

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](mailto: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 [PIHOCl@hud.gov](mailto:PIHOCl@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](mailto: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

relates to surface operations on lands within national forests west of the 100th meridian. Neither of those exceptions applies to the request now under consideration.

The introductory paragraph of section 522(e) also provides two general exceptions to the prohibitions on surface coal mining operations in that section. Those exceptions apply to operations in existence on the date of enactment of the Act (August 3, 1977) and to land for which a person has VER. SMCRA does not define VER. We subsequently adopted regulations defining VER and clarifying that, for lands that come under the protection of 30 CFR 761.11 and section 522(e) after the date of enactment of SMCRA, the applicable date is the date that the lands came under protection, not August 3, 1977.

On December 17, 1999 (64 FR 70766–70838), we adopted a revised definition of VER, established a process for submission and review of requests for VER determinations, and otherwise modified the regulations implementing section 522(e). At 30 CFR 761.16(a), we published a table clarifying which agency (OSM or the State regulatory authority) is responsible for making VER determinations and which definition (State or Federal) will apply. That table specifies that OSM is responsible for VER determinations for Federal lands within national forests and that the Federal VER definition in 30 CFR 761.5 applies to those determinations.

At 30 CFR 761.16(b) we published the information needed for OSM to make a determination of VER, which includes information required to demonstrate the “good faith/all permits” standard in accordance with 30 CFR 761.16(b)(2) or the “needed for and adjacent” standard in accordance with 761.16(b)(3).

### **III. What Information Is Available Relevant to the Basis for the Request?**

The request included a Property Rights Demonstration, as required by 30 CFR 761.16 (b)(1) pursuant to the definition at 30 CFR 761.5. Included were two deed conveyances referenced in the Property Rights Demonstration, containing a legal description of the land owned by the petitioner that is the subject of the request, and the subsequent severance of the surface and mineral estates.

### **IV. How We Processed the Request**

We received the request on July 18, 2008, through a letter dated July 15, 2008, submitted by David Altizer on behalf of Jack Smith *et al.* The request did not include all of the information required for the “good faith/all permits”

standard in accordance with 30 CFR 761.16(b)(2) or the “needed for and adjacent” standard in accordance with 30 CFR 761.16(b)(3). Therefore, we determined that the request was not administratively complete. Because the request was not administratively complete, our review did not include an assessment of the technical or legal adequacy of the materials submitted with the request.

In a letter dated August 13, 2008, we informed the requester that the information submitted was incomplete. As required by 30 CFR 761.16(c)(2), we provided an additional 30 days within which to submit the required information. No additional information was submitted by the requester.

### **V. How We Made Our Decision**

Because we did not receive any further information in support of the request, and we did not receive a request for an extension of time within which to submit additional information, the request remains incomplete and cannot be processed. In such a situation, our regulations at 30 CFR 761.16(e)(4) require us to issue a determination that an applicant has not demonstrated VER. This determination is made without prejudice therefore the requester may submit a revised request with the appropriate information at any time.

### **VI. How Can I Appeal the Determination?**

Our determination that the applicant has not demonstrated VER is subject to administrative and judicial review under the Federal regulations at 30 CFR 775.11 and 775.13.

### **VII. Where Are the Records of This Determination Available?**

Our records on this determination are available for your inspection at the Lexington Field Office at the location listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: April 23, 2009.

**Thomas D. Shope,**

*Regional Director, Appalachian Region.*

[FR Doc. E9-15000 Filed 6-24-09; 8:45 am]

**BILLING CODE 4310-05-P**

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **Temporary Vehicle Restriction on U. S. Route 209**

**AGENCY:** National Park Service, Delaware Water Gap, National Recreation Area.

**ACTION:** Temporary Vehicle Restriction on U.S. Route 209.

**SUMMARY:** The National Park Service (NPS), Delaware Water Gap National Recreation Area, in conjunction with the Federal Highway Administration, is repairing and reconstructing the Bushkill Creek Bridge along U.S. Route 209. During the repair and reconstruction period, Bushkill Creek Bridge will be closed. A detour route is available, but can only accommodate vehicles with a gross vehicle weight rating (GVWR) less than 15 tons. For this reason, NPS is instituting a temporary restriction of vehicles with a GVWR in excess of 15 tons (30,000 lbs GVWR) along U.S. Route 209 in the park. This temporary restriction will be in effect starting July 9, 2009 at 1800 hours and will remain in effect 24 hours a day until July 27, 2009 at 1800 hours.

**DATES:** July 9, 2009 at 1800 through July 27, 2009 at 1800.

**ADDRESSES:** Requests for copies of, and written comments on U.S. Route 209 closure should be sent to John J. Donahue, Superintendent, Delaware Water Gap, National Recreation Area, River Road, Bushkill, PA 18324.

**FOR FURTHER INFORMATION CONTACT:** John J. Donahue at (570) 426-2418.

**SUPPLEMENTARY INFORMATION:** The main problems to be corrected on the Bushkill Creek Bridge are moderate spalling throughout the north pier bearing area on both sides, which has partially undermined several bearing plates. Other problems being corrected are deterioration of the wearing surface, paint deterioration throughout the steel beams, and rusting of the bearing devices. Additionally, repairs are being made to several large vertical cracks in the abutment breastwalls, and large quantities of gravel and debris in the channel at the structure site. In the fall of 2008, Delaware Water Gap National Recreation Area maintenance employees performed and completed the gravel removal operation. In order to repair the wearing surface, milling and removal of 2" of the bridge deck is required and needs to be replaced with new latex concrete. The process for milling, removal, and pouring of new latex concrete is 4 days with an additional 14 days for the curing of the new latex concrete, thus requiring the closure of the bridge for 18 consecutive days. During this time, vehicles with a GVWR less than 15 tons may use the identified detour route. Vehicles with a GVWR greater than 15 tons will not be able to use U.S. Route 209 in the park.

*Public Availability of Comments:* John J. Donahue, Superintendent, Delaware