

State websites to give respondents the opportunity to fill the form out online or print out the form and fill it out manually and submit the form in person or by fax or mail.

Dated: July 10, 2009.

**Mary Ellen Hickey,**

*Managing Director, Bureau of Consular Affairs, Department of State.*

[FR Doc. E9-21088 Filed 8-31-09; 8:45 am]

**BILLING CODE 4710-06-P**

**DEPARTMENT OF STATE**

[Public Notice 6747]

**Culturally Significant Object Imported for Exhibition Determinations: “Luc Tuymans”**

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the object in the exhibition: “Luc Tuymans,” imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Wexner Center for the Arts, Columbus, OH, from on or about September 20, 2009, until on or about January 3, 2010; San Francisco Museum of Modern Art, San Francisco, CA, from on or about February 13, 2010, until on or about May 16, 2010; Dallas Museum of Art, Dallas, TX, from on or about June 13, 2010, until on or about September 6, 2010; Museum of Contemporary Art, Chicago, IL, from on or about October 2, 2010, until on or about January 9, 2011, and at possible additional exhibitions or

venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The address is U.S. Department of State, L/PD, SA-5, 2200 C Street, NW., Suite 5H03, Washington, DC 20522-0505.

Dated: August 25, 2009

**Maura M. Pally,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. E9-21086 Filed 8-31-09; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-1999-6439, Notice No. 20]

**Adjustment of Nationwide Significant Risk Threshold**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Adjustment of Nationwide Significant Risk Threshold.

**SUMMARY:** In accordance with Appendix D to Title 49 Code of Federal Regulations (CFR) part 222, Use of Locomotive Horns at Highway-Rail Grade Crossings, FRA is updating the Nationwide Significant Risk Threshold (NSRT). This action is needed to ensure that the public has the proper threshold of permissible risk for calculating quiet zones established in relationship to the NSRT. This is the third update to the NSRT, which is being increased to 18,775 from 17,610.

**DATES:** The effective date is September 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Ries, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE.,

Washington, DC 20590 (telephone: 202-493-6299 or e-mail: *Ronald.Ries@dot.gov*); or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6038 or e-mail: *Kathryn.Shelton@dot.gov*).

**SUPPLEMENTARY INFORMATION:**

**Background**

The NSRT is simply an average of the risk indexes for gated public crossings, nationwide, where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established under this rule across the Nation. Thus, a community that is trying to establish and/or maintain its quiet zone pursuant to 49 CFR part 222 can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. (Alternatively, a community can establish its quiet zone in comparison to the Risk Index With Horns, which is a corridor-specific measure of risk to the motoring public, when locomotive horns are routinely sounded at every public highway-rail grade crossing within the quiet zone.)

In 2006, when the final rule titled, “Use of Locomotive Horns at Highway-Rail Grade Crossings,” was amended, the NSRT was 17,030 (71 FR 47614, Aug. 17, 2006). In 2007, FRA recalculated the NSRT to be 19,047 (72 FR 14850, Mar. 29, 2007). In 2008, FRA recalculated the NSRT to be 17,610 (73 FR 30661, May 28, 2008).

**New NSRT**

Using collision data from 2004 to 2008, FRA has recalculated the NSRT based on formulas identified in Appendix D to 49 CFR part 222. In making this recalculation, FRA noted that the total number of gated, non-whistle-ban crossings was 39,065.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents} = 287} = \frac{358}{1.2474}$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents} = 708} = \frac{1008}{1.4237}$$

Applying the fatality rate and injury rate to the probable number of fatalities and casualties predicted to occur at each

of the 39,065 identified crossings and the predicted cost of the associated

injuries and fatalities, FRA calculates the NSRT to be 18,775.