

Order 12777 authorized the Coast Guard to issue regulations requiring owners and operators of tank vessels and MTR facilities to prepare and submit response plans, for approval, to the Coast Guard. OPA 90 also requires that owners and operators conduct their operations in accordance with those Coast Guard approved response plans.

In 1993, the Coast Guard published interim tank vessel and MTR facility response plan regulations (58 FR 7424, February 5, 1993 and 58 FR 7730 February 5, 1993, respectively). The Coast Guard finalized those regulations in 1996 (tank vessels, 61 FR 1052, January 12, 1996) (MTR facilities 61 FR 7890, February 29, 1996). These regulations contain minimum on-water oil removal equipment requirements that planholders transporting or transferring petroleum oil are required to meet when planning for an oil discharge. See 33 CFR part 155, subpart D for tank vessels; and 33 CFR 154, subpart F for MTR facilities. These regulations also state that the Coast Guard will periodically review oil removal equipment requirements to determine if increases in equipment and additional requirements for new response technologies are practicable. 33 CFR 154.1045(n) and 155.1050(p).

On January 27, 1998, the Coast Guard published a notice requesting comments (63 FR 3861) regarding our intent to conduct a review of response plan oil removal equipment requirements. In the notice, we stated that the 1993 removal equipment requirements would remain in effect pending the results of that review, and that the removal equipment requirement increases, as originally scheduled, would not be implemented until the review was complete. On June 24, 1998, the Coast Guard published a Notice of Meetings (63 FR 34500) that announced three public workshops. The workshops were set up to solicit comments on potential changes to removal equipment requirements within the response plan regulations (33 CFR parts 153, 154 and 155) for mechanical recovery, dispersants, and other spill removal technologies. Based on comments in response to the notice of Request for Comments and the three workshops, the Coast Guard commissioned an in-depth assessment of advances in oil-spill response equipment since 1993 (USCG-1998-3350, comments on the notice; and USCG-1998-3350-0048, -0049, and -0050, summary reports of the public workshops). The Coast Guard completed the assessment in May 1999 (USCG-1998-3350-0074). Based on the recommendations contained in the assessment, the Coast Guard published

a Notice of Decision (65 FR 710, January 6, 2000) that implemented a 25 percent increase for on-water mechanical recovery equipment for response plans of MTR facilities and tank vessels, effective April 6, 2000.

In 2002, the Coast Guard published the Vessel and Facility Response Plans for Oil: 2003 Removal Requirements and Alternative Technology Revisions NPRM to evaluate the potential for additional increases in mechanical on-water recovery and new requirements for other response technologies (67 FR 63331, October 11, 2002). The NPRM described five regulatory alternatives (including a "no action" alternative) which emphasized mechanical and non-mechanical response assets. In addition to addressing different modes of oil-spill response, the alternatives included differing capabilities within each response mode. On November 19, 2002, we published a notice of public meeting and extension of the comment period (67 FR 69697) for the NPRM. The meeting was held on December 18, 2002, at Coast Guard Headquarters in Washington, DC, and the comment period closed on April 8, 2003.

As part of the rulemaking effort, the Coast Guard published a Notice of Intent to prepare and circulate a Draft Programmatic Environmental Impact Statement (DPEIS) (65 FR 53335, September 1, 2000). On June 1, 2005, the Coast Guard published the DPEIS (70 FR 31487) to ensure that a broad range of environmental issues were adequately considered in the rulemaking. Both documents requested input from the public on environmental concerns related to the alternatives for increasing spill removal equipment requirements for an oil discharge. The information obtained from the public, in combination with Area Committee and Regional Response Team investigations, led to our determination that mechanical recovery, in-situ burning, and chemical dispersion met the criterion to increase the response plan equipment capability requirements, which could potentially reduce the amount of spilled oil reaching sensitive marine resources.

The FPEIS describes the reasonable alternatives that were evaluated, the affected environment, and the environmental impacts associated with the alternatives on the resources analyzed. As a programmatic document, the FPEIS covers general issues in a broad, program-oriented analysis. The information contained in the FPEIS is required in order to comply with the National Environmental Policy Act.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: June 18, 2009.

J. G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA-2007-0008]

National Advisory Council Meeting

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of the National Advisory Committee Meeting.

SUMMARY: This notice announces the date, time, location, and agenda for the next meeting of the National Advisory Council (NAC). At the meeting, the subcommittees will report on their work since the April 15-16, 2009 meeting. This meeting will be open to the public.

DATES: *Meeting Dates:* Wednesday, July 29, 2009, from approximately 10 a.m. to 5:15 p.m. and Thursday, July 30, 2009, 10:15 a.m. to 2:15 p.m. A public comment period will take place on the afternoon of July 30, 2009, between approximately 1:15 p.m. and 1:45 p.m.

Comment Date: Persons wishing to make an oral presentation, or who are unable to attend or speak at the meeting, may submit written comments. Written comments or requests to make oral presentations must be received by July 20, 2009.

ADDRESSES: The meeting will be held at the Alerus Center, 1200 South 42nd Street, Grand Forks, ND 58201. Written comments and requests to make oral presentations at the meeting should be provided to the address listed in the **FOR FURTHER INFORMATION CONTACT** section and must be received by July 20, 2009. All submissions received must include the Docket ID FEMA-2007-0008 and may be submitted by any one of the following methods:

Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on the Web site.

E-mail: FEMA-RULES@dhs.gov. Include Docket ID FEMA-2007-0008 in the subject line of the message.

Facsimile: (703) 483-2999.

Mail: Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472-3100.

Hand Delivery/Courier: Office of the Chief Counsel, Federal Emergency

Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472-3100.

Instructions: All submissions received must include the Docket ID FEMA-2007-0008. Comments received also will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read documents or comments received by the National Advisory Council, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Alyson Price, Designated Federal Officer, Federal Emergency Management Agency, 500 C Street, SW., (Room 718), Washington, DC 20472-3100, telephone 202-646-3746, fax 202-646-4176, and e-mail FEMA-NAC@dhs.gov. The NAC Web site is located at: <http://www.fema.gov/about/nac/>.

SUPPLEMENTARY INFORMATION: Notice of this meeting is required under the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. App. 1 *et seq.*). The National Advisory Council (NAC) will meet for the purpose of reviewing the progress and/or potential recommendations of the following NAC subcommittees and working group: Stafford Act, National Response Framework, National Incident Management System, Post-Disaster Housing, Special Needs, Public/Private Partnerships, and Target Capabilities List. The council may receive updates on preparedness issues, mitigation issues, and the Regional Advisory Councils.

Public Attendance: The meeting is open to the public. Please note that the meeting may adjourn early if all business is finished. Persons with disabilities who require special assistance should advise the Designated Federal Officer of their anticipated special needs as early as possible. Members of the public who wish to make comments on Thursday, July 30, 2009 between 1:15 p.m. and 1:45 p.m. are requested to register in advance, and if the meeting is running ahead of schedule, the public comment period may take place at 11:30 a.m.; therefore, all speakers must be present and seated by 10:15 a.m. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 3 minutes. For those wishing to submit written comments, please follow the procedure noted above.

Dated: June 9, 2009.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. E9-14932 Filed 6-24-09; 8:45 am]

BILLING CODE 9111-48-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5311-N-03]

Notice of Availability: Notice of Funding Availability (NOFA) for American Recovery and Reinvestment Act Capital Fund Recovery Competition Grants; Correction to Deadline in June 9, 2009 Federal Register Notice

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: On June 9, 2009, HUD published a notice in the **Federal Register** (74 FR 27340) to announce that a revised version of the Capital Fund Recovery Competition (CFRC) NOFA had been issued and posted to the HUD website. That brief notice stated that the deadline date for Category 4 (Creation of Energy Efficient, Green Communities) applications is July 29, 2009. In fact, the correct deadline date for Category 4 applications is July 21, 2009. The July 21, 2009 deadline date for Category 4 applications is correctly stated in the revised CFRC NOFA posted on HUD's Web site on June 3, 2009. While the requirements for submitting an application for this assistance are those provided in the CFRC NOFA, HUD is using today's **Federal Register** notice to avoid any confusion in its applicant community.

FOR FURTHER INFORMATION CONTACT: If you have a question or need a clarification, you may contact the Office of Capital Improvements by sending an email message to PIHOCI@hud.gov. Please see <http://www.hud.gov/offices/pih/programs/ph/capfund/ocir.cfm>, which can be accessed from <http://www.hud.gov/recovery/>, for the revised CFRC NOFA and additional information.

Dated: June 19, 2009.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. E9-14910 Filed 6-24-09; 8:45 am]

BILLING CODE 5210-67-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Failure to Demonstrate Valid Existing Rights for Land Within the Daniel Boone National Forest

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

ACTION: Notice of decision.

SUMMARY: This notice announces our decision on a request for a determination of valid existing rights (VER) under section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). We (OSM) have determined that, based upon the information provided, the applicant has not demonstrated the existence of VER on the Jack Smith, *et al.* property within the boundaries of the Daniel Boone National Forest in Clay County, Kentucky.

DATES: *Effective Date:* June 25, 2009.

FOR FURTHER INFORMATION CONTACT:

Joseph L. Blackburn, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503.

• *Telephone:* (859) 260-3903. *Fax:* (859) 260-8410.

• *E-mail:* jblackburn@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. What Is the Nature of the VER Determination Request?
- II. What Legal Requirements Apply to This Request?
- III. What Information Is Available Relevant to the Basis for the Request?
- IV. How We Processed the Request.
- V. How We Made Our Decision.
- VI. How Can I Appeal the Determination?
- VII. Where Are the Records of This Determination Available?

I. What Is the Nature of the VER Determination Request?

On July 15, 2008, David Altizer submitted a request on behalf of Jack Smith, Jerry Smith and Leovie Smith, for a determination of VER to conduct surface coal mining operations on approximately 238 acres of land owned by the U.S. Forest Service within the Daniel Boone National Forest in Clay County, Kentucky.

II. What Legal Requirements Apply to This Request?

Section 522(e)(2) of SMCRA, 30 U.S.C. 1272(e)(2), prohibits surface coal mining operations on Federal lands within the boundaries of any national forest, with two exceptions. The first exception pertains to surface operations and impacts incidental to an underground coal mine. The second