

(b) A participant who is determined to have erroneously represented any fact affecting a program determination made in accordance with this part shall not be entitled to contract payments and must refund to NRCS all payments, plus interest determined in accordance with 7 CFR part 1403.

(c) A participant shall refund to NRCS all payments, plus interest determined in accordance with 7 CFR part 1403, received by such participant with respect to all CSP contracts if they are determined to have:

(1) Adopted any scheme or device that tends to defeat the purpose of the program;

(2) Made any fraudulent representation;

(3) Adopted any scheme or device for the purpose of depriving any tenant or sharecropper of the payments to which such person would otherwise be entitled under the program; or

(4) Misrepresented any fact affecting a program determination.

(d) Participants determined to have committed actions identified in paragraph (c) of this section shall:

(1) Have their interest in all CSP contracts terminated; and

(2) In accordance with § 1470.27(e), may be determined by NRCS to be ineligible for future NRCS-administered conservation program funding.

#### **§ 1470.37 Environmental credits for conservation improvements.**

NRCS believes that environmental benefits will be achieved by implementing conservation activities funded through CSP. These environmental benefits may result in opportunities for the program participant to sell environmental credits. These environmental credits must be compatible with the purposes of the contract. NRCS asserts no direct or indirect interest on these credits. However, NRCS retains the authority to ensure that operation and maintenance (O&M) requirements for CSP-funded improvements are met, consistent with §§ 1470.21 and 1470.23. Where actions may impact the land and conservation activities under a CSP contract, NRCS will at the request of the participant, assist with the development of an O&M compatibility assessment prior to the participant entering into any credit agreement.

Signed this 21st day of July 2009, in Washington, DC.

**Dave White,**

*Vice President, Commodity Credit Corporation and Chief, Natural Resources Conservation Service.*

[FR Doc. E9-17812 Filed 7-28-09; 8:45 am]

**BILLING CODE 3410-16-P**

## **FEDERAL ELECTION COMMISSION**

### **11 CFR Part 8**

**[Notice 2009-17]**

## **ELECTION ASSISTANCE COMMISSION**

### **11 CFR Part 9428**

#### **Reorganization of National Voter Registration Act Regulations**

**AGENCY:** Federal Election Commission; Election Assistance Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Election Commission (FEC) and the Election Assistance Commission (EAC) are jointly taking action to transfer regulations implementing the National Voter Registration Act of 1993 (NVRA) from the FEC to the EAC. The Help America Vote Act of 2002 transferred the FEC's former statutory authority regarding the NVRA regulations to the EAC. Further information is provided in the **SUPPLEMENTARY INFORMATION** that follows.

**DATES:** This rule is effective August 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tamar Nedzar, Attorney, Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005, (202) 566-3100 or (866) 747-1471; or Mr. Robert M. Knop, Assistant General Counsel, or Mr. Joshua S. Blume, Attorney, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The National Voter Registration Act of 1993 ("NVRA")<sup>1</sup> required the Federal Election Commission, in consultation

<sup>1</sup> Pub. L. 103-31, 107 Stat. 77, 42 U.S.C. 1973gg-1 *et seq.* (1993).

with the chief election officers of the States, to develop a mail voter registration application form for elections to Federal office, and to submit to Congress no later than June 30 of each odd-numbered year (beginning June 30, 1995) a report that assesses the impact of the NVRA and recommends improvements in Federal and State procedures, forms, and other matters affected by the NVRA. 42 U.S.C. 1973gg-7(a)(2), (a)(3) (1993). The NVRA also assigned to the FEC the responsibility of prescribing, in consultation with the chief election officers of the States, such regulations as are necessary to carry out the aforementioned functions. 42 U.S.C. 1973gg-7(a)(1) (1993). The FEC issued regulations implementing these NVRA requirements on June 23, 1994.<sup>2</sup> These regulations are all currently codified in Part 8 of title 11, Chapter 1 of the Code of Federal Regulations ("11 CFR Part 8").

Section 802 of the Help America Vote Act of 2002 ("HAVA")<sup>3</sup> transferred the FEC's responsibilities under the NVRA to the EAC—an independent Federal agency created by HAVA<sup>4</sup> with responsibilities related to various aspects of Federal election administration. 42 U.S.C. 15532.<sup>5</sup> Accordingly, in order to facilitate the EAC's exercise of its statutory authority, the FEC is transferring the regulations implementing Section 9(a) (42 U.S.C. 1973gg-7(a)) of the NVRA to the EAC.

#### **Transfer and Redesignation of Part 8**

The FEC and the EAC, through this joint final rule, are removing the regulations in 11 CFR part 8 and simultaneously recodifying them in Chapter II of Title 11, which houses regulations created and administered by the EAC. Part 8 is simultaneously redesignated as Part 9428. Accordingly, 11 CFR 8.1 through 8.7 are redesignated as new 11 CFR 9428.1 through 9428.7. This is illustrated in a table below.

<sup>2</sup> 59 FR 32323 (June 23, 1994).

<sup>3</sup> Pub. L. 107-252, 116 Stat. 1726, 42 U.S.C. 15532 (2002).

<sup>4</sup> 42 U.S.C. 15321.

<sup>5</sup> "There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 before the date of the enactment of this Act." HAVA was enacted on October 29, 2002.

Part 8	Heading	New Part 9428
<b>Subpart A—General Provisions</b>		
§ 8.1	Purpose & scope	§ 9428.1
§ 8.2	Definitions	§ 9428.2
<b>Subpart B—National Mail Voter Registration Form</b>		
§ 8.3	General information	§ 9428.3
§ 8.4	Contents	§ 9428.4
§ 8.5	Format	§ 9428.5
§ 8.6	Chief state election official	§ 9428.6
<b>Subpart C—Recordkeeping and Reporting</b>		
§ 8.7	Contents of reports from the states	§ 9428.7

The FEC and EAC are also making conforming changes to the rules to replace references to rules in Part 8 with references to corresponding rules in Part 9428, and to replace references to the “Federal Election Commission” with references to the “Election Assistance Commission.” The rule does not make any substantive changes to the new Part 9428 regulations. The EAC may exercise its rulemaking authority to make substantive and technical changes to these rules in the future.

**Administrative Procedure Act**

The FEC and the EAC find that good cause exists for adopting this rule as a final rule and without public notice and comment under 5 U.S.C. 553(b) because this rule simply relocates and redesignates the regulations in 11 CFR part 8, while making only minor conforming technical changes and no substantive changes to those regulations. The rule reflects the transfer of functions contemplated by the Help America Vote Act of 2002. Accordingly, public notice and comment is unnecessary. 5 U.S.C. 553(b)(B).<sup>6</sup> Further, because the transfer of the regulations is vital to the EAC’s ability to function in an area of core responsibility assigned by Congress, the additional delay that would be incurred by resorting to notice and comment procedures would be contrary to the public interest. 5 U.S.C. 553(b)(B). *See, e.g. National Nutritional Foods Assoc. v. Kennedy*, 572 F.2d 377, 384–85 (2nd Cir. 1978), quoting Senate Report, No. 752, 79th Cong. 1st Sess. (1945).

**Transmittal of Final Rule to Congress**

Under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801(a)(1), agencies must submit final rules to the Speaker of the House of Representatives and the President of the Senate before they take effect. The final rule that follows was transmitted to Congress on July 24, 2009.

**Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)**

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act (5 U.S.C. 553), the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. *See* 5 U.S.C. 604(a).

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations at 5 CFR part 1320, require that an agency subject to PRA submit to OMB for approval information collection and recordkeeping requirements associated with agency actions. The FEC is statutorily exempted from the provisions of the PRA while the EAC is not. Consequently, the regulations currently at 11 CFR part 8 do not have an associated OMB control number; whereas the transferred regulations at 11 CFR part 9428 are required to have an associated OMB control number. Accordingly, concurrent with this joint rulemaking activity, the EAC will independently publish a separate PRA notice seeking emergency clearance.

**List of Subjects**

11 CFR Part 8 and 11 CFR Part 9428

Elections, reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the Federal Election Commission and the Election Assistance Commission amend chapters I and II of title 11 of the Code of Federal Regulations as follows:

**TITLE 11—FEDERAL ELECTIONS**

**CHAPTER I—FEDERAL ELECTION COMMISSION**

**PART 8—[REDESIGNATED AS PART 9428]**

■ 1. Transfer 11 CFR Part 8 from Chapter I to Chapter II and redesignate as 11 CFR part 9428.

**CHAPTER II—ELECTION ASSISTANCE COMMISSION**

**PART 9428—NATIONAL VOTER REGISTRATION ACT (42 U.S.C. 1973gg–1 *et seq.*)**

■ 2. The authority citation for the newly redesignated 11 CFR part 9428 is revised to read as follows:

**Authority:** 42 U.S.C. 1973gg–1 *et seq.*, 15532

**§§ 9428.3, 9428.4, 9428.5 and 9428.7 [Amended]**

■ 3. Amend the newly redesignated Part 9428 as follows:

<sup>6</sup> Should the EAC propose substantive changes to these regulations on future occasions, it will

provide notice and an opportunity to comment pursuant to the Administrative Procedure Act.

Amend	By removing the reference to	And adding in its place
§ 9428.3(a) .....	11 CFR 8.4 .....	11 CFR 9428.4.
§ 9428.4(a)(6)(ii) .....	11 CFR 8.6(c) .....	11 CFR 9428.6(c).
§ 9428.5(a) .....	"Federal Election Commission's" .....	"Commission's".
§ 9428.5(b) .....	11 CFR 8.4(c) .....	11 CFR 9428.4(c).
§ 9428.5(f)(2) .....	11 CFR 8.4(b)(1), (6), and (7) .....	11 CFR 9428.4(b)(1), (6), and (7).
§ 9428.5(f)(2) .....	11 CFR 8.4(b)(2) .....	11 CFR 9428.4(b)(2).
§ 9428.6(b) .....	11 CFR 8.4(a)(2) .....	11 CFR 9428.4(a)(2).
§ 9428.7(a) .....	"Federal Election Commission, 999 E Street, NW., Washington, DC 20463." .....	"Election Assistance Commission, 1225 New York Avenue, NW., Washington, DC 20005." .....

On behalf of the Commission.  
**Steven T. Walther,**  
*Chairman, Federal Election Commission.*  
**Gineen B. Beach,**  
*Chair, Election Assistance Commission.*  
 [FR Doc. E9-18031 Filed 7-28-09; 8:45 am]  
**BILLING CODE 6820-KF-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2008-1005; Directorate Identifier 2008-NM-119-AD; Amendment 39-15981; AD 2009-15-18]

RIN 2120-AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It was found one occurrence of a fuel booster pump circuit br[e]aker opening during an engine maintenance servicing. An inspection inside the fuel tank revealed the fuel booster pump[']s electrical harness chafing against its body, causing the loss of the electrical wiring protection and resulting in a short circuit. Further in-tank inspections have showed other fuel booster pump electrical harnesses chafing either with the pump body and/or with adjacent fuel lines, causing damage to the harness protective layers and resulting \* \* \* [in a] possible ignition source inside the fuel tank.

\* \* \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective September 2, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 2, 2009.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on October 7, 2008 (73 FR 58507). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It was found one occurrence of a fuel booster pump circuit br[e]aker opening during an engine maintenance servicing. An inspection inside the fuel tank revealed the fuel booster pump[']s electrical harness chafing against its body, causing the loss of the electrical wiring protection and resulting in a short circuit. Further in-tank inspections have showed other fuel booster pump electrical harnesses chafing either with the pump body and/or with adjacent fuel lines, causing damage to the harness protective layers and resulting \* \* \* [in a] possible ignition source inside the fuel tank.

The corrective actions include revising the Limitations section of the airplane flight manual to include a minimum fuel quantity, adding a minimum fuel

quantity limitation for operation of the fuel booster pump, inspecting the fuel booster pump electrical harness of the left- and right-hand fuel tanks for damage, replacing any fuel booster pump assembly having a damaged electrical harness, installing clamps on the tank structure, and installing tie down straps for the fuel booster pump electrical harness. You may obtain further information by examining the MCAI in the AD docket.

**Changes to the NPRM**

We have clarified the references to the fuel booster pump by adding "assembly" where applicable in the paragraph immediately above this paragraph, and in paragraphs (e) and (f)(3)(i) of the AD.

**Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comment received.

**Request To Remove Fuel Restriction for Certain Airplanes**

The manufacturer, Embraer, agrees with the main concern for issuing the AD, and understands that the addressed unsafe condition does exist. However, Embraer requests that operators who have inspected for and replaced damaged wires inside the fuel tanks be excluded from the minimum requirement of 300 kg of fuel in each tank. Embraer requests that the AD allow operators that have already inspected their airplanes, and are flying under a safe condition, to fly without the restriction of 300 kg of fuel in each tank for at least 2,000 flight hours or 12 months.

Embraer recommends adding the following paragraph to the "Actions and Compliance" section of the proposed AD: "Aircraft that have been inspected in accordance with paragraph (f)(3)(i) of this AD, prior to the effective date of this AD, are exempt from the limitations imposed by paragraphs (f)(1) and (f)(2) for a period of 12 calendar months or 2,000 flight hours from the time of inspection, whichever occurs first." Embraer bases this request on