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**Instructions:** Direct your comments to Docket ID No. EPA-R02-RCRA-2009-0346. EPA's policy is that all comments received will be included in the public docket without change and may be made available on line 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 Federal <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 or any form of encryption, and be free of any defects or viruses. (For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>).

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy. You can view and copy New York's application during business hours at the following addresses: EPA Region 2

Library, 290 Broadway, 16th Floor, New York, NY 10007, Phone number: (212) 637-3185; or New York State Department of Environmental Conservation, Division of Solid and Hazardous Materials, 625 Broadway, Albany, NY 12233-7250, *Phone number:* (518) 402-8730. The public is advised to call in advance to verify the business hours of the above locations.

**FOR FURTHER INFORMATION CONTACT:** Michael Infurna, Division of Environmental Planning and Protection, EPA Region 2, 290 Broadway, 22nd Floor, New York, NY 10007; telephone number (212) 637-4177; *fax number:* (212) 637-4377; *e-mail address:* [infurna.michael@epa.gov](mailto:infurna.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: May 19, 2009.

**George Pavlou,**

*Acting Regional Administrator, Region 2.*

[FR Doc. E9-15546 Filed 6-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-2009-0108]

#### Vehicle Safety Rulemaking and Research Priority Plan 2009-2011

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for comments.

**SUMMARY:** The purpose of this request for comments is to solicit and acquire public comment on the NHTSA's "Vehicle Safety Rulemaking and Research Priority Plan 2009-2011." The plan is not an exhaustive list. Only programs and projects that are priorities or will take significant agency resources are listed. Furthermore, NHTSA's enforcement, data collection, and analysis programs—vital elements in achieving NHTSA's goals—have their own set of priorities that are not listed here. Each of these programs supports NHTSA's rulemaking and research priorities by providing necessary safety data, economic analysis, expertise on test procedures, and technical issues gleaned from enforcement experience. The plan is an internal management tool as well as a means to communicate to

the public NHTSA's highest priorities to meet the Nation's motor vehicle safety challenges. Among them are programs and projects involving rollover crashes, children (both inside as well as just near vehicles), motorcoaches and fuel economy that must meet Congressional mandates or Secretarial commitments. NHTSA is also currently in the process of developing a longer-term motor vehicle safety strategic plan that would encompass the period 2012 to 2020., and will be announced in a separate **Federal Register** notice.

**DATES:** Comments must be received no later than August 31, 2009.

**ADDRESSES:** You may submit comments [identified by Docket No. NHTSA-2009-0108] by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1-800-647-5527.
- *Fax:* 202-493-2251.

**Instructions:** All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** 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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.dot.gov/privacy.html>.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and follow the online instructions, or visit Docket Management Facility at the street address listed above.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joseph Carra, Director of Strategic Planning and Integration, National

Highway Traffic Safety Administration, Room W48-318, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-0361. E-mail: [joseph.carra@dot.gov](mailto:joseph.carra@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Motor vehicle crashes killed more than 41,000 people and injured nearly 2.5 million others in more than 6 million police-reported crashes in 2007. In addition to the terrible personal toll, these crashes make a huge economic impact on our society with an estimated annual cost of \$230 billion,<sup>1</sup> an average of \$750 for every person in the United States.

Motor vehicle crashes can be viewed through several different perspectives:

- Vehicle type;
- Crashworthiness;
- Crash avoidance;
- Crash partners;
- Body region injured; and
- Societal costs.

Passenger vehicles still account for the majority of fatalities (70% or 28,933 fatalities), but also account for 92 percent of the vehicle miles traveled (VMT).

From the crashworthiness perspective, NHTSA looks at occupant fatalities or crash types by what part of the vehicle was struck first. Typically for passenger vehicles the initial impact point in fatal crashes would be frontal in 55 percent of fatalities, side impacts in 28 percent, non-collision (rollovers) in 8 percent, rear impacts in 5 percent, and others in 4 percent. However, rollovers can be examined as the initial impact, or as any event in the crash. If rollovers are examined as any event in the crash, almost 10,200 fatalities occur per year in rollovers, or about one-third of the passenger vehicle total.

From the crash avoidance perspective, NHTSA looks at types of crashes that might be mitigated by new technologies. Based on the General Estimates System (GES) and the Fatality Analysis Reporting System (FARS), four types of crashes total 85 percent of all crashes. These include Run-Off-Road (23%), Rear-End (28%), Lane Change (9%), and Crossing Path (25%). Those same four types of crashes also equal 75 percent of all road fatalities. These include Run-Off-Road (41%), Rear-End (5%), Lane Change (4%), and Crossing Path (14%).

The fourth perspective of looking at motor vehicle crashes is crash type with respect to what the vehicle impacted, if anything. For both passenger cars and light trucks, frontal crashes with other

motor vehicles account for the highest percentage of crash fatalities, 32 percent and 37 percent respectively. For passenger cars, side impacts with other motor vehicles and impact with fixed objects both account for 18 percent of fatalities. In fatal crashes involving light trucks, non-collisions (rollovers) remain an issue, accounting for 23 percent of crash fatalities.

A fifth and a sixth perspectives are those of body region injured and societal costs. Brain injuries and ankle and knee injuries that have long-term disability associated with them have very high societal costs.

NHTSA looks at crashes from all these different perspectives in determining the priorities for the agency. Countermeasures affect different types of crashes in different ways and have to be examined individually and compared to the applicable target population.

Programs and projects that warrant priority consideration fall into the following four categories: (1) large safety benefits; (2) vulnerable populations; (3) high-occupancy vehicles; and (4) other considerations

Programs and projects that are in Category 1, large benefits, have the potential for large safety benefits based upon factors such as:

- The size of the target population;
- The effectiveness of countermeasures and their potential to save lives and prevent injuries;
- The availability and practicability of these countermeasures; and
- The potential that countermeasures could be developed in the future that could be reasonably effective against a large target population.

It should be noted that some projects require additional research before specific countermeasures and their benefits can be identified and therefore the priority designation is based on the agency's judgment of potential safety impacts.

Programs and projects in Category 2, vulnerable populations, affect children, older people, the vision-impaired, or other populations that are considered vulnerable.

Category 3, high-occupancy vehicles, involves buses or motorcoaches and other high-occupancy vehicles.

Category 4, other considerations, includes priority projects that may not be captured in the other categories, but either reduce the impact of motor vehicles on energy security or address other specific items.

The plan also includes a list of other significant programs and projects that the agency believes it will work on in the 2009-2011 timeframe. This area is fluid, because the agency receives

petitions that require action, Congress may request that the agency address other areas, the Administration may set additional and/or different priorities, or some event may influence NHTSA's priority agenda.

Some programs and projects described in the plan require additional research before any rulemaking action can be taken. These programs may not be priorities now because NHTSA is not confident that an effective countermeasure can be found. However, with research going on, there is the possibility that countermeasures may be discovered that have the significant death and injury reduction benefits.

Since these are expected to consume a significant portion of the agency's rulemaking resources, they affect the schedules of the agency's other priorities listed in this plan. The concept of this plan, in terms of timing, is a little different than the 5-year priority plans that the agency has issued in the past. This plan lists the programs and projects the agency anticipates working on even though there may not be a rulemaking planned to be issued by 2011, and in several cases, the agency doesn't anticipate that the research will be done by the end of 2011. Thus, in some cases the next step would be an agency decision in 2012 or 2013.

The projects listed in the plan have been divided into the following program areas: Light-vehicle crash avoidance and mitigation advanced technologies, motorcycles, rollovers, front-impact occupant protection, side-impact occupant protection, rear-seat occupant protection, children, older people, global technical regulations (international harmonization), heavy vehicles, CAFE, and others (a catchall category for projects that don't fit in the listed program areas).

Crash avoidance projects and programs are listed first because their focus is on the first opportunity to save lives and reduce injuries by preventing crashes in the first place. In addition they serve to reduce property damage and traffic congestion that are the inevitable result of most crashes.

NHTSA seeks public review and comment on the planning document. Comments received will be evaluated and incorporated, as appropriate, into the planned agency activities. Interested persons may obtain a copy of the plan, "Vehicle Safety Rulemaking and Research Priority Plan 2009-2011," by downloading a copy of the document. To download a copy of the document, go to <http://www.regulations.gov> and follow the online instructions, or visit Docket Management Facility at the street address listed above under

<sup>1</sup> These estimates are in year 2000 dollars.

**ADDRESSES** and reference Docket No. NHTSA-2009-0108.

## II. Submission of Comments

### *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 in your comments. Please submit two copies of your comments, including attachments, to Docket Management at the address given above under **ADDRESSES**. Comments may also be submitted to the docket electronically by logging onto <http://www.regulations.gov>. Click on "How to Use This Site" and then "User Tips" to obtain instructions for filing the document electronically.

### *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, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the docket. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512).

### *Will the Agency Consider Late Comments?*

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. If a comment is received too late for us to consider it in developing a final plan, we will consider that comment as an informal suggestion for future revisions of the plan.

### *How Can I Read the Comments Submitted by Other People?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to <http://www.regulations.gov>.
2. On that page, in the field marked "search," type in the docket number provided at the top of this document.
3. The next page will contain results for that docket number; it may help you to sort by "Date Posted: Oldest to Recent."
4. On the results page, click on the desired comments. You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments may not be word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Accordingly, we recommend that you periodically check the Docket for new material.

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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.dot.gov/privacy.html>.

**Authority:** 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: June 25, 2009.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. E9-15523 Filed 6-30-09; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R2-ES-2009-0030; 92210-1111-FY08-B2]

#### **Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Northern Leopard Frog (*Lithobates [=Rana] pipiens*) in the Western United States as Threatened**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of a 90-day petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the western U.S. population of the northern leopard frog (*Lithobates [=Rana] pipiens*) as threatened under the Endangered Species Act of 1973, as amended (Act). Following a review of the petition, we find that the petition presents substantial scientific or commercial information indicating that listing the western U.S. population of northern leopard frog may be warranted. Therefore, with the publication of this notice, we are initiating a status review of the species, and we will issue a 12-month finding to determine if listing the species throughout all or a significant portion of its range is warranted. To ensure that the status review of the northern leopard frog is comprehensive, we are soliciting scientific and commercial information and other information regarding this species.

**DATES:** We made the finding announced in this document on July 1, 2009. To allow us adequate time to conduct a status review, we request that information be submitted on or before August 31, 2009.

**ADDRESSES:** You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R2-ES-2009-0030; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Solicited section below for more details).

**FOR FURTHER INFORMATION CONTACT:** Steven L. Spangle, Field Supervisor,