

distributor should report shipments of "larger" quantities to appropriate regulatory agencies. The same commenter also suggested that the 15-pound limit should potentially be reduced to a lower limit that was more appropriate for use under a general license. Two commenters provided additional examples of cases when the use of source material under the general license could have resulted in exposures in excess of the limits specified in 10 CFR Part 20.

#### Reasons for Closure of the Petition

Although the NRC is not aware of widespread issues with the current general license requirements in 10 CFR 40.22, the NRC has collected and evaluated data on practices allowed under the general license which indicate that it may be possible in certain situations for exposures to occur when the requirements in 10 CFR Parts 19 and 20 would normally apply. The NRC concluded that the underlying issue of re-evaluating the safety significance of granting exemption for source material general licenses from 10 CFR Parts 19 and 20 is an important one and merits further consideration through rulemaking. The NRC will continue consideration of this issue as part of a proposed rulemaking on "Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40)," RIN 3150-AH15. Further information on the rulemaking may be tracked through <http://www.regulations.gov> under Docket ID NRC-2009-0084.

Although the NRC will continue to consider the issues raised by the petition in the rulemaking process, the petitioners' concerns may not be addressed exactly as the petitioners have requested. During the rulemaking process, the NRC will solicit comments from the public and will consider all comments before finalizing the rule.

For the reasons cited in this document, the NRC closes the docket for PRM-40-27.

Dated at Rockville, Maryland, this 20th day of August 2009.

For the Nuclear Regulatory Commission.

**Bruce S. Mallett,**

*Acting Executive Director for Operations.*

[FR Doc. E9-21860 Filed 9-9-09; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 609

RIN 1901-AB27

#### Loan Guarantees for Projects That Employ Innovative Technologies

**AGENCY:** Office of the Chief Financial Officer, Department of Energy (DOE).

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** This notice announces that the period for submitting comments on the proposed rule to amend the regulations implementing the loan guarantee program authorized by section 1703 of Title XVII of the Energy Policy Act of 2005 is extended to September 22, 2009. In the proposed rule, DOE considers certain changes to: Provide flexibility in the determination of appropriate structures, collateral packages to secure guaranteed loan obligations, and other credit support; facilitate collateral sharing and related inter-creditor arrangements with other project lenders; and provide a more workable interpretation of certain statutory provisions regarding DOE's treatment of collateral.

**DATES:** Comments must be postmarked no later than September 22, 2009.

**ADDRESSES:** Any comments submitted must reference the proposed rule to amend the regulations implementing the Title XVII loan guarantee program and RIN number 1901-AB21. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [lgprogram@hq.doe.gov](mailto:lgprogram@hq.doe.gov). Include RIN number 1901-AB21 in the subject line of the message.

- *Postal Mail:* David G. Frantz, Director, Loan Guarantee Program Office, Office of the Chief Financial Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed original paper copy.

- *Hand Delivery/Courier:* David G. Frantz, Director, Loan Guarantee Program Office, Office of the Chief Financial Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed original paper copy.

**FOR FURTHER INFORMATION CONTACT:**

David G. Frantz, Director, Loan Guarantee Program Office, Office of the Chief Financial Officer, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-

8336, e-mail: [lgprogram@hq.doe.gov](mailto:lgprogram@hq.doe.gov); or Susan S. Richardson, Chief Counsel for the Loan Guarantee Program, Office of the General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-8336, e-mail: [lgprogram@hq.doe.gov](mailto:lgprogram@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On August 7, 2009, DOE published a proposed rule in the **Federal Register** to make certain changes to: (1) Provide flexibility in the determination of appropriate structures, collateral packages to secure guaranteed loan obligations, and other credit support; (2) facilitate collateral sharing and related inter-creditor arrangements with other project lenders; and (3) provide a more workable interpretation of certain statutory provisions regarding DOE's treatment of collateral. (74 FR 39565) The proposed rule provided for the submission of comments by September 8, 2009. In response to a request for additional time to comment on the proposed rule, DOE hereby extends the comment period and will consider any comments postmarked no later than September 22, 2009. DOE deems any comments received after publication of the proposed rule and by the September 22, 2009 postmark deadline to be timely submitted.

Issued in Washington, DC, on September 3, 2009.

**Steve Isakowitz,**

*Chief Financial Officer.*

[FR Doc. E9-21756 Filed 9-9-09; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0540; Airspace Docket No. 09-ASW-17]

#### Proposed Amendment of Class E Airspace; Altus, OK

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace for the Altus, OK area. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Altus/Quartz Mountain Regional Airport, Altus, OK. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Altus/Quartz Mountain Regional Airport.

**DATES:** Comments must be received on or before October 26, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0540/Airspace Docket No. 09-ASW-17, at the beginning of your comments. You may also submit comments on the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321-7716.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0540/Airspace Docket No. 09-ASW-17." The postcard will be date/time stamped and returned to the commenter.

**Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/](http://www.faa.gov/airports_airtraffic/)

*air traffic/publications/airspace amendments/.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**The Proposal**

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by adding additional controlled Class E airspace in the Altus, OK airspace area. Specifically, that airspace extending upward from 700 feet above the surface for SIAPs operations at Altus/Quartz Mountain Regional Airport, Altus, OK.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A,

Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would add additional controlled airspace to the Altus, OK airspace area.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, dated October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ASW OK E5 Altus, OK [Amended]**

Altus AFB, OK

(Lat. 34°39'59" N., long. 99°16'05" W.)

Altus VORTAC

(Lat. 34°39'46" N., long. 99°16'16" W.)

Altus/Quartz Mountain Regional Airport, OK

(Lat. 34°41'56" N., long. 99°20'19" W.)

Tipton Municipal Airport, OK

(Lat. 34°27'31" N., long. 99°10'17" W.)

Frederick Municipal Airport, OK

(Lat. 34°21'08" N., long. 98°59'02" W.)

Altus AFB ILS Runway 17R Localizer

(Lat. 34°38'32" N., long. 99°16'26" W.)

That airspace extending upward from 700 feet above the surface within a 9.1-mile radius of Altus AFB and within 1.6 miles each side of the 185° radial of the Altus VORTAC extending from the 9.1-mile radius to 11.9 miles south of Altus AFB and within 3 miles west and 2 miles east of the Altus AFB ILS Runway 17R Localizer north course extending from the 9.1-mile radius to 15 miles north of Altus AFB; and within a 6.5-mile radius of Altus/Quartz Mountain Regional Airport; and within 2 miles each side of the 000° bearing from Altus/Quartz Mountain Regional Airport extending from the 6.5-mile radius to 11.4 miles north of

Altus/Quartz Mountain Regional Airport; and within a 5.4-mile radius of Tipton Municipal Airport; and within a 7.2-mile radius of Frederick Municipal Airport; and within 2.5 miles each side of the 180° bearing from the Frederick Municipal Airport extending from the 7.2-mile radius to 7.7 miles south of Frederick Municipal Airport; and within a 12-mile radius of Altus AFB beginning at a point 3 miles west of the Altus VORTAC 019° radial, thence clockwise along the 12-mile radius of Altus AFB, ending at a point 3 miles west of the Altus VORTAC 185° radial.

\* \* \* \* \*

Issued in Fort Worth, TX, on August 27, 2009.

**Ronnie L. Uhlenhaker,**

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E9-21767 Filed 9-9-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 633

[Docket No.: FTA-2009-0030]

RIN 2132-AA92

#### Capital Project Management

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Advance notice of proposed rulemaking; request for comments.

**SUMMARY:** In an effort toward greater transparency and to ensure integrity in public investments, FTA today publishes an advance notice of proposed rulemaking on capital project management. The Federal Transit Administration (FTA) is considering a revision of its Project Management Oversight (PMO) rule, shifting its focus from project oversight only to project management and oversight. A revised Part would more clearly identify necessary project management skills needed to be demonstrated by project sponsors for all fixed guideway capital projects, as well as additional requirements that would apply only to the more complex major capital projects, and distinguish project characteristics that would require documentation of project plans and implementation strategies in a project management plan, as well as the use of FTA's Project Management Oversight Contractors (PMOCs). Beginning the rulemaking process to update its project management rule will aid some key agency priorities. It will help ensure integrity and accountability in its construction grant programs, and it will provide data the agency can use in its

efforts to streamline its discretionary capital project approval process. FTA seeks to elicit a broad array of comments from project sponsors, the industry, other stakeholders, and the public on a number of subjects.

**DATES:** Comments must be received by November 9, 2009. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments identified by the docket number (FTA-2009-0030) by any of the following methods:

*Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

*U.S. Mail:* U.S. Department of Transportation, Docket Operations, West Building, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

*Hand Delivery:* U.S. Department of Transportation, Docket Operations, West Building, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.  
*Fax:* (202) 493-2251.

*Instructions:* You must include the agency name (Federal Transit Administration), and docket number (FTA-2009-0030) or Regulatory Identification Number (RIN 2132-AA92) for this rulemaking at the beginning of your comments. All comments received will be posted, without change and including any personal information provided, to [www.regulations.gov](http://www.regulations.gov) and <http://dms.dot.gov>, where they will be available to internet users. *Please see the Privacy Act.*

You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed, stamped postcard. Due to security procedures in effect since October 2001 regarding mail deliveries, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand.

For access to the DOT docket to read materials relating to this notice, please go to <http://dms.dot.gov> at any time or the Docket Management System.

**FOR FURTHER INFORMATION CONTACT:** For program questions, please contact Aaron C. James, Sr. at (202) 493-0107 or [aaron.james@dot.gov](mailto:aaron.james@dot.gov), or Carlos M. Garay at (202) 366-6471 or [carlos.garay@dot.gov](mailto:carlos.garay@dot.gov). For legal questions, please contact Jayme L. Blakesley at (202) 366-0304 or

[jayme.blakesley@dot.gov](mailto:jayme.blakesley@dot.gov). The principal office of FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction, Background, and Purpose
  - A. Introduction
  - B. Background
  - C. Purpose of This ANPRM
- II. Applicability
  - A. Fixed Guideway Capital Project
  - B. Major Capital Project
  - C. Questions
- III. Principles and Requirements for Fixed Guideway Capital Projects
  - A. Fixed Guideway Capital Projects
    1. Technical Capacity and Capability
    2. Satisfactory Continuing Control
    3. Maintenance of Facilities and Equipment
    4. Financial Plan
    5. Grant Project Description, Budget and Milestones
  - B. Major Capital Projects
    1. Technical Capacity and Capability
    2. Project Management Plan (PMP)
    3. Project Implementation
    4. Performance Requirements
    5. Reporting
    6. Exceptions for Past Performance
  - C. Questions
- IV. FTA Oversight of Fixed Guideway and Major Capital Projects
  - A. Fixed Guideway Capital Projects
  - B. Major Capital Projects
    1. Roles and Responsibilities
    2. Risk-Informed Project Management Oversight Approach
  - C. Questions

#### I. Introduction, Background, and Purpose

##### A. Introduction

In this Advance Notice of Proposed Rulemaking (ANPRM), and to ensure integrity in its public investments through transparency and accountability, FTA begins the process of revising its Project Management Oversight rule at 49 CFR Part 633. The end result would be a Project Management rule governing all FTA-funded fixed guideway capital projects as well as additional requirements for major capital projects, emphasizing a set of standards and principles for sound project management. Specifically, FTA seeks to restructure the current Part 633 to incorporate the best practices in the transit industry with respect to reasonable project performance measures. When final, this project management rule should articulate the criteria and skills expectations necessary to assure a project sponsor's successful implementation of a fixed guideway capital project, including a major capital project. The new Part 633 also would be updated to reflect