

**Comments Due Date**

(a) We must receive comments by October 5, 2009.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model MD-11 and MD-11F airplanes, certificated in any category, as identified in Boeing Service Bulletin MD11-28-126, Revision 1, dated June 18, 2009.

**Subject**

(d) Air Transport Association (ATA) of America Code 28: Fuel.

**Unsafe Condition**

(e) This AD results from fuel system reviews conducted by the manufacturer. The Federal Aviation Administration is issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**Compliance**

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Actions**

(g) Within 60 months after the effective date of this AD: Do the actions specified in paragraphs (g)(1), (g)(2), (g)(3), (g)(4), and (g)(5) of this AD, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin MD11-28-126, Revision 1, dated June 18, 2009, except as required by paragraph (h) of this AD. Do all applicable corrective actions before further flight.

(1) Do a general visual inspection to determine if wires touch the upper surface of the center upper auxiliary fuel tank, and mark the location, as applicable.

(2) Do a detailed inspection for splices and damage of all wire bundles above the center upper auxiliary fuel tank.

(3) Do a detailed inspection for damage (burn marks) on the upper surface of the center upper auxiliary fuel tank.

(4) Do a detailed inspection for damage (burn marks) on the fuel vapor barrier seal.

(5) Install nonmetallic barrier/shield sleeving, new clamps, new attaching hardware, and a new extruded channel.

(h) If damage (burn marks) is found on the upper surface of the center upper auxiliary fuel tank during any inspection required by paragraph (g)(3) of this AD, and Boeing Service Bulletin MD11-28-126, Revision 1, dated June 18, 2009, specifies to contact Boeing for repair instructions: Before further flight, repair the auxiliary fuel tank using a method approved in accordance with the procedures specified in paragraph (j)(3) of this AD.

**Actions Accomplished According to Previous Issue of Service Bulletin**

(i) Actions accomplished before the effective date of this AD according to Boeing Service Bulletin MD11-28-126, dated March

3, 2009, are considered acceptable for compliance with the corresponding actions specified in this AD.

**Alternative Methods of Compliance (AMOCs)**

(j)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair of the center upper auxiliary tank required by this AD, if it is approved by a Structures Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on August 4, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9-19850 Filed 8-18-09; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****20 CFR Parts 652, 661, 662, 663, 664 and 667**

**RIN 1205-AB46**

**Workforce Investment Act Amendments**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Department of Labor (DOL or Department) is announcing the withdrawal of the proposed rule that was published in the **Federal Register** on December 20, 2006 (71 FR 76558) relating to policy changes to the Workforce Investment Act and Wagner-

Peysers Act Regulations. The Department no longer considers this proposed rule viable for final action at this time.

**DATES:** Effective August 19, 2009, the Department withdraws the proposed rule published on December 20, 2006, at 71 FR 76558.

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Dowd, Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5641, Washington, DC 20210, telephone: (202) 693-3700 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Workforce Investment Act (WIA) enacted in August 1998, reformed Federal job training programs and created a new, comprehensive workforce investment system. The legislation replaced the Job Training Partnership Act and amended the Wagner-Peyser Act. WIA authorization for appropriations expired on September 30, 2003. Although WIA reauthorization bills passed the House and the Senate, the reauthorization legislation was not enacted, and Congress continued to annually authorize and fund these programs through annual appropriations.

In the absence of reauthorizing legislation, the Department published a Notice of Proposed Rulemaking (NPRM) on December 20, 2006, to implement several policy changes to the Workforce Investment Act and Wagner-Peyser Act regulations. (71 FR 76558). Subsequently, in February 2007, Congress enacted language in the revised Continuing Resolution (Pub. L. 110-5, sec. 20601(a)(4)), prohibiting the Department from finalizing or implementing any proposed regulations under the Workforce Investment Act until legislation reauthorizing the Act is enacted. The prohibition has been reenacted annually, most recently in the Department of Labor Appropriations Act, 2009 (Pub. L. 111-8, Div. G, sec. 110).

**II. Withdrawal of the Proposed Rule**

The Department has decided to withdraw the proposed rule based upon the continuing Congressional prohibition against publishing a rule until the Workforce Investment Act is reauthorized. The Department notes,

however, that the withdrawal of this proposed rule does not preclude it from reinstating rulemaking concerning the issues addressed in the proposal at a future date. Should a future rulemaking ensue, the Department will provide a new opportunity for public comment on such a proposal.

Signed at Washington, DC, this 12th day of August 2009.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E9-19801 Filed 8-18-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0670]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Franklin Canal, Franklin, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the regulation governing the operation of the Chatsworth Road swing span bridge across the Franklin Canal, mile 4.8, at Franklin, St. Mary Parish, Louisiana. The St. Mary Parish Government has requested that the operating regulation of the Chatsworth Road swing span bridge be changed in order for the bridge not to have to be continuously manned by a draw tender. This change would allow the bridge to remain unmanned during most of the day by requiring a one-hour notice for an opening of the draw between 5 a.m. and 9 p.m. daily. Currently the bridge opens on signal during this time period.

**DATES:** Comments and related material must reach the Coast Guard on or before October 19, 2009. Requests for public meetings must be received by the Coast Guard on or before September 3, 2009.

**ADDRESSES:** You may submit comments identified by docket number USCG-2009-0670 using one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instruction on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District; telephone 504-671-2128, e-mail [Philip.R.Johnson@uscg.mil](mailto:Philip.R.Johnson@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

##### **Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG-2009-0670), indicate the specific section of this document to which each comment applies, and provide the reason for each suggestion or recommendation. You may submit your comments and material online (<http://www.regulations.gov>), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered as having been received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the

"Document Type" drop down menu select "Proposed Rules" and insert "USCG-2009-0670" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

##### **Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2009-0670" and click "Search." Click on the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

##### **Privacy Act**

Anyone can 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 the Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

##### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one on or before September 3, 2009 using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### **Background and Purpose**

The St. Mary Parish Government has requested that the operating regulation of the Chatsworth Road swing span bridge, located on the Franklin Canal at mile 4.8 in Franklin, St. Mary Parish,