement date, or if the participants have not delivered shares by settlement date, immediately purchase or borrow securities to close out the fail to deliver position by no later than the beginning of regular trading hours on the settlement day following the day the participant incurred the fail to deliver position.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/17/08	73 FR 61706
Interim Final Rule Effective	10/17/08	
Interim Final Rule Comment Period End	12/16/08	
Next Action	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Victoria L. Crane, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5744
Fax: 202 772–9355
Email: cranev@sec.gov

RIN: 3235–AK22

436. PROPOSED RULES FOR NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS

Legal Authority: 15 USC 78o–7; 15 USC 89q

Abstract: The Commission adopted rule amendments that impose additional requirements on nationally recognized statistical rating organizations (''NRSROs'') in order to address concerns about the integrity of their credit rating procedures and methodologies in light of the role they played in determining credit ratings for securities collateralized by or linked to subprime residential mortgages.

The Commission simultaneously proposed rule amendments regarding the disclosure of ratings history. The proposed rules also repropose certain amendments to Rule 17g-5.

Timetable:

Action	Date	FR Cite
NPRM	06/25/08	73 FR 36212
NPRM Comment Period End	07/25/08	
Final Rule	02/09/09	74 FR 6465
Second NPRM	02/09/09	74 FR 6485
Second NPRM Comment Period End	03/26/09	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sheila Swartz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5545
Fax: 202 772–9273
Email: swarts@sec.gov

RIN: 3235–AK14

Securities and Exchange Commission (SEC) — Long-Term Actions
Division of Trading and Markets

437. PUBLICATION OR SUBMISSION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Legal Authority: 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78o(g); 15 USC 78q(a); 15 USC 78w(a)

Abstract: As part of its efforts to respond to fraud and manipulation in the microcap securities market, the Commission proposed amendments to Rule 15c2-11. These amendments would limit the rule's piggyback provision and increase public availability of issuer information. The amendments would expand the information review requirements for non-reporting issuers and the documentation required for significant relationships between the broker-dealer and the issuer of the security to be quoted. Finally, the amendments would exclude from the rule securities of larger, more liquid issuers.

Timetable:

Action	Date	FR Cite
NPRM	02/25/98	63 FR 9661
NPRM Comment Period End	04/27/98	
Second NPRM	03/08/99	64 FR 11124
Second NPRM Comment Period End	04/07/99	
Second NPRM Comment Period Extended	04/14/99	64 FR 18393
Comment Period End	05/08/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Victoria L. Crane, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549
Phone: 202 551–5744
Fax: 202 772–9355
Email: cranev@sec.gov

RIN: 3235–AH40

[FR Doc. E9–10282 Filed 05–08–09; 8:45 am]
BILLING CODE 8010–01–S

Federal Register

Monday,
May 11, 2009

Part XXII

The President

Proclamation 8373—World Trade Week, 2009

Proclamation 8374—National Day of Prayer, 2009

Federal Register
Vol. 74, No. 89
Monday, May 11, 2009

Presidential Documents

Title 3—

The President

Proclamation 8373 of May 6, 2009

World Trade Week, 2009

By the President of the United States of America

A Proclamation

When the world's consumers fly in a U.S.-manufactured airplane, eat a steak from America's heartland, watch a Hollywood movie, or visit the Grand Canyon, they are helping to create and maintain good jobs for Americans.

World Trade Week is an opportunity to reaffirm the benefits of trade and to emphasize America's commitment to a global marketplace that creates good jobs and lifts up American families. The United States and our trading partners stand to gain when trade is open, transparent, rules-based, and fair, showing respect for labor and environmental standards.

The United States is well-positioned to reap the benefits of trade. America is a leader in the global marketplace and ranks at the top of almost every measure of global competitiveness. Our businesses, workers, and farmers remain the most innovative, productive, and adaptable in the world. The United States is also the world's largest exporter.

Trade is a significant and increasingly important contributor to U.S. economic growth. Exports accounted for 13 percent of U.S. economic activity in 2008, and they support millions of jobs in the United States. In difficult economic times, it is even more important for American industry to take advantage of every opportunity for export-driven growth. That is why I will work to open more markets to U.S. exports, including in such important job growth industries as energy efficiency, clean energy, and health information technology.

Imports can also benefit the United States by increasing consumer choice while lowering prices for millions of working families. In addition, imports can support employment for retailers, distributors, the transportation sector, and domestic manufacturers which rely on global supply chains to make products for both the U.S. and international markets.

We must ensure that the benefits of trade are spread more widely. This can be achieved by training and supporting Americans and ensuring that trade agreements provide the economic opportunities that Americans deserve. Workers who lose their jobs through no fault of their own deserve the chance to be retrained for a new economic environment. That is one of the reasons I signed the American Recovery and Reinvestment Act of 2009 (ARRA), which improves Trade Adjustment Assistance to help families that are struggling now. For the long term, the ARRA also invests in an education system that will prepare our children to compete and succeed in the global economy.

We will negotiate future trade agreements to create opportunities for all Americans. My Administration is committed to building on existing trade agreements and bilateral investment treaties in an open and transparent manner. In consultation with the American people, the Congress, key stakeholders, and our trading partners, I am developing a plan of action for pending free trade agreements. I will also work with our trading partners to advance a strong market-opening agreement for agriculture, industrial goods, and services through the Doha Development Round and through

other negotiations. Together, we can build a trading regime that spreads its benefits among Americans and also benefits workers in our partner countries.

Transparency and inclusiveness are central principles we must adhere to as we seek to expand trade. When trade agreements are negotiated in consultation with the American people, the benefits of trade can be understood more broadly. Through open dialogue, the concerns of American and foreign workers can be addressed and the environmental consequences of trade agreements can be identified and mitigated.

With a transparent, free, and fair framework, we can make trade a powerful contributor to the revival of the U.S. and global economies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2009, as World Trade Week. I encourage all Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

[FR Doc. E9–11123
Filed 5–8–09; 11:15 am]
Billing code 3195–W9–P

Presidential Documents

Proclamation 8374 of May 7, 2009

National Day of Prayer, 2009

By the President of the United States of America

A Proclamation

Throughout our Nation's history, Americans have come together in moments of great challenge and uncertainty to humble themselves in prayer. In 1775, as the Continental Congress began the task of forging a new Nation, colonists were asked to observe a day of quiet humiliation and prayer. Almost a century later, as the flames of the Civil War burned from north to south, President Lincoln and the Congress once again asked the American people to pray as the fate of their Nation hung in the balance.

It is in that spirit of unity and reflection that we once again designate the first Thursday in May as the National Day of Prayer. Let us remember those who came before us, and let us each give thanks for the courage and compassion shown by so many in this country and around the world.

On this day of unity and prayer, let us also honor the service and sacrifice of the men and women of the United States Armed Forces. We celebrate their commitment to uphold our highest ideals, and we recognize that it is because of them that we continue to live in a Nation where people of all faiths can worship or not worship according to the dictates of their conscience.

Let us also use this day to come together in a moment of peace and goodwill. Our world grows smaller by the day, and our varied beliefs can bring us together to feed the hungry and comfort the afflicted; to make peace where there is strife; and to lift up those who have fallen on hard times. As we observe this day of prayer, we remember the one law that binds all great religions together: the Golden Rule, and its call to love one another; to understand one another; and to treat with dignity and respect those with whom we share a brief moment on this Earth.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a ''National Day of Prayer.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 7, 2009, as a National Day of Prayer. I call upon Americans to pray in thanksgiving for our freedoms and blessings and to ask for God's continued guidance, grace, and protection for this land that we love.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

[FR Doc. E9–11124
Filed 5–8–09; 11:15 am]
Billing code 3195–W9–P

Reader Aids

Federal Register

Vol. 74, No. 89

Monday, May 11, 2009

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, MAY

20201–20404 1
20405–20558 4
20559–20864 5
20865–21244 6
21245–21532 7
21533–21766 8
21767–22088 11

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8366 20403
8367 20861
8368 20863
8369 21241
8370 21243
8371 21527
8372 21529
8373 22085
8374 22089
Administrative Orders:
Memorandums:
Memo. of May 1, 2009 20865
Memo. of May 5, 2009 21531

5 CFR

532 20405
Proposed Rules:
300 21771

7 CFR

1755 20559
Proposed Rules:
983 20630

10 CFR

Proposed Rules:
37 20235
600 20427

12 CFR

229 21245
Proposed Rules:
226 20784
227 20804
535 20804
706 20804
1282 20236

13 CFR

121 20577
Proposed Rules:
313 20647
315 20647

14 CFR

25 21533
39 .....20580, 20867, 21246, 21249, 21251, 21254, 21544
71 .....20410, 20867, 20868, 20869
73 20201
91 20202
135 20202
Proposed Rules:
25 20427
39 .....20431, 20659, 20661, 21274, 21278, 21281, 21284, 21285, 21561, 21772
71 20443
135 20263
145 21287

15 CFR

774 20870

16 CFR

3 20205
4 20205

17 CFR

200 20411
230 21255
232 21255
239 21255
274 21255
Proposed Rules:
1 21290

20 CFR

Proposed Rules:
404 21563
416 21563

21 CFR

510 .....20582, 21767, 21768
520 .....21767, 21768
522 20582
589 20583
601 20583
Proposed Rules:
601 20663

22 CFR

215 20871

26 CFR

1 .....21256, 21438
20 21438
25 21438
Proposed Rules:
1 .....21295, 21519
20 21519
25 21519

30 CFR

938 21768

32 CFR

199 21547

33 CFR

100 21550
117 20585
165 .....20412, 20414, 20586, 20588, 21550
Proposed Rules:
165 .....20270, 21564

34 CFR

668 20210

686 20210
690 20210
691 20210

38 CFR

3 21258
38 20225
Proposed Rules:
21 21565

39 CFR

955 20590
3001 20834
3050 20834

40 CFR

52 ....20599, 20601, 20872, 20874, 20877, 20880, 21550
180 ....20883, 20887, 21260
239 20227
258 20227
745 21554
Proposed Rules:
52 ....20665, 20895, 20896, 20897, 21295, 21568, 21578, 21588, 21594, 21599, 21604
60 21136
63 21136

42 CFR

Proposed Rules:
50 21610
412 21052
431 21232
433 21230
440 21232
441 21232

44 CFR

64 21267
65 21271

45 CFR

Proposed Rules:
94 21610

46 CFR

2 20416
8 ....20416, 21554
189 20416

47 CFR

64 20892
73 ....20419, 20420, 20601, 20893
90 20602
Proposed Rules:
1 21613
73 ....20444, 20445

48 CFR

501 21272
525 20894
537 20605
549 21272
552 ....20605, 20894, 21272
Proposed Rules:
52 20666

49 CFR

1002 20607
Proposed Rules:
571 20445

50 CFR

300 21194
402 20421
622 ....20229, 21558
648 ....20230, 20423, 20528, 21559
660 ....20610, 20620
Proposed Rules:
17 ....21301, 21614
222 20667
223 20667
300 21615
648 20448
660 20897

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1626/P.L. 111–16
Statutory Time-Periods Technical Amendments Act of 2009 (May 7, 2009; 123 Stat. 1607)

S.J. Res. 8/P.L. 111–17
Providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution. (May 7, 2009; 123 Stat. 1610)

Last List April 28, 2009

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.